

107TH CONGRESS
1ST SESSION

S. 162

To amend the Internal Revenue Code of 1986 to provide a business credit against income for the purchase of fishing safety equipment.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2001

Ms. COLLINS (for herself and Mr. KERRY) 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 business credit against income for the purchase of fishing safety equipment.

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 “Commercial Fishermen
5 Safety Act of 2001”.

6 **SEC. 2. CREDIT FOR PURCHASE OF FISHING SAFETY**
7 **EQUIPMENT.**

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

1 1986 (relating to business-related credits) is amended by
2 adding at the end the following new section:

3 **“SEC. 45E. FISHING SAFETY EQUIPMENT CREDIT.**

4 “(a) GENERAL RULE.—For purposes of section 38,
5 in the case of an eligible taxpayer, the fishing safety equip-
6 ment credit determined under this section for the taxable
7 year is 75 percent of the amount of qualified fishing safety
8 equipment expenses paid or incurred by the taxpayer dur-
9 ing the taxable year.

10 “(b) LIMITATION ON MAXIMUM CREDIT.—The credit
11 allowed under subsection (a) with respect to a taxpayer
12 for the taxable year shall not exceed \$1,500.

13 “(c) ELIGIBLE TAXPAYER.—For purposes of this sec-
14 tion, the term ‘eligible taxpayer’ means a taxpayer en-
15 gaged in a fishing business.

16 “(d) DEFINITIONS.—For purposes of this section—

17 “(1) FISHING BUSINESS.—The term ‘fishing
18 business’ means the conduct of commercial fishing
19 as defined in section 3 of the Magnuson-Stevens
20 Fishery Conservation and Management Act (16
21 U.S.C. 1802).”.

22 “(2) QUALIFIED FISHING SAFETY EQUIPMENT
23 EXPENSES.—

24 “(A) IN GENERAL.—The term ‘qualified
25 fishing safety equipment expenses’ means an

1 amount paid or incurred for fishing safety
2 equipment for use by the taxpayer in connection
3 with a fishing business.

4 “(B) FISHING SAFETY EQUIPMENT.—The
5 term ‘fishing safety equipment’ means—

6 “(i) lifesaving equipment required to
7 be carried by a vessel under section 4502
8 of title 46, United States Code, and

9 “(ii) any maintenance of such equip-
10 ment required under such section.

11 “(e) SPECIAL RULES.—

12 “(1) IN GENERAL.—Rules similar to the rules
13 of subsections (c), (d), and (e) of section 52 shall
14 apply for purposes of this section.

15 “(2) AGGREGATION RULES.—All persons treat-
16 ed as a single employer under subsection (a) or (b)
17 of section 52 or subsection (m) or (o) of section 414
18 shall be treated as one person for purposes of sub-
19 section (a).

20 “(f) DENIAL OF DOUBLE BENEFIT.—No deduction
21 shall be allowed under this chapter (other than a credit
22 under this section) for any amount taken into account in
23 determining the credit under this section.

24 “(g) BASIS ADJUSTMENT.—For purposes of this sub-
25 title, if a credit is allowed under this section with respect

1 to any equipment, the basis of such equipment shall be
2 reduced by the amount of the credit so allowed.”.

3 (b) LIMITATION ON CARRYBACK.—Section 39(d) of
4 the Internal Revenue Code of 1986 (relating to transition
5 rules) is amended by adding at the end the following new
6 paragraph:

7 “(10) NO CARRYBACK OF FISHING SAFETY
8 EQUIPMENT CREDIT BEFORE EFFECTIVE DATE.—No
9 portion of the unused business credit for any taxable
10 year which is attributable to the fishing safety
11 equipment credit determined under section 45E may
12 be carried to a taxable year ending before the date
13 of the enactment of section 45E.”.

14 (c) CONFORMING AMENDMENTS.—

15 (1) Section 38(b) of the Internal Revenue Code
16 of 1986 (relating to general business credit) is
17 amended by striking “plus” at the end of paragraph
18 (12), by striking the period at the end of paragraph
19 (13) and inserting “, plus”, and by adding at the
20 end the following new paragraph:

21 “(14) the fishing safety equipment credit deter-
22 mined under section 45E(a).”.

23 (2) Subsection (a) of section 1016 of such Code
24 is amended by striking “and” at the end of para-
25 graph (26), by striking the period at the end of

1 paragraph (27) and inserting “, and”, and by add-
2 ing at the end the following new paragraph:

3 “(28) in the case of equipment with respect to
4 which a credit was allowed under section 45E, to the
5 extent provided in section 45E(g).”.

6 (d) CLERICAL AMENDMENT.—The table of sections
7 for subpart D of part IV of subchapter A of chapter 1
8 of the Internal Revenue Code of 1986 is amended by in-
9 serting after the item relating to section 45D the following
10 new item:

“Sec. 45E. Fishing safety equipment credit.”.

11 (e) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2001.

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