

109TH CONGRESS
1ST SESSION

S. 785

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

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. LOTT (for himself and Mrs. LINCOLN) 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 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.

