

Calendar No. 477

113TH CONGRESS
2D SESSION**H. R. 4719**

IN THE SENATE OF THE UNITED STATES

JULY 22, 2014

Received; read the first time

JULY 23, 2014

Read the second time and placed on the calendar

AN ACT

To amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “America Gives More
5 Act of 2014”.

1 **SEC. 2. EXTENSION AND EXPANSION OF CHARITABLE DE-**
2 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
3 **VENTORY.**

4 (a) PERMANENT EXTENSION.—Section 170(e)(3)(C)
5 of the Internal Revenue Code of 1986 is amended by strik-
6 ing clause (iv).

7 (b) INCREASE IN LIMITATION.—Section 170(e)(3)(C)
8 of such Code, as amended by subsection (a), is amended
9 by striking clause (ii), by redesignating clause (iii) as
10 clause (iv), and by inserting after clause (i) the following
11 new clauses:

12 “(ii) LIMITATION.—The aggregate
13 amount of such contributions for any tax-
14 able year which may be taken into account
15 under this section shall not exceed—

16 “(I) in the case of any taxpayer
17 other than a C corporation, 15 per-
18 cent of the taxpayer’s aggregate net
19 income for such taxable year from all
20 trades or businesses from which such
21 contributions were made for such
22 year, computed without regard to this
23 section, and

24 “(II) in the case of a C corpora-
25 tion, 15 percent of taxable income (as
26 defined in subsection (b)(2)(D)).

1 “(iii) RULES RELATED TO LIMITA-
2 TION.—

3 “(I) CARRYOVER.—If such aggre-
4 gate amount exceeds the limitation
5 imposed under clause (ii), such excess
6 shall be treated (in a manner con-
7 sistent with the rules of subsection
8 (d)) as a charitable contribution de-
9 scribed in clause (i) in each of the 5
10 succeeding years in order of time.

11 “(II) COORDINATION WITH OVER-
12 ALL CORPORATE LIMITATION.—In the
13 case of any charitable contribution al-
14 lowable under clause (ii)(II), sub-
15 section (b)(2)(A) shall not apply to
16 such contribution, but the limitation
17 imposed by such subsection shall be
18 reduced (but not below zero) by the
19 aggregate amount of such contribu-
20 tions. For purposes of subsection
21 (b)(2)(B), such contributions shall be
22 treated as allowable under subsection
23 (b)(2)(A).”.

24 (c) DETERMINATION OF BASIS FOR CERTAIN TAX-
25 PAYERS.—Section 170(e)(3)(C) of such Code, as amended

1 by subsections (a) and (b), is amended by adding at the
 2 end the following new clause:

3 “(v) DETERMINATION OF BASIS FOR
 4 CERTAIN TAXPAYERS.—If a taxpayer—

5 “(I) does not account for inven-
 6 tories under section 471, and

7 “(II) is not required to capitalize
 8 indirect costs under section 263A,
 9 the taxpayer may elect, solely for purposes
 10 of subparagraph (B), to treat the basis of
 11 any apparently wholesome food as being
 12 equal to 25 percent of the fair market
 13 value of such food.”.

14 (d) DETERMINATION OF FAIR MARKET VALUE.—
 15 Section 170(e)(3)(C) of such Code, as amended by sub-
 16 sections (a), (b), and (c), is amended by adding at the
 17 end the following new clause:

18 “(vi) DETERMINATION OF FAIR MAR-
 19 KET VALUE.—In the case of any such con-
 20 tribution of apparently wholesome food
 21 which cannot or will not be sold solely by
 22 reason of internal standards of the tax-
 23 payer, lack of market, or similar cir-
 24 cumstances, or by reason of being pro-
 25 duced by the taxpayer exclusively for the

1 purposes of transferring the food to an or-
2 ganization described in subparagraph (A),
3 the fair market value of such contribution
4 shall be determined—

5 “(I) without regard to such inter-
6 nal standards, such lack of market,
7 such circumstances, or such exclusive
8 purpose, and

9 “(II) by taking into account the
10 price at which the same or substan-
11 tially the same food items (as to both
12 type and quality) are sold by the tax-
13 payer at the time of the contribution
14 (or, if not so sold at such time, in the
15 recent past).”.

16 (e) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided in this subsection, the amendments made by
19 this section shall apply to contributions made after
20 December 31, 2013, in taxable years ending after
21 such date.

22 (2) LIMITATION; APPLICABILITY TO C CORPORA-
23 TIONS.—The amendments made by subsection (b)
24 shall apply to contributions made in taxable years
25 beginning after December 31, 2013.

1 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENTS AC-**
2
3 **COUNTS FOR CHARITABLE PURPOSES MADE**
4 **PERMANENT.**

5 (a) IN GENERAL.—Section 408(d)(8) of the Internal
6 Revenue Code of 1986 is amended by striking subpara-
7 graph (F).

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to distributions made in taxable
10 years beginning after December 31, 2013.

