

110TH CONGRESS  
1ST SESSION

# H. R. 1810

To amend the Internal Revenue Code of 1986 to permit the consolidation  
of life insurance companies with other companies.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. LARSON of Connecticut (for himself, Mr. RAMSTAD, Mr. McNULTY, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. POMEROY, Ms. SCHWARTZ, Mr. SAM JOHNSON of Texas, Mr. HULSHOF, Mr. ENGLISH of Pennsylvania, Mr. WELLER of Illinois, Mr. LEWIS of Kentucky, Mr. HERGER, and Mr. BRADY of Texas) 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 permit  
the consolidation of life insurance companies with other  
companies.

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. CONSOLIDATION OF LIFE INSURANCE COMPA-  
4       NIES WITH OTHER COMPANIES PERMITTED.**

5       (a) IN GENERAL.—Section 1504(b) of the Internal  
6       Revenue Code of 1986 (defining includible corporation) is  
7       amended by striking paragraph (2) and by redesignating

1 paragraphs (3) through (8) as paragraphs (2) through  
2 (7), respectively.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 1503 of the Internal Revenue Code  
5 of 1986 is amended by striking subsection (c) (relat-  
6 ing to special rule for application of certain losses  
7 against income of insurance companies taxed under  
8 section 801) and by redesignating subsections (d),  
9 (e), and (f) as subsections (c), (d), and (e), respec-  
10 tively.

11 (2) Section 1504 of such Code is amended by  
12 striking subsection (c) and by redesignating sub-  
13 sections (d), (e), and (f) as subsections (c), (d), and  
14 (e), respectively.

15 (3) Section 243(b)(2)(A) of such Code is  
16 amended by striking “sections 1504(b)(2),  
17 1504(b)(4), and 1504(c)” and inserting “section  
18 1504(b)(3)”.

19 (4) Section 805(a)(4)(E) of such Code is  
20 amended by striking “1504(b)(3)” and inserting  
21 “1504(b)(2)”.

22 (5) Section 818(e)(1) of such Code is amended  
23 to read as follows:

24 “(1) ITEMS OF COMPANIES OTHER THAN IN-  
25 SURANCE COMPANIES.—If an affiliated group in-

1       cludes members which are and which are not taxed  
2       under section 801, all items of the members of such  
3       group which are not taxed under section 801 shall  
4       not be taken into account in determining the amount  
5       of the tentative LICTI of members of such group  
6       which are taxed under section 801.”.

7               (6) Section 832(b)(5)(D)(ii)(II) of such Code is  
8       amended by striking “1504(b)(3)” and inserting  
9       “1504(b)(2)”.

10               (7) Section 864(e)(5)(A) of such Code is  
11       amended by striking “paragraph (4)” and inserting  
12       “paragraph (3)”.

13               (8) Section 936(i)(5)(A) of such Code is  
14       amended by striking “section 1504(b)(3) or (4)”  
15       and inserting “section 1504(b)(2) or (3)”.

16               (9) Section 952(c)(1)(B)(vii)(II) of such Code  
17       is amended by striking “1504(b)(3)” and inserting  
18       “1504(b)(2)”.

19               (10) Section 953(d)(3) of such Code is amend-  
20       ed by striking “1503(d)” and inserting “1503(c)”.

21               (11) Section 954(h)(4)(F)(ii) of such Code is  
22       amended by striking “1504(b)(3)” and inserting  
23       “1504(b)(2)”.

4 (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall apply to taxable years beginning after  
6 December 31, 2006.

7 SEC. 2. PHASE-IN OF APPLICATION OF CERTAIN LOSSES  
8 AGAINST INCOME OF INSURANCE COMPANIES.  
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### 10 (a) PHASE-IN.—

14 (A) an affiliated group includes 1 or more  
15 domestic insurance companies subject to tax  
16 under section 801 of the Internal Revenue Code  
17 of 1986, and

18 (B) the consolidated taxable income of the  
19 members of the group not taxed under such  
20 section 801 results in a consolidated net oper-  
21 ating loss for such taxable year

22 then, under regulations prescribed by the Secretary  
23 of the Treasury or his delegate, the amount of such  
24 loss which cannot be absorbed in the applicable  
25 carryback periods against the taxable income of such

1 members not taxed under such section 801 shall be  
 2 taken into account in determining the consolidated  
 3 taxable income of the affiliated group for such tax-  
 4 able year to the extent of the applicable percentage  
 5 of such loss or the applicable percentage of the tax-  
 6 able income of the members taxed under such sec-  
 7 tion 801, whichever is less. The unused portion of  
 8 such loss shall be available as a carryover, subject to  
 9 the same limitations (but determined based on the  
 10 applicable percentage with respect to the year to  
 11 which carried and applicable to the sum of the loss  
 12 for the carryover year and the loss (or losses) car-  
 13 ried over to such year), in applicable carryover  
 14 years.

15 (2) APPLICABLE PERCENTAGE.—For purposes  
 16 of paragraph (1), the applicable percentage shall be  
 17 determined in accordance with the following table:

<b>For taxable years beginning in:</b>	<b>The applicable percentage is:</b>
2007 .....	40
2008 .....	50
2009 .....	60
2010 .....	70
2011 .....	80
2012 .....	90.

18 (b) NO CARRYBACK BEFORE JANUARY 1, 2007.—To  
 19 the extent that a consolidated net operating loss is allowed  
 20 or increased by reason of this section or the amendments  
 21 made by this Act, such loss (or increase in such loss, as

1 the case may be) may not be carried back to a taxable  
2 year beginning before January 1, 2007.

3 (c) NONTERMINATION OF GROUP.—No affiliated  
4 group shall terminate solely as a result of this section or  
5 the amendments made by this Act.

6 (d) SUBSIDIARY STOCK BASIS ADJUSTMENTS.—A  
7 member corporation's basis in the stock of a subsidiary  
8 corporation shall be adjusted upon consolidation to reflect  
9 the preconsolidation income, gain, deduction, loss, dis-  
10 tributions, and other relevant amounts during a period  
11 when such corporations were members of an affiliated  
12 group (determined without regard to section 1504(b)(2)  
13 of the Internal Revenue Code of 1986 as in effect on the  
14 day before the date of enactment of this Act) but were  
15 not included in a consolidated return of such group by op-  
16 eration of section 1504(c)(2)(A) of such Code (as in effect  
17 on the day before the date of the enactment of this Act).

18 (e) WAIVER OF 5-YEAR WAITING PERIOD.—An auto-  
19 matic waiver from the 5-year waiting period for reconsoli-  
20 dation provided in section 1504(a)(3) of the Internal Rev-  
21 enue Code of 1986 shall be granted to any corporation  
22 which was previously an includible corporation but was  
23 subsequently deemed a nonincludible corporation as a re-  
24 sult of becoming a subsidiary of a corporation which was  
25 not an includible corporation solely by operation of section

1 1504(c)(2) of such Code (as in effect on the day before  
2 the date of enactment of this Act), subject to such condi-  
3 tions as the Secretary may prescribe.

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