

115TH CONGRESS  
2D SESSION

# S. 2603

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

Mr. BLUMENTHAL (for himself, Ms. WARREN, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## 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.—

2                   “(A) IN GENERAL.—The term ‘trail cor-  
3           ridor’ means so much of the corridor of a trail  
4           as is—

5                           “(i) subject to subparagraph (B), not  
6                   less than 150 feet wide on each side of  
7                   such trail, and

8                           “(ii) not greater than 2,640 feet wide.

9                   “(B) EXCEPTIONS.—

10                           “(i) LESS THAN 150 FEET WIDE ON A  
11                   SIDE OF THE TRAIL.—In the case of an in-  
12                   terest in real property of the taxpayer  
13                   which includes less than 150 feet on either  
14                   side of the trail, the trail corridor shall in-  
15                   clude the entire distance with respect to  
16                   such interest on such side.

17                           “(ii) BUILDING AND STRUCTURES  
18                   NEAR THE TRAIL.—In the case of an inter-  
19                   est in real property of the taxpayer which  
20                   includes a residence or structure owned by  
21                   the taxpayer which is located less than 150  
22                   feet from the trail, the trail corridor for  
23                   the side of the trail on which the residence  
24                   or structure is located shall include such

1 distance from the trail as is determined  
2 appropriate by the taxpayer.

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

11 “(c) SPECIAL RULES.—

12 “(1) FAIR MARKET VALUE.—Fair market value  
13 of any National Scenic Trail conservation contribu-  
14 tion shall be determined in the same manner as  
15 qualified conservation contributions under section  
16 170, except that in any case, to the extent prac-  
17 ticable, fair market value shall be determined by ref-  
18 erence to the highest and best use of the real prop-  
19 erty with respect to such contribution.

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

22 “(3) DENIAL OF DOUBLE BENEFIT.—No deduc-  
23 tion shall be allowed under this chapter with respect  
24 to any qualified conservation contribution with re-

1 spect to which an election is made under this sec-  
2 tion.

3 “(d) APPLICATION WITH OTHER CREDITS.—

4 “(1) BUSINESS CREDIT TREATED AS PART OF  
5 GENERAL BUSINESS CREDIT.—So much of the credit  
6 which would be allowed under subsection (a) for any  
7 taxable year (determined without regard to this sub-  
8 section) that is attributable to property used in a  
9 trade or business or held for the production of in-  
10 come shall be treated as a credit listed in section  
11 38(b) for such taxable year (and not allowed under  
12 subsection (a)).

13 “(2) PERSONAL CREDIT.—For purposes of this  
14 title, the credit allowed under subsection (a) for any  
15 taxable year (determined after the application of  
16 paragraph (1)) shall be treated as a credit allowable  
17 under subpart A for such taxable year.

18 “(e) CARRYFORWARD OF UNUSED CREDIT.—

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

21 “(A) the limitation imposed by section  
22 26(a) for any taxable year, reduced by

23 “(B) the sum of the credits allowable  
24 under subpart A (other than this section) for  
25 the taxable year,

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

4 “(2) LIMITATION.—No credit may be carried  
5 forward under this subsection to any taxable year  
6 following the tenth taxable year after the taxable  
7 year in which the credit arose. For purposes of the  
8 preceding sentence, credits shall be treated as used  
9 on a first-in first-out basis.”.

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

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

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

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

7 (B) the feasibility and estimated costs and  
8 benefits of—

9 (i) making such credit refundable (in  
10 whole or in part), and

11 (ii) allowing transfer of such credit.

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

16 (d) CONFORMING AMENDMENT.—The table of sec-  
17 tions for subpart B of part IV of subchapter A of chapter  
18 1 of such Code is amended by adding at the end the fol-  
19 lowing new item:

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

20 (e) EFFECTIVE DATE.—The amendments made by  
21 this section shall apply to contributions made after the  
22 date of the enactment of this Act.

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