

116TH CONGRESS  
2D SESSION

# S. 3280

To amend the Internal Revenue Code of 1986 to clarify that high-taxed amounts are excluded from tested income for purposes of determining global intangible low-taxed income only if such amounts would be foreign base company income or insurance income.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2020

Mr. WYDEN (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Internal Revenue Code of 1986 to clarify that high-taxed amounts are excluded from tested income for purposes of determining global intangible low-taxed income only if such amounts would be foreign base company income or insurance income.

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 “Blocking New Cor-  
5 porate Tax Giveaways Act”.

1 **SEC. 2. CLARIFICATION OF AMOUNTS EXCLUDED FROM**  
2 **TESTED INCOME.**

3 (a) **IN GENERAL.**—Section 951A(c)(2)(A)(i)(III) of  
4 the Internal Revenue Code of 1986 is amended to read  
5 as follows:

6 “(III) any gross income of such  
7 corporation—

8 “(aa) which, without regard  
9 to section 954(b)(4), is treated as  
10 foreign base company income (as  
11 defined in section 954) or insur-  
12 ance income (as defined in sec-  
13 tion 953), but

14 “(bb) which, after the appli-  
15 cation of section 954(b)(4), is not  
16 so treated.”.

17 (b) **EFFECTIVE DATE.**—The amendment made by  
18 this section shall apply to taxable years of foreign corpora-  
19 tions beginning on or after the date of the enactment of  
20 this Act, and to taxable years of United States share-  
21 holders in which or with which such taxable years of for-  
22 eign corporations end.

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