

113TH CONGRESS
2D SESSION

H. R. 5806

To amend the Internal Revenue Code of 1986 to modify and make permanent certain expiring provisions related to charitable contributions.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2014

Mr. CAMP introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Internal Revenue Code of 1986 to modify and make permanent certain expiring provisions related to charitable contributions.

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 “Supporting America’s
5 Charities Act”.

1 **SEC. 2. SPECIAL RULE FOR QUALIFIED CONSERVATION**
 2 **CONTRIBUTIONS MODIFIED AND MADE PER-**
 3 **MANENT.**

4 (a) MADE PERMANENT.—

5 (1) INDIVIDUALS.—Section 170(b)(1)(E) of the
 6 Internal Revenue Code of 1986 is amended by strik-
 7 ing clause (vi).

8 (2) CORPORATIONS.—Section 170(b)(2)(B) of
 9 such Code is amended by striking clause (iii).

10 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-
 11 erty MADE FOR CONSERVATION PURPOSES BY NATIVE
 12 CORPORATIONS.—

13 (1) IN GENERAL.—Section 170(b)(2) of such
 14 Code is amended by redesignating subparagraph (C)
 15 as subparagraph (D), and by inserting after sub-
 16 paragraph (B) the following new subparagraph:

17 “(C) QUALIFIED CONSERVATION CON-
 18 TRIBUTIONS BY CERTAIN NATIVE CORPORA-
 19 TIONS.—

20 “(i) IN GENERAL.—Any qualified con-
 21 servation contribution (as defined in sub-
 22 section (h)(1)) which—

23 “(I) is made by a Native Cor-
 24 poration, and

25 “(II) is a contribution of prop-
 26 erty which was land conveyed under

1 the Alaska Native Claims Settlement
2 Act,
3 shall be allowed to the extent that the ag-
4 gregate amount of such contributions does
5 not exceed the excess of the taxpayer's tax-
6 able income over the amount of charitable
7 contributions allowable under subpara-
8 graph (A).

9 “(ii) CARRYOVER.—If the aggregate
10 amount of contributions described in clause
11 (i) exceeds the limitation of clause (i), such
12 excess shall be treated (in a manner con-
13 sistent with the rules of subsection (d)(2))
14 as a charitable contribution to which clause
15 (i) applies in each of the 15 succeeding
16 years in order of time.

17 “(iii) NATIVE CORPORATION.—For
18 purposes of this subparagraph, the term
19 ‘Native Corporation’ has the meaning
20 given such term by section 3(m) of the
21 Alaska Native Claims Settlement Act.”.

22 (2) CONFORMING AMENDMENT.—Section
23 170(b)(2)(A) of such Code is amended by striking
24 “subparagraph (B) applies” and inserting “subpara-
25 graph (B) or (C) applies”.

1 (3) VALID EXISTING RIGHTS PRESERVED.—

2 Nothing in this subsection (or any amendment made
3 by this subsection) shall be construed to modify the
4 existing property rights validly conveyed to Native
5 Corporations (within the meaning of section 3(m) of
6 the Alaska Native Claims Settlement Act) under
7 such Act.

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

11 **SEC. 3. EXTENSION AND EXPANSION OF CHARITABLE DE-**
12 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
13 **VENTORY.**

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

17 (b) INCREASE IN LIMITATION.—Section 170(e)(3)(C)
18 of such Code, as amended by subsection (a), is amended
19 by striking clause (ii), by redesignating clause (iii) as
20 clause (iv), and by inserting after clause (i) the following
21 new clauses:

22 “(ii) LIMITATION.—The aggregate
23 amount of such contributions for any tax-
24 able year which may be taken into account
25 under this section shall not exceed—

“(I) in the case of any taxpayer other than a C corporation, 15 percent of the taxpayer’s aggregate net income for such taxable year from all trades or businesses from which such contributions were made for such year, computed without regard to this section, and

“(II) in the case of a C corporation, 15 percent of taxable income (as defined in subsection (b)(2)(D)).

“(iii) RULES RELATED TO LIMITATION.—

“(I) CARRYOVER.—If such aggregate amount exceeds the limitation imposed under clause (ii), such excess shall be treated (in a manner consistent with the rules of subsection (d)) as a charitable contribution described in clause (i) in each of the 5 succeeding years in order of time.

“(II) COORDINATION WITH OVERALL CORPORATE LIMITATION.—In the case of any charitable contribution allowable under clause (ii)(II), sub-

1 section (b)(2)(A) shall not apply to
 2 such contribution, but the limitation
 3 imposed by such subsection shall be
 4 reduced (but not below zero) by the
 5 aggregate amount of such contribu-
 6 tions. For purposes of subsection
 7 (b)(2)(B), such contributions shall be
 8 treated as allowable under subsection
 9 (b)(2)(A).”.

10 (c) DETERMINATION OF BASIS FOR CERTAIN TAX-
 11 PAYERS.—Section 170(e)(3)(C) of such Code, as amended
 12 by subsections (a) and (b), is amended by adding at the
 13 end the following new clause:

14 “(v) DETERMINATION OF BASIS FOR
 15 CERTAIN TAXPAYERS.—If a taxpayer—

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

18 “(II) is not required to capitalize
 19 indirect costs under section 263A,

20 the taxpayer may elect, solely for purposes
 21 of subparagraph (B), to treat the basis of
 22 any apparently wholesome food as being
 23 equal to 25 percent of the fair market
 24 value of such food.”.

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

5 “(vi) DETERMINATION OF FAIR MAR-
6 KET VALUE.—In the case of any such con-
7 tribution of apparently wholesome food
8 which cannot or will not be sold solely by
9 reason of internal standards of the tax-
10 payer, lack of market, or similar cir-
11 cumstances, or by reason of being pro-
12 duced by the taxpayer exclusively for the
13 purposes of transferring the food to an or-
14 ganization described in subparagraph (A),
15 the fair market value of such contribution
16 shall be determined—

17 “(I) without regard to such inter-
18 nal standards, such lack of market,
19 such circumstances, or such exclusive
20 purpose, and

21 “(II) by taking into account the
22 price at which the same or substan-
23 tially the same food items (as to both
24 type and quality) are sold by the tax-
25 payer at the time of the contribution

1 (or, if not so sold at such time, in the
2 recent past).”.

3 (e) EFFECTIVE DATE.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the amendments made by
6 this section shall apply to contributions made after
7 December 31, 2013, in taxable years ending after
8 such date.

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

13 **SEC. 4. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENTS AC-**
14 **COUNTS FOR CHARITABLE PURPOSES MADE**
15 **PERMANENT.**
16

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

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

23 **SEC. 5. BUDGETARY EFFECTS.**

24 (a) PAYGO SCORECARD.—The budgetary effects of
25 this Act shall not be entered on either PAYGO scorecard

1 maintained pursuant to section 4(d) of the Statutory Pay-
2 As-You-Go Act of 2010.

3 (b) SENATE PAYGO SCORECARD.—The budgetary ef-
4 fects of this Act shall not be entered on any PAYGO score-
5 card maintained for purposes of section 201 of S. Con.
6 Res. 21 (110th Congress).

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