

107TH CONGRESS  
1ST SESSION

# H. R. 1755

To amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2001

Mrs. JOHNSON of Connecticut (for herself and Mr. NEAL of Massachusetts) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to prevent the use of reinsurance with foreign persons to enable domestic nonlife insurance companies to evade United States income taxation.

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 “Reinsurance Tax Eq-  
5       uity Act of 2001”.

1 **SEC. 2. PREVENTION OF EVASION OF UNITED STATES IN-**  
2 **COME TAX ON NONLIFE INSURANCE COMPA-**  
3 **NIES THROUGH USE OF REINSURANCE WITH**  
4 **FOREIGN PERSONS.**

5 (a) IN GENERAL.—Subparagraph (A) of section  
6 832(b)(4) of the Internal Revenue Code of 1986 (relating  
7 to insurance company taxable income) is amended to read  
8 as follows:

9 “(A) From the amount of gross premiums  
10 written on insurance contracts during the tax-  
11 able year, deduct return premiums and pre-  
12 miums paid for reinsurance (except as provided  
13 in paragraph (9)).”

14 (b) TREATMENT OF REINSURANCE WITH RELATED  
15 REINSURERS.—Subsection (b) of section 832 of such Code  
16 is amended by adding at the end the following new para-  
17 graph:

18 “(9) DENIAL OF DEDUCTION UNDER PARA-  
19 GRAPH (4) FOR REINSURANCE OF U.S. RISKS WITH  
20 CERTAIN RELATED PERSONS.—

21 “(A) IN GENERAL.—No deduction shall be  
22 allowed under paragraph (4) for premiums paid  
23 for the direct or indirect reinsurance of United  
24 States risks with a related reinsurer.

25 “(B) EXCEPTIONS.—This paragraph shall  
26 not apply to any premium to the extent that—

1                         “(i) the income attributable to the re-  
2                         insurance to which such premium relates is  
3                         includible in the gross income of—

4                             “(I) such reinsurer, or  
5                             “(II) 1 or more domestic cor-  
6                         porations or citizens or residents of  
7                         the United States, or

8                         “(ii) the related insurer establishes to  
9                         the satisfaction of the Secretary that the  
10                         taxable income (determined in accordance  
11                         with this section 832) attributable to such  
12                         reinsurance is subject to an effective rate  
13                         of income tax imposed by a foreign country  
14                         at a rate greater than 20 percent of the  
15                         maximum rate of tax specified in section  
16                         11.

17                         “(C) ELECTION BY REINSURER TO BE  
18                         TAXED ON INCOME.—Income of a related rein-  
19                         surer attributable to the reinsurance of United  
20                         States risks which is not otherwise includible in  
21                         gross income shall be treated as gross income  
22                         which is effectively connected with the conduct  
23                         of a trade or business in the United States if  
24                         such reinsurer—

1                             “(i) elects to so treat such income,  
2                             and

3                             “(ii) meets such requirements as the  
4                             Secretary shall prescribe to ensure that the  
5                             taxes imposed by this chapter on such in-  
6                             come are paid.

7                             “(D) DEFINITIONS.—For purposes of this  
8                             paragraph—

9                             “(i) UNITED STATES RISK.—The term  
10                             ‘United States risk’ means any risk related  
11                             to property in the United States, or liabil-  
12                             ity arising out of activity in, or in connec-  
13                             tion with the lives or health of residents of,  
14                             the United States.

15                             “(ii) RELATED INSURER.—The term  
16                             ‘related insurer’ means any reinsurer  
17                             owned or controlled directly or indirectly  
18                             by the same interests (within the meaning  
19                             of section 482) as the person making the  
20                             premium payment.”

21                             (c) TECHNICAL AMENDMENT.—Subparagraph (A) of  
22                             section 832(b)(5) of such Code is amended by inserting  
23                             after clause (iii) the following new clause:

24                             “(iv) To the results so obtained, add  
25                             reinsurance recovered from a related rein-

4 (d) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to premiums paid after the date  
6 that the Committee on Ways and Means of the House of  
7 Representatives votes to report this bill.