

110TH CONGRESS
2D SESSION

S. 3234

To amend the Internal Revenue Code of 1986 to provide a temporary income tax credit for commercial fishermen to offset high fuel costs.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2008

Ms. MURKOWSKI (for herself and Mr. STEVENS) 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 provide a temporary income tax credit for commercial fishermen to offset high fuel costs.

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 “Fisheries Fuel Tax
5 Relief Act of 2008”.

6 **SEC. 2. TEMPORARY CREDIT AGAINST INCOME TAX FOR**
7 **COMMERCIAL FISHERMEN TO OFFSET HIGH**
8 **FUEL COSTS.**

9 (a) IN GENERAL.—Subpart D of part IV of sub-
10 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to business-related credits) is amended by
 2 inserting after section 45P the following new section:

3 **“SEC. 45Q. TEMPORARY CREDIT FOR COMMERCIAL FISHER-**
 4 **MEN TO OFFSET HIGH FUEL COSTS.**

5 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
 6 gible taxpayer, the excessive fuel cost credit determined
 7 under this section is an amount equal to the excessive fuel
 8 cost paid or incurred by the taxpayer during the taxable
 9 year for any creditable fuel used in the trade or business
 10 of the taxpayer.

11 “(b) EXCESSIVE FUEL COST.—For purposes of this
 12 section—

13 “(1) IN GENERAL.—The term ‘excessive fuel
 14 cost’ means, with respect to any creditable fuel, the
 15 excess (if any) of—

16 “(A) the amount paid or incurred by the
 17 taxpayer for such fuel, over

18 “(B) the adjusted base price for such fuel.

19 “(2) ADJUSTED BASE PRICE.—

20 “(A) IN GENERAL.—The term ‘adjusted
 21 base price’ means, with respect to any cred-
 22 itable fuel, the amount determined by the Sec-
 23 retary to be the applicable Labor Day 2004
 24 price for such fuel adjusted for inflation.

1 “(B) APPLICABLE PRICE.—The applicable
 2 Labor Day 2004 price for any fuel is the aver-
 3 age price for such fuel for the region in which
 4 the taxpayer purchased such fuel (as deter-
 5 mined using data of the Energy Information
 6 Agency of the Department of Energy).

7 “(C) INFLATION ADJUSTMENT.—The infla-
 8 tion adjustment shall be determined under the
 9 principles of section 1(f); except that, the Sec-
 10 retary shall use estimates of the monthly Con-
 11 sumer Price Index (as defined in such section)
 12 where possible to more closely reflect current
 13 inflation.

14 “(c) ELIGIBLE TAXPAYER.—For purposes of this sec-
 15 tion—

16 “(1) IN GENERAL.—The term ‘eligible taxpayer’
 17 means any person engaged in the trade or business
 18 of commercial fishing (as defined in section 3 of the
 19 Magnuson-Stevens Fishery Conservation and Man-
 20 agement Act (16 U.S.C. 1802)).

21 “(2) CREDITABLE FUEL.—The term ‘creditable
 22 fuel’ means gasoline and diesel fuel used as a fuel
 23 in a commercial vessel.

1 “(d) APPLICATION OF SECTION.—This section shall
 2 apply to fuels purchased during the 2-year period begin-
 3 ning on the date of the enactment of this section.”.

4 (b) CREDIT TO BE PART OF GENERAL BUSINESS
 5 CREDIT.—Subsection (b) of section 38 of such Code is
 6 amended by striking “plus” at the end of paragraph (31),
 7 by striking the period at the end of paragraph (32) and
 8 inserting “, plus”, and by adding at the end the following
 9 new paragraph:

10 “(33) in the case of an eligible taxpayer (as de-
 11 fined in section 45Q(c)), the excessive fuel cost cred-
 12 it determined under section 45Q(a).”.

13 (c) CLERICAL AMENDMENT.—The table of sections
 14 for subpart D of part IV of subchapter A of chapter 1
 15 of such Code is amended by inserting after the item relat-
 16 ing to section 45P the following new item:

 “Sec. 45Q. Temporary credit for commercial fishermen to offset high fuel
 costs.”.

17 (d) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply to taxable years ending after the
 19 date of the enactment of this Act.

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