

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4719

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “America Gives More  
3 Act of 2014”.

4 **SEC. 2. EXTENSION AND EXPANSION OF CHARITABLE DE-**  
5 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**  
6 **VENTORY.**

7 (a) **PERMANENT EXTENSION.**—Section 170(e)(3)(C)  
8 of the Internal Revenue Code of 1986 is amended by strik-  
9 ing clause (iv).

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

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

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

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

4           “(iii) RULES RELATED TO LIMITA-  
5           TION.—

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

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

1 treated as allowable under subsection  
2 (b)(2)(A).”.

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

7 “(v) DETERMINATION OF BASIS FOR  
8 CERTAIN TAXPAYERS.—If a taxpayer—  
9 “(I) does not account for inven-  
10 tories under section 471, and  
11 “(II) is not required to capitalize  
12 indirect costs under section 263A,  
13 the taxpayer may elect, solely for purposes  
14 of subparagraph (B), to treat the basis of  
15 any apparently wholesome food as being  
16 equal to 25 percent of the fair market  
17 value of such food.”.

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

22 “(vi) DETERMINATION OF FAIR MAR-  
23 KET VALUE.—In the case of any such con-  
24 tribution of apparently wholesome food  
25 which cannot or will not be sold solely by

1 reason of internal standards of the tax-  
2 payer, lack of market, or similar cir-  
3 cumstances, or by reason of being pro-  
4 duced by the taxpayer exclusively for the  
5 purposes of transferring the food to an or-  
6 ganization described in subparagraph (A),  
7 the fair market value of such contribution  
8 shall be determined—

9 “(I) without regard to such inter-  
10 nal standards, such lack of market,  
11 such circumstances, or such exclusive  
12 purpose, and

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

20 (e) EFFECTIVE DATE.—

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

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

5 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTU-**  
6                           **CTIONS FROM INDIVIDUAL RETIREMENTS AC-**  
7                           **COUNTS FOR CHARITABLE PURPOSES MADE**  
8                           **PERMANENT.**

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

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

15 **SEC. 4. SPECIAL RULE FOR QUALIFIED CONSERVATION**  
16                           **CONTRIBUTIONS MODIFIED AND MADE PER-**  
17                           **MANENT.**

18          (a) MADE PERMANENT.—

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

22           (2) CORPORATIONS.—Subparagraph (B) of sec-  
23          tion 170(b)(2) of such Code is amended by striking  
24          clause (iii).

1 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-  
2 ERTY MADE FOR CONSERVATION PURPOSES BY NATIVE  
3 CORPORATIONS.—

4 (1) IN GENERAL.—Paragraph (2) of section  
5 170(b) of the Internal Revenue Code of 1986 is  
6 amended by redesignating subparagraph (C) as sub-  
7 paragraph (D), and by inserting after subparagraph  
8 (B) the following new subparagraph:

9 “(C) QUALIFIED CONSERVATION CON-  
10 TRIBUTIONS BY CERTAIN NATIVE CORPORA-  
11 TIONS.—

12 “(i) IN GENERAL.—Any qualified con-  
13 servation contribution (as defined in sub-  
14 section (h)(1)) which—

15 “(I) is made by a Native Cor-  
16 poration, and

17 “(II) is a contribution of prop-  
18 erty which was land conveyed under  
19 the Alaska Native Claims Settlement  
20 Act,

21 shall be allowed to the extent that the ag-  
22 gregate amount of such contributions does  
23 not exceed the excess of the taxpayer’s tax-  
24 able income over the amount of charitable

1 contributions allowable under subpara-  
2 graph (A).

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

11 “(iii) NATIVE CORPORATION.—For  
12 purposes of this subparagraph, the term  
13 ‘Native Corporation’ has the meaning  
14 given such term by section 3(m) of the  
15 Alaska Native Claims Settlement Act.”.

16 (2) CONFORMING AMENDMENT.—Section  
17 170(b)(2)(A) of such Code is amended by striking  
18 “subparagraph (B) applies” and inserting “subpara-  
19 graph (B) or (C) applies”.

20 (3) VALID EXISTING RIGHTS PRESERVED.—  
21 Nothing in this subsection (or any amendment made  
22 by this subsection) shall be construed to modify the  
23 existing property rights validly conveyed to Native  
24 Corporations (within the meaning of section 3(m) of



1 the Alaska Native Claims Settlement Act) under  
2 such Act.

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

6 **SEC. 5. EXTENSION OF TIME FOR MAKING CHARITABLE**  
7 **CONTRIBUTIONS.**

8 (a) IN GENERAL.—Subsection (a) of section 170 of  
9 the Internal Revenue Code of 1986 is amended by redesi-  
10 gnating paragraphs (2) and (3) as paragraphs (3) and (4),  
11 respectively, and by inserting after paragraph (1) the fol-  
12 lowing new paragraph:

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

1       tion’s charitable contribution, shall not be treated as  
2       charitable contributions made by such individual.”.

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

6 **SEC. 6. MODIFICATION OF THE TAX RATE FOR THE EXCISE**  
7                   **TAX ON INVESTMENT INCOME OF PRIVATE**  
8                   **FOUNDATIONS.**

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

12       (b) ELIMINATION OF REDUCED TAX WHERE FOUN-  
13 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-  
14 MENTS.—Section 4940 of such Code is amended by strik-  
15 ing subsection (e).

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

19 **SEC. 7. BUDGETARY EFFECTS.**

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

24       (b) SENATE PAYGO SCORECARDS.—The budgetary  
25 effects of this Act shall not be entered on any PAYGO

- 1 scorecard maintained for purposes of section 201 of S.
- 2 Con. Res. 21 (110th Congress).

Passed the House of Representatives July 17, 2014.

Attest:

*Clerk.*

113<sup>TH</sup> CONGRESS  
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