

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1114

To amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. McCRERY (for himself, Mr. ENGLISH of Pennsylvania, Mr. SULLIVAN, and Mr. BROWN of Ohio) introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction.

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. DETERMINATION OF SMALL REFINER EXCEP-**  
4       **TION TO OIL DEPLETION DEDUCTION.**

5       (a) IN GENERAL.—Paragraph (4) of section 613A(d)  
6       of the Internal Revenue Code of 1986 (relating to limita-  
7       tions on application of subsection (c)) is amended to read  
8       as follows:

9               “(4) CERTAIN REFINERS EXCLUDED.—If the  
10       taxpayer or 1 or more related persons engages in the

1 refining of crude oil, subsection (c) shall not apply  
2 to the taxpayer for a taxable year if the average  
3 daily refinery runs of the taxpayer and such persons  
4 for the taxable year exceed 75,000 barrels. For pur-  
5 poses of this paragraph, the average daily refinery  
6 runs for any taxable year shall be determined by di-  
7 viding the aggregate refinery runs for the taxable  
8 year by the number of days in the taxable year.”.

9 (b) EFFECTIVE DATE.—The amendment made by  
10 this section shall apply to taxable years ending after the  
11 date of the enactment of this Act.

○