

1 “(18) SPECIAL RULE FOR CERTAIN CONTRIBU-
2 TIONS OF LITERARY, MUSICAL, ARTISTIC, OR SCHOL-
3 ARLY COMPOSITIONS.—

4 “(A) IN GENERAL.—In the case of a quali-
5 fied artistic charitable contribution—

6 “(i) the amount of such contribution
7 taken into account under this section shall
8 be the fair market value of the property
9 contributed (determined at the time of
10 such contribution), and

11 “(ii) no reduction in the amount of
12 such contribution shall be made under
13 paragraph (1).

14 “(B) QUALIFIED ARTISTIC CHARITABLE
15 CONTRIBUTION.—For purposes of this para-
16 graph, the term ‘qualified artistic charitable
17 contribution’ means a charitable contribution of
18 any literary, musical, artistic, or scholarly com-
19 position, or similar property, or the copyright
20 thereon (or both), but only if—

21 “(i) such property was created by the
22 personal efforts of the taxpayer making
23 such contribution no less than 18 months
24 prior to such contribution,

25 “(ii) the taxpayer—

1 “(I) has received a qualified ap-
2 praisal of the fair market value of
3 such property in accordance with the
4 regulations under this section, and

5 “(II) attaches to the taxpayer’s
6 income tax return for the taxable year
7 in which such contribution was made
8 a copy of such appraisal,

9 “(iii) the donee is an organization de-
10 scribed in subsection (b)(1)(A),

11 “(iv) the use of such property by the
12 donee is related to the purpose or function
13 constituting the basis for the donee’s ex-
14 emption under section 501 (or, in the case
15 of a governmental unit, to any purpose or
16 function described under section 501(c)),

17 “(v) the taxpayer receives from the
18 donee a written statement representing
19 that the donee’s use of the property will be
20 in accordance with the provisions of clause
21 (iv), and

22 “(vi) the written appraisal referred to
23 in clause (ii) includes evidence of the ex-
24 tent (if any) to which property created by
25 the personal efforts of the taxpayer and of

1 the same type as the donated property is
2 or has been—

3 “(I) owned, maintained, and dis-
4 played by organizations described in
5 subsection (b)(1)(A), and

6 “(II) sold to or exchanged by
7 persons other than the taxpayer,
8 donee, or any related person (as de-
9 fined in section 465(b)(3)(C)).

10 “(C) MAXIMUM DOLLAR LIMITATION; NO
11 CARRYOVER OF INCREASED DEDUCTION.—The
12 increase in the deduction under this section by
13 reason of this paragraph for any taxable year—

14 “(i) shall not exceed the artistic ad-
15 justed gross income of the taxpayer for
16 such taxable year, and

17 “(ii) shall not be taken into account in
18 determining the amount which may be car-
19 ried from such taxable year under sub-
20 section (d).

21 “(D) ARTISTIC ADJUSTED GROSS IN-
22 COME.—For purposes of this paragraph, the
23 term ‘artistic adjusted gross income’ means
24 that portion of the adjusted gross income of the
25 taxpayer for the taxable year attributable to—

1 “(i) income from the sale or use of
2 property created by the personal efforts of
3 the taxpayer which is of the same type as
4 the donated property, and

5 “(ii) income from teaching, lecturing,
6 performing, or similar activity with respect
7 to property described in clause (i).

8 “(E) PARAGRAPH NOT TO APPLY TO CER-
9 TAIN CONTRIBUTIONS.—Subparagraph (A) shall
10 not apply to any charitable contribution of any
11 letter, memorandum, or similar property which
12 was written, prepared, or produced by or for an
13 individual while the individual is an officer or
14 employee of any person (including any govern-
15 ment agency or instrumentality) unless such
16 letter, memorandum, or similar property is en-
17 tirely personal.

18 “(F) COPYRIGHT TREATED AS SEPARATE
19 PROPERTY FOR PARTIAL INTEREST RULE.—In
20 the case of a qualified artistic charitable con-
21 tribution, the tangible literary, musical, artistic,
22 or scholarly composition, or similar property
23 and the copyright on such work shall be treated
24 as separate properties for purposes of this para-
25 graph and subsection (f)(3).

1 “(G) TERMINATION.—This paragraph
2 shall not apply to contributions made after De-
3 cember 31, 2007.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply to contributions made after De-
6 cember 31, 2005.

7 **SEC. 309. MILEAGE REIMBURSEMENTS TO CHARITABLE**
8 **VOLUNTEERS EXCLUDED FROM GROSS IN-**
9 **COME.**

10 (a) IN GENERAL.—Part III of subchapter B of chap-
11 ter 1 is amended by inserting after section 139A the fol-
12 lowing new section:

13 **“SEC. 139B. MILEAGE REIMBURSEMENTS TO CHARITABLE**
14 **VOLUNTEERS.**

15 “(a) IN GENERAL.—Gross income of an individual
16 does not include amounts received, from an organization
17 described in section 170(c), as reimbursement of operating
18 expenses with respect to use of a passenger automobile
19 for the benefit of such organization. The preceding sen-
20 tence shall apply only to the extent that the expenses
21 which are reimbursed would be deductible under this chap-
22 ter if section 274(d) were applied—

23 “(1) by using the standard business mileage
24 rate established under such section, and