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## Congress of the United States

JOINT COMMITTEE ON TAXATION  
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Honorable Jason Smith  
U.S. House of Representatives  
1011 Longworth House Office Building  
Washington, D.C. 20515

June 8, 2026

Dear Chairman Smith:

You requested that the Joint Committee staff describe the effect of the discussion draft amendment to H.R. 9175 and H.R. 9173. H.R. 9175 and H.R. 9173 are the subject of a hearing before the Ways and Means Committee on June 9, 2026.

### **Amendment to H.R. 9175, the “Tax Clarity for Mining and Staking Act”**

#### Description of Amendment

The amendment modifies new section 1400W-2, allowing a taxpayer to make an election to exclude all qualified newly minted digital assets acquired by the taxpayer during the taxable year from the taxpayer’s gross income until the earlier of the disposition of such assets or the close of the fourth taxable year following the acquisition year of such assets. If a taxpayer owns a qualified newly minted digital asset on the close of the fourth taxable year following the taxable year of acquisition, then the taxpayer must recognize gain or loss as if such asset were sold at fair market value on the last business day of such fourth taxable year. The taxpayer must make proper adjustments to the amount of any gain or loss subsequently realized to take into account the previously recognized gain or loss on such asset.

The following table shows the estimated effects of the amendment on Federal fiscal year budget receipts:

Fiscal Years [Millions of Dollars]												
2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2026-36	
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**NOTE:** Details do not add to totals due to rounding.

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**Amendment to H.R. 9173, the “Charitable Deductions for Digital Asset Donations Act”**

**Description of Amendment**

The amendment limits the charitable deduction for contributions of digital assets (other than widely traded digital assets) the claimed value of which exceeds \$500 to the gross proceeds the donee organization received from the sale of such digital assets in an arm’s length transaction.

To claim a charitable deduction for such a contribution, a taxpayer must substantiate the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization and include the acknowledgment with the taxpayer’s return.<sup>1</sup> The contemporaneous written acknowledgement must include (i) the name and taxpayer identification number of the donor; (ii) a description of digital assets contributed; (iii) a certification that the digital assets were sold by the donee organization in an arm’s length transaction between unrelated parties; (iv) the gross proceeds from the sale; (v) a statement that the deductible amount may not exceed the amount of the gross proceeds; (vi) whether the donee organization provided any goods or services in consideration, in whole or in part, for the digital assets; and (vii) a description and good faith estimate of the value of any goods or services referred to in (vi) or, if such goods or services consist solely of intangible religious benefits,<sup>2</sup> a statement to that effect. An acknowledgment is considered contemporaneous if the donee organization provides it within 30 days of the sale of the digital assets.

The donee organization must provide the information contained in the acknowledgement to the Secretary of the Treasury (the “Secretary”) at such time and manner as the Secretary may prescribe.

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<sup>1</sup> Taxpayers who make a contribution of digital assets (other than widely traded digital assets) the claimed value of which exceeds \$500 are not subject to the substantiation requirements described in section 170(f)(8).

<sup>2</sup> The term “intangible religious benefit” means any intangible benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context. Sec. 170(f)(8).

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The amendment expands the types of readily valued property that are excepted from the qualified appraisal requirements<sup>3</sup> to include digital assets (other than widely traded digital assets) for which an acknowledgement, as described above, is provided.

The following table shows the estimated effects of the amendment on Federal fiscal year budget receipts:

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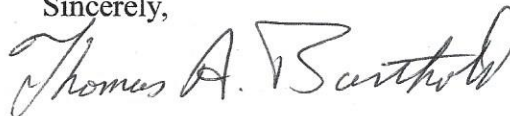
<b>Fiscal Years</b>											
<b>[Millions of Dollars]</b>											
<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>	<u>2031</u>	<u>2032</u>	<u>2033</u>	<u>2034</u>	<u>2035</u>	<u>2036</u>	<u>2026-36</u>
[1]	[1]	[1]	[1]	[1]	1	1	1	1	1	1	6

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**NOTE:** Details do not add to totals due to rounding.  
[1] Gain of less than \$500,000.

I hope this information is helpful to you. If we can be of further assistance in this matter, please let me know.

Sincerely,



Thomas A. Barthold

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<sup>3</sup> A qualified appraisal is generally required for contributions of property for which a deduction of more than \$5,000 is claimed, and the qualified appraisal must be attached to the taxpayer's return for contributions of property for which a deduction of more than \$500,000 is claimed.