

FEBRUARY 6, 2015

**RULES COMMITTEE PRINT 114-5**  
**TEXT OF H.R. 644, FIGHTING HUNGER INCENTIVE**  
**ACT OF 2015**

[Showing the texts of H.R. 644, H.R. 637, H.R. 641, and H.R. 640 as ordered reported by the Committee on Ways and Means with conforming changes.]

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “America Gives More  
3 Act of 2015”.

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-

1           able year which may be taken into account  
2           under this section shall not exceed—

3                   “(I) in the case of any taxpayer  
4                   other than a C corporation, 15 per-  
5                   cent of the taxpayer’s aggregate net  
6                   income for such taxable year from all  
7                   trades or businesses from which such  
8                   contributions were made for such  
9                   year, computed without regard to this  
10                  section, and

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

14                   “(iii) RULES RELATED TO LIMITA-  
15                  TION.—

16                   “(I) CARRYOVER.—If such aggre-  
17                   gate amount exceeds the limitation  
18                   imposed under clause (ii), such excess  
19                   shall be treated (in a manner con-  
20                   sistent with the rules of subsection  
21                   (d)) as a charitable contribution de-  
22                   scribed in clause (i) in each of the 5  
23                   succeeding taxable years in order of  
24                   time.

1                   “(II) COORDINATION WITH OVER-  
2                   ALL CORPORATE LIMITATION.—In the  
3                   case of any charitable contribution al-  
4                   lowable under clause (ii)(II), sub-  
5                   section (b)(2)(A) shall not apply to  
6                   such contribution, but the limitation  
7                   imposed by such subsection shall be  
8                   reduced (but not below zero) by the  
9                   aggregate amount of such contribu-  
10                  tions. For purposes of subsection  
11                  (b)(2)(B), such contributions shall be  
12                  treated as allowable under subsection  
13                  (b)(2)(A).”.

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

18                   “(v) DETERMINATION OF BASIS FOR  
19                   CERTAIN TAXPAYERS.—If a taxpayer—  
20                   “(I) does not account for inven-  
21                   tories under section 471, and  
22                   “(II) is not required to capitalize  
23                   indirect costs under section 263A,  
24                   the taxpayer may elect, solely for purposes  
25                   of subparagraph (B), to treat the basis of

1           any apparently wholesome food as being  
2           equal to 25 percent of the fair market  
3           value of such food.”.

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

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

20                           “(I) without regard to such inter-  
21                           nal standards, such lack of market,  
22                           such circumstances, or such exclusive  
23                           purpose, and

24                                   “(II) by taking into account the  
25                                   price at which the same or substan-

1 tially the same food items (as to both  
 2 type and quality) are sold by the tax-  
 3 payer at the time of the contribution  
 4 (or, if not so sold at such time, in the  
 5 recent past).”.

6 (e) EFFECTIVE DATE.—

7 (1) IN GENERAL.—Except as otherwise pro-  
 8 vided in this subsection, the amendments made by  
 9 this section shall apply to contributions made after  
 10 the date of the enactment of this Act, in taxable  
 11 years ending after such date.

12 (2) LIMITATION; APPLICABILITY TO C CORPORA-  
 13 TIONS.—The amendments made by subsection (b)  
 14 shall apply to contributions made in taxable years  
 15 ending after the date of the enactment of this Act.

16 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT ACCOUNTS FOR CHARITABLE PURPOSES MADE PERMANENT.**

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

23 (b) EFFECTIVE DATE.—The amendment made by  
 24 this section shall apply to distributions made in taxable  
 25 years beginning after December 31, 2014.

1 **SEC. 4. SPECIAL RULE FOR QUALIFIED CONSERVATION**  
2 **CONTRIBUTIONS MADE PERMANENT.**

3 (a) IN GENERAL.—

4 (1) INDIVIDUALS.—Subparagraph (E) of sec-  
5 tion 170(b)(1) of the Internal Revenue Code of 1986  
6 (relating to contributions of qualified conservation  
7 contributions) is amended by striking clause (vi).

8 (2) CORPORATIONS.—Subparagraph (B) of sec-  
9 tion 170(b)(2) of such Code (relating to qualified  
10 conservation contributions) is amended by striking  
11 clause (iii).

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

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

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

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

25 “(I) is made by a Native Cor-  
26 poration, and

1                   “(II) is a contribution of prop-  
2                   erty which was land conveyed under  
3                   the Alaska Native Claims Settlement  
4                   Act,

5                   shall be allowed to the extent that the ag-  
6                   gregate amount of such contributions does  
7                   not exceed the excess of the taxpayer’s tax-  
8                   able income over the amount of charitable  
9                   contributions allowable under subpara-  
10                  graph (A).

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

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

24                  (2) CONFORMING AMENDMENTS.—

1 (A) Section 170(b)(2)(A) of such Code is  
2 amended by striking “subparagraph (B) ap-  
3 plies” and inserting “subparagraph (B) or (C)  
4 applies”.

5 (B) Section 170(b)(2)(B)(ii) of such Code  
6 is amended by striking “15 succeeding years”  
7 and inserting “15 succeeding taxable years”.

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

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply to contributions made in taxable  
17 years beginning after December 31, 2014.

18 **SEC. 5. MODIFICATION OF THE TAX RATE FOR THE EXCISE**  
19 **TAX ON INVESTMENT INCOME OF PRIVATE**  
20 **FOUNDATIONS.**

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

24 (b) ELIMINATION OF REDUCED TAX WHERE FOUN-  
25 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-



1 MENTS.—Section 4940 of such Code is amended by strik-  
2 ing subsection (e).

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

6 **SEC. 6. BUDGETARY EFFECTS.**

7 The budgetary effects of this Act shall not be entered  
8 on either PAYGO scorecard maintained pursuant to sec-  
9 tion 4(d) of the Statutory Pay-As-You-Go Act of 2010.

