

113TH CONGRESS
1ST SESSION

S. 1160

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2013

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for qualified conservation contributions which include National Scenic Trails.

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 “Complete America’s
5 Great Trails Act”.

6 **SEC. 2. NATIONAL SCENIC TRAIL CONSERVATION CREDIT.**

7 (a) IN GENERAL.—Subpart B of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new
 2 section:

3 **“SEC. 30E. NATIONAL SCENIC TRAIL CONSERVATION CRED-**
 4 **IT.**

5 “(a) ALLOWANCE OF CREDIT.—There shall be al-
 6 lowed as a credit against the tax imposed by this chapter
 7 for the taxable year an amount equal to the fair market
 8 value of any National Scenic Trail conservation contribu-
 9 tion of the taxpayer for the taxable year.

10 “(b) NATIONAL SCENIC TRAIL CONSERVATION CON-
 11 TRIBUTION.—For purposes of this section—

12 “(1) IN GENERAL.—The term ‘National Scenic
 13 Trail conservation contribution’ means any qualified
 14 conservation contribution—

15 “(A) to the extent the qualified real prop-
 16 erty interest with respect to such contribution
 17 includes a National Scenic Trail (or portion
 18 thereof) and its trail corridor, and

19 “(B) with respect to which the taxpayer
 20 makes an election under this section.

21 “(2) NATIONAL SCENIC TRAIL.—The term ‘Na-
 22 tional Scenic Trail’ means any trail authorized and
 23 designated under section 5 of the National Trails
 24 System Act (16 U.S.C. 1244), but only if such trail
 25 is at least 200 miles in length.

1 “(3) TRAIL CORRIDOR.—The term ‘trail cor-
 2 ridor’ means so much of the corridor of a trail as
 3 is—

4 “(A) not less than—

5 “(i) 150 feet wide on each side of
 6 such trail, or

7 “(ii) in the case of an interest in real
 8 property of the taxpayer which includes
 9 less than 150 feet on either side of such
 10 trail, the entire distance with respect to
 11 such interest on such side, and

12 “(B) not greater than 2,640 feet wide.

13 “(4) QUALIFIED CONSERVATION CONTRIBU-
 14 TION; QUALIFIED REAL PROPERTY INTEREST.—The
 15 terms ‘qualified conservation contribution’ and
 16 ‘qualified real property interest’ have the respective
 17 meanings given such terms by section 170(h), except
 18 that paragraph (2)(A) thereof shall be applied with-
 19 out regard to any qualified mineral interest (as de-
 20 fined in paragraph (6) thereof).

21 “(c) SPECIAL RULES.—

22 “(1) FAIR MARKET VALUE.—Fair market value
 23 of any National Scenic Trail conservation contribu-
 24 tion shall be determined under rules similar to the
 25 valuation rules under Treasury Regulations under

1 section 170, except that in any case, to the extent
 2 practicable, fair market value shall be determined by
 3 reference to the highest and best use of the real
 4 property with respect to such contribution.

5 “(2) ELECTION IRREVOCABLE.—An election
 6 under this section may not be revoked.

7 “(3) DENIAL OF DOUBLE BENEFIT.—No deduc-
 8 tion shall be allowed under this chapter with respect
 9 to any qualified conservation contribution with re-
 10 spect to which an election is made under this sec-
 11 tion.

12 “(d) LIMITATION BASED ON AMOUNT OF TAX;
 13 CARRYFORWARD OF UNUSED CREDIT.—

14 “(1) LIMITATION.—The credit allowed under
 15 subsection (a) for any taxable year shall not exceed
 16 the sum of—

17 “(A) the taxpayer’s regular tax liability (as
 18 defined in section 26(b)) for the taxable year
 19 reduced by the sum of the credits allowable
 20 under subpart A and sections 27, 30, 30B,
 21 30C, and 30D, plus

22 “(B) the tax imposed by section 55.

23 “(2) CARRYFORWARD.—

24 “(A) IN GENERAL.—If the credit allowable
 25 under subsection (a) exceeds the limitation im-

posed by paragraph (1) for any taxable year,
such excess shall be carried to the succeeding
taxable year and added to the credit allowable
under subsection (a) for such succeeding tax-
able year.

“(B) LIMITATION.—No credit may be car-
ried forward under this subsection to any tax-
able year following the tenth taxable year after
the taxable year in which the credit arose. For
purposes of the preceding sentence, credits shall
be treated as used on a first-in first-out basis.”.

(b) CONTINUED USE NOT INCONSISTENT WITH
CONSERVATION PURPOSES.—A contribution of an interest
in real property shall not fail to be treated as a National
Scenic Trail conservation contribution (as defined in sec-
tion 30E(b) of the Internal Revenue Code of 1986) solely
by reason of continued use of the real property, such as
for recreational or agricultural use (including motor vehi-
cle use related thereto), if, under the circumstances, such
use does not impair significant conservation interests and
is not inconsistent with the purposes of the National
Trails System Act (16 U.S.C. 1241 et seq.).

(c) STUDY REGARDING EFFICACY OF NATIONAL
SCENIC TRAIL CONSERVATION CREDIT.—

1 (1) IN GENERAL.—The Secretary of the Inte-
 2 rior shall, in consultation with the Secretary of the
 3 Treasury, study—

4 (A) the efficacy of the National Scenic
 5 Trail conservation credit under section 30E of
 6 the Internal Revenue Code of 1986 in com-
 7 pleting, extending, and increasing the number
 8 of National Scenic Trails (as defined in section
 9 30E(b) of such Code), and

10 (B) the feasibility and estimated costs and
 11 benefits of—

12 (i) making such credit refundable (in
 13 whole or in part), and

14 (ii) allowing transfer of such credit.

15 (2) REPORT.—Not later than 4 years after the
 16 date of the enactment of this Act, the Secretary of
 17 the Interior shall submit a report to Congress on the
 18 results of the study conducted under this subsection.

19 (d) CONFORMING AMENDMENT.—The table of sec-
 20 tions for subpart B of part IV of subchapter A of chapter
 21 1 of such Code is amended by adding at the end the fol-
 22 lowing new item:

“30E. National Scenic Trail conservation credit.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to contributions made after the
3 date of the enactment of this Act.

