

Congress of the United States
Washington, DC 20515

November 19, 2009

The Honorable Nancy Pelosi
Speaker of the House
H-232 United States Capitol
Washington, D.C. 20515

The Honorable John A. Boehner
Minority Leader
H-204 Capitol Building
Washington, D.C. 20515

The Honorable Charles B. Rangel
Chairman
Committee on Ways and Means
1102 Longworth House Office Building
Washington, D.C. 20515

The Honorable Dave Camp
Ranking Member
Committee on Ways and Means
1139E Longworth House Office Building
Washington, D.C. 20515

Dear Speaker Pelosi, Minority Leader Boehner, Chairman Rangel, and Ranking Member Camp,

As members of the Land Conservation Caucus and others deeply concerned with open space preservation, we write today to urge the renewal of an important land conservation tax deduction in whatever tax legislation is assembled for consideration by the House.

As you know, the qualified conservation tax deduction (26 U.S.C. 170(e)) promotes the use of conservation "easements," which allow private landowners to retain ownership, control, and management of their property while ensuring that the physical integrity of those lands will be conserved for the future. This tax incentive allows landowners to deduct up to 50 percent of their adjusted gross income (AGI) from the donation of a conservation easement, and to carry forward the unused amount for 15 years. Furthermore, the provision allows landowners with 50 percent or more of their income from agriculture to deduct their donations at 100 percent of their AGI, providing extra support for farmers who want to safeguard their lands for conservation. Before the enactment of this incentive, a landowner could only deduct up to 30 percent of their AGI and carry over the unused deduction for a maximum of only 5 years.

First enacted as part of the *Pension Protection Act of 2006* (P.L. No: 109-280) for two years, the deduction was retroactively renewed for an additional two years in Section 15302 of the *Food, Conservation, and Energy Act of 2008* (P.L. No: 110-234). The deduction will expire at the close of the current calendar year unless Congress acts. Because these types of easement donations are often lengthy, complex transactions, a permanent extension of this deduction will make it a dramatically more effective incentive.

For many landowners, this incentive provides a real alternative to selling their land for commercial development. By empowering landowners to become leaders in conservation in their communities, this incentive has become an important tool for the preservation of farmland and historic landscapes while allowing the land to remain under private ownership. According to the non-profit Land Trust Alliance (LTA), during the first two years after its enactment, the

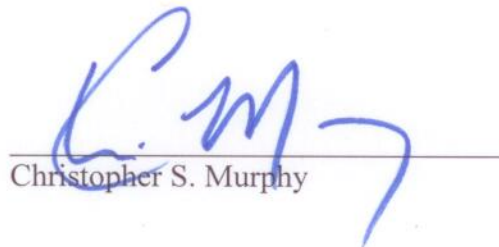
qualified conservation deduction helped preserve 535,000 more acres of land when compared with previous two years – a 36 percent increase.

This tax deduction enjoys overwhelming bipartisan support here in the House. Legislation supporting the permanent extension of the qualified conservation deduction – H.R. 1831, introduced by Mr. Thompson of California and Mr. Cantor – has garnered 260 co-sponsors, including majorities of both the Democratic and Republican House caucuses representing all 50 states.

We would strongly urge the inclusion of this incentive's renewal in future tax legislation, and appreciate your forward-looking approach to crafting sound tax policy.

Sincerely,


Mike Thompson

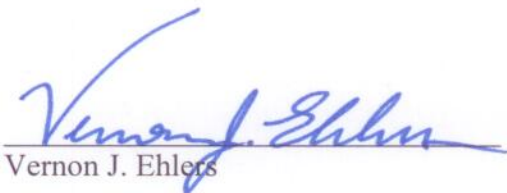

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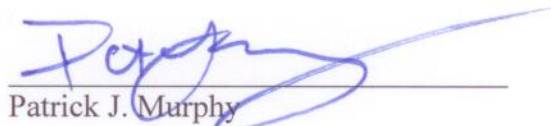

Martin Heinrich

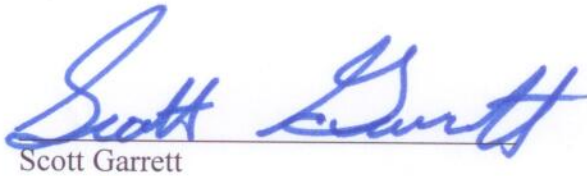

Michael H. Michaud

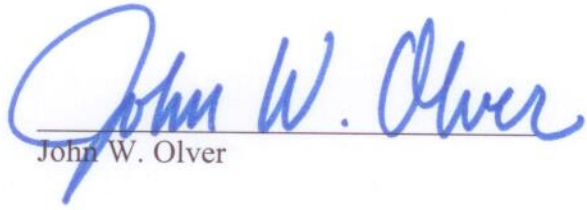

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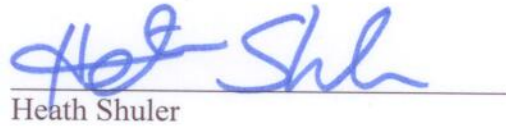

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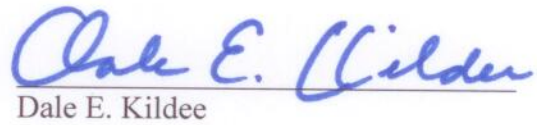

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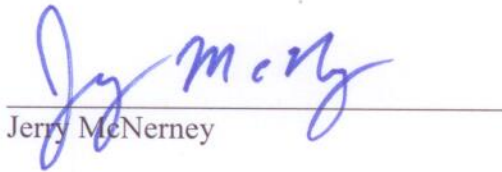

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Joe Courtney

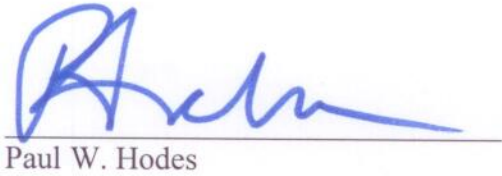

Joe Sestak

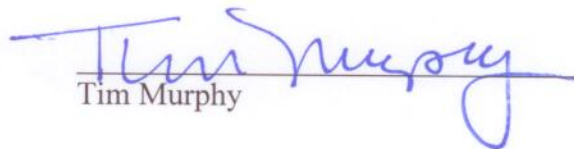

Thomas S.P. Perriello

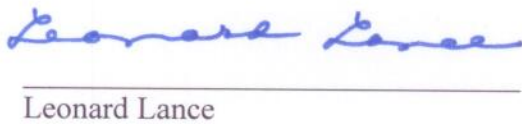

Dale E. Kildee


Jerry McNerney

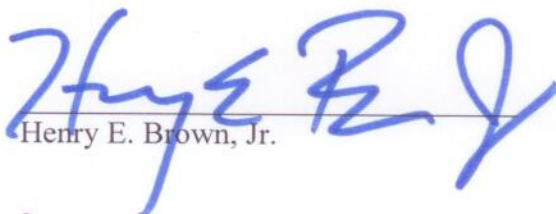

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