

114TH CONGRESS
1ST SESSION

S. 1069

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

APRIL 23, 2015

Mr. BLUMENTHAL (for himself, Ms. WARREN, Ms. BALDWIN, and Mrs. FEINSTEIN) 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 in the same manner as
 25 qualified conservation contributions under section

1 170, except that in any case, to the extent prac-
 2 ticable, fair market value shall be determined by ref-
 3 erence to the highest and best use of the real prop-
 4 erty 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) APPLICATION WITH OTHER CREDITS.—

13 “(1) BUSINESS CREDIT TREATED AS PART OF
 14 GENERAL BUSINESS CREDIT.—So much of the credit
 15 which would be allowed under subsection (a) for any
 16 taxable year (determined without regard to this sub-
 17 section) that is attributable to property used in a
 18 trade or business or held for the production of in-
 19 come shall be treated as a credit listed in section
 20 38(b) for such taxable year (and not allowed under
 21 subsection (a)).

22 “(2) PERSONAL CREDIT.—For purposes of this
 23 title, the credit allowed under subsection (a) for any
 24 taxable year (determined after the application of

1 paragraph (1)) shall be treated as a credit allowable
 2 under subpart A for such taxable year.

3 “(e) CARRYFORWARD OF UNUSED CREDIT.—

4 “(1) IN GENERAL.—If the credit allowable
 5 under subsection (a) exceeds—

6 “(A) the limitation imposed by section
 7 26(a) for any taxable year, reduced by

8 “(B) the sum of the credits allowable
 9 under subpart A (other than this section) for
 10 the taxable year,

11 such excess shall be carried to the succeeding tax-
 12 able year and added to the credit allowable under
 13 subsection (a) for such succeeding taxable year.

14 “(2) LIMITATION.—No credit may be carried
 15 forward under this subsection to any taxable year
 16 following the tenth taxable year after the taxable
 17 year in which the credit arose. For purposes of the
 18 preceding sentence, credits shall be treated as used
 19 on a first-in first-out basis.”.

20 (b) CONTINUED USE NOT INCONSISTENT WITH
 21 CONSERVATION PURPOSES.—A contribution of an interest
 22 in real property shall not fail to be treated as a National
 23 Scenic Trail conservation contribution (as defined in sec-
 24 tion 30E(b) of the Internal Revenue Code of 1986) solely
 25 by reason of continued use of the real property, such as

1 for recreational or agricultural use (including motor vehi-
 2 cle use related thereto), if, under the circumstances, such
 3 use does not impair significant conservation interests and
 4 is not inconsistent with the purposes of the National
 5 Trails System Act (16 U.S.C. 1241 et seq.).

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

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

11 (A) the efficacy of the National Scenic
 12 Trail conservation credit under section 30E of
 13 the Internal Revenue Code of 1986 in com-
 14 pleting, extending, and increasing the number
 15 of National Scenic Trails (as defined in section
 16 30E(b) of such Code), and

17 (B) the feasibility and estimated costs and
 18 benefits of—

19 (i) making such credit refundable (in
 20 whole or in part), and

21 (ii) allowing transfer of such credit.

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

1 (d) CONFORMING AMENDMENT.—The table of sec-
2 tions for subpart B of part IV of subchapter A of chapter
3 1 of such Code is amended by adding at the end the fol-
4 lowing new item:

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

5 (e) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to contributions made after the
7 date of the enactment of this Act.

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