

NOAA FORM 34-82 - *GENERAL INFORMATION*

CAPITAL CONSTRUCTION FUND - DEPOSIT/WITHDRAWAL REPORT

(SEE REVERSE SIDE FOR LINE-BY-LINE INSTRUCTIONS FOR FILING NOAA FORM 34-82)

NOAA Form 34-82 is required *each year*, even if no deposits or withdrawals are made.

Failure to submit these required annual deposit/withdrawal reports shall be cause, after due notice, for disqualification of withdrawals or involuntary termination of the CCF agreement, at the Secretary's [of Commerce] discretion.

CAUTION: *Notify NOAA Fisheries in writing of any change in depository institutions. Entering this information on Form 34-82 is not sufficient notice to amend your Agreement.*

DUE DATE: **30 Days** after the due date of the year's tax return, including extensions.

SUPPORTING DOCUMENTS REQUIRED:

- A signed and **complete** copy (even if it shows no CCF activity) of the year's federal tax return as submitted to the IRS. Attach it to Form 34-82; *always* submit the tax return copy and Form 34-82 together.
- If deposits relate to a S-corporation, partnership, or LLC, attach copy of K-1 from that entity.
- If depositing net proceeds from sale or disposition of a vessel, attach a Net Proceeds Worksheet. Contact the CCF staff to request this form.
- Transfers between agreements generally must be disclosed on transferee and transferor tax returns. Deposit/Withdrawal reports should clearly show these transfers and the related agreement number.

AVOID FREQUENT ERRORS:

- Each depository account should be reported on a separate Form 34-82. If useful, add a schedule summarizing the year's transactions.
- Funds transferred between two CCF depository accounts during the year should be shown as withdrawals and deposits on the affected accounts. Explain the transfers in DESCRIPTION.
- Verify that last year's ending balance agrees with this year's beginning balance on Form 34-82. Do not use *Year-End Market Value* for balances.
- Reconcile tax return entries reducing taxable income to entries on Form 34-82. Attach schedule if necessary to explain differences, especially when they relate to pass-through entities.
- Verify all deposit and withdrawal entries against the depository statement. All deposits must be physically made to the depository account, except for those made in the first effective year of the agreement or the period before the agreement is finalized. Deposits/withdrawals made during this period are referred to as *nonconstructive*.[®] (Supporting depository statements should be kept as part of your permanent records.)
- All withdrawals should reference a specific *approved* project - give the type of project, vessel name, and Schedule B page number. *Example: Reconstruction of FV Dorothy; B-4*".
- Source of vessel income should appear on the report. *Example: Vessel income from FV Jack; Sch. A-2*".
- Interest and dividends earned for the year may be summarized as a single entry.
- Do not include *unrealized* gains and losses; list only *realized* gains and losses on investment transactions. Your tax advisor can assist you on this matter.

NOAA Form 34-82 is used to meet the continuing record keeping requirements of the Fishing Vessel Capital Construction Fund (FVCCF) program which is statutorily mandated under Section 607 of the Merchant Marine Act, 1936, as amended. The data collected is required pursuant to 50 CFR, Part 259.35, and P.L. 99-514 (The Tax Reform Act, 1986). NOAA Fisheries is required to provide information furnished on this form to the Internal Revenue Service.

The information is used by the Government for the purpose of responsibly administering the FVCCF Program and for general program management purposes. Assurance of confidentiality of information required to complete Form 34-82 is given in 50 CFR Part 259, Sec 259.38(b) of the FVCCF regulations.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB control number.

NOAA FORM 34-82 - *LINE-BY-LINE INSTRUCTIONS*

CAPITAL CONSTRUCTION FUND - DEPOSIT/WITHDRAWAL REPORT

(SEE REVERSE SIDE FOR GENERAL INFORMATION ON NOAA FORM 34-82)

NOAA Form 34-82 and tax return copy are required each year, even if no deposits or withdrawals are made.

NOAA Fisheries is required to provide information furnished on this form to the Internal Revenue Service.

DEPOSITORY BANK, OR INVESTMENT FIRM - Enter name, location, type of account, account number, and date opened. Use a separate Deposit/Withdrawal Report for **EACH** account at **EACH** approved depository.

AGREEMENT HOLDER - Enter the name exactly as shown on the agreement.

TAXABLE YEAR ENDING - Enter applicable calendar year (12/31/yr)... Fiscal Year taxpayers enter the ending date of the fiscal year.

CCF CASE NUMBER - Enter assigned case number as shown on the agreement.

ACCOUNT ACTIVITY FOR THE TAX YEAR: (Report transaction amounts in whole dollars)

DATE - Enter actual date of the deposit, withdrawal, or transfer. If reimbursing general operating funds, also show actual date of original expenditures in Description column.

Deposits: Enter the tax year for which the deposit is made, source of income (which Schedule A vessel) or details of transferred funds. EX: 1996 income - FV Dorothy. Summarize interest and dividend income. For deposit of proceeds of vessel sale, attach Net Proceeds Worksheet.

Withdrawals: Qualified withdrawals should describe Sch. B objective vessel and project. EX: Reconstruction of FV Dorothy. Every withdrawal should also be fully explained.

SCH. A or SCH. B Page # - Reference the appropriate page number of the Schedule A (income producing) vessel for each deposit, and the Schedule B objective vessel for each qualified withdrawal.

CLASSIFICATION OF DEPOSITS (and Withdrawals) - Use these columns to specify the bookkeeping classification to which each deposit and/or withdrawal relates. These bookkeeping classifications designate the ceiling defined by the Merchant Marine Act of 1936 (MMA) Sec. 607(e) and IRS Code Sec. 7518(a) under which deposits and withdrawals are made. (Also see information in IRS Publication 595). Since each ceiling classification is subject to different treatment for tax purposes, proper classification is important. Qualified withdrawals are made in the following classification order: First, from Capital; second, from Capital Gain; third, from Ordinary Income. Nonqualified withdrawals are made: First, from Ordinary Income; second, from Capital Gain; third from Capital.

ORDINARY INCOME - Deposits under this ceiling classification create an immediate deduction from taxable income. Generally, ordinary income deposits are limited to: (1) taxable income from operating the Schedule A vessel; (2) the ordinary income portion (depreciation recapture) on the sale of Agreement vessels; and (3) interest, dividend and short term capital gains and losses earned on investments of the FVCCF depository account.

CAPITAL GAIN - (long-term gains and losses). Deposits under this ceiling classification also create an immediate income tax deduction. Report long-term capital gain deposits of net proceeds made from the sale or insurance proceeds of Agreement vessels. Capital gains or losses from investment of the FVCCF deposits are also reported here.

CAPITAL - (non-tax deferred deposits). Valid deposits under this ceiling classification DO NOT generate a tax deduction. Generally, capital deposits are limited to vessel depreciation and the return of capital on the sale or other disposition of Schedule A vessels.

SUMMARY BALANCE - *IMPORTANT* Show beginning and end-of-year balance in the depository.

SIGNATURE AND DATE - Required certification by Agreement holder or Authorized Representative (with Power of Attorney, only) . Forms not signed will be returned for certifying signature.