11 **SEC. 4. SPECIAL RULE FOR QUALIFIED CONSERVATION**
12 **CONTRIBUTIONS MODIFIED AND MADE PER-**
13 **MANENT.**

14 (a) MADE PERMANENT.—

15 (1) INDIVIDUALS.—Subparagraph (E) of sec-
16 tion 170(b)(1) of the Internal Revenue Code of 1986
17 is amended by striking clause (vi).

18 (2) CORPORATIONS.—Subparagraph (B) of sec-
19 tion 170(b)(2) of such Code is amended by striking
20 clause (iii).

21 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-
22 erty MADE FOR CONSERVATION PURPOSES BY NATIVE
23 CORPORATIONS.—

24 (1) IN GENERAL.—Paragraph (2) of section
25 170(b) of the Internal Revenue Code of 1986 is
26 amended by redesignating subparagraph (C) as sub-

paragraph (D), and by inserting after subparagraph (B) the following new subparagraph:

“(C) QUALIFIED CONSERVATION CONTRIBUTIONS BY CERTAIN NATIVE CORPORATIONS.—

“(i) IN GENERAL.—Any qualified conservation contribution (as defined in subsection (h)(1)) which—

“(I) is made by a Native Corporation, and

“(II) is a contribution of property which was land conveyed under the Alaska Native Claims Settlement Act,

shall be allowed to the extent that the aggregate amount of such contributions does not exceed the excess of the taxpayer’s taxable income over the amount of charitable contributions allowable under subparagraph (A).

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation of clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(2))

1 as a charitable contribution to which clause
2 (i) applies in each of the 15 succeeding
3 years in order of time.

4 “(iii) NATIVE CORPORATION.—For
5 purposes of this subparagraph, the term
6 ‘Native Corporation’ has the meaning
7 given such term by section 3(m) of the
8 Alaska Native Claims Settlement Act.”.

9 (2) CONFORMING AMENDMENT.—Section
10 170(b)(2)(A) of such Code is amended by striking
11 “subparagraph (B) applies” and inserting “subpara-
12 graph (B) or (C) applies”.

13 (3) VALID EXISTING RIGHTS PRESERVED.—
14 Nothing in this subsection (or any amendment made
15 by this subsection) shall be construed to modify the
16 existing property rights validly conveyed to Native
17 Corporations (within the meaning of section 3(m) of
18 the Alaska Native Claims Settlement Act) under
19 such Act.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to contributions made in taxable
22 years beginning after December 31, 2013.

1 **SEC. 5. EXTENSION OF TIME FOR MAKING CHARITABLE**
2 **CONTRIBUTIONS.**

3 (a) IN GENERAL.—Subsection (a) of section 170 of
4 the Internal Revenue Code of 1986 is amended by redesign-
5 ating paragraphs (2) and (3) as paragraphs (3) and (4),
6 respectively, and by inserting after paragraph (1) the fol-
7 lowing new paragraph:

8 “(2) TREATMENT OF CHARITABLE CONTRIBU-
9 TIONS MADE BY INDIVIDUALS BEFORE DUE DATE OF
10 RETURN.—If any charitable contribution is made by
11 an individual after the close of a taxable year but
12 not later than the due date (determined without re-
13 gard to extensions) for the return of tax for such
14 taxable year, then the taxpayer may elect to treat
15 such charitable contribution as made in such taxable
16 year. Such election shall be made at such time and
17 in such manner as the Secretary may provide. For
18 purposes of this paragraph, an individual’s distribu-
19 tive share of a partnership’s charitable contribution,
20 and an individual’s pro rata share of an S corpora-
21 tion’s charitable contribution, shall not be treated as
22 charitable contributions made by such individual.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to elections made with respect to
25 taxable years beginning after December 31, 2013.

1 **SEC. 6. MODIFICATION OF THE TAX RATE FOR THE EXCISE**
 2 **TAX ON INVESTMENT INCOME OF PRIVATE**
 3 **FOUNDATIONS.**

4 (a) IN GENERAL.—Section 4940(a) of the Internal
 5 Revenue Code of 1986 is amended by striking “2 percent”
 6 and inserting “1 percent”.

7 (b) ELIMINATION OF REDUCED TAX WHERE FOUN-
 8 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-
 9 MENTS.—Section 4940 of such Code is amended by strik-
 10 ing subsection (e).

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall apply to taxable years beginning after
 13 the date of the enactment of this Act.

14 **SEC. 7. BUDGETARY EFFECTS.**

15 (a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The
 16 budgetary effects of this Act shall not be entered on either
 17 PAYGO scorecard maintained pursuant to section 4(d) of
 18 the Statutory Pay-As-You-Go Act of 2010.

19 (b) SENATE PAYGO SCORECARDS.—The budgetary
 20 effects of this Act shall not be entered on any PAYGO
 21 scorecard maintained for purposes of section 201 of S.
 22 Con. Res. 21 (110th Congress).

Passed the House of Representatives July 17, 2014.

Attest:

KAREN L. HAAS,

Clerk.

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