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Caution: DRAFT—NOT FOR FILING

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and publications for filing. We do **not** release draft forms until we believe we have incorporated all changes (except when explicitly stated on this coversheet). However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions generally are subject to OMB approval before they can be officially released, so we post only drafts of them until they are approved. Drafts of instructions and publications usually have some changes before their final release.

Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). All information about all forms, instructions, and pubs is at [IRS.gov/Forms](https://www.irs.gov/Forms).

Almost every form and publication has a page on IRS.gov with a friendly shortcut. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Pub. 501 page is at [IRS.gov/Pub501](https://www.irs.gov/Pub501); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040/SR) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not a Search box.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or publications at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). We cannot respond to all comments due to the high volume we receive and may not be able to consider many suggestions until the subsequent revision of the product.

If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).



Instructions for Form 8992

(Rev. January 2020)

U.S. Shareholder Calculation of Global Intangible Low-Taxed Income (GILTI)

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about developments related to Form 8992 and its instructions, such as legislation enacted after they were published, go to [IRS.gov/Form8992](https://www.irs.gov/Form8992).

Additional guidance may be issued subsequent to these instructions. Please review any additional information on the website mentioned above prior to completing Form 8992.

What's New

Final regulations. On June 21, 2019, final regulations were published under section 951A that provide guidance to determine the amount of global intangible low-taxed income (GILTI) included in the gross income of certain U.S. shareholders of foreign corporations, including U.S. shareholders that are members of a consolidated group.

Changes to Form 8992. Part II has been revised to reflect the U.S. shareholder's calculation of specified interest expense using the netting approach, which is generally based on the sum of the U.S. shareholder's pro rata share of the tested interest expense of each controlled foreign corporation (CFC) over the sum of the U.S. shareholder's pro rata share of tested interest income of each CFC. See Regulations section 1.951A-1(c)(3)(iii).

A new column (h) has been added to Form 8992, Schedule A and Schedule A—Continuation Sheet(s), to report the U.S. shareholder's pro rata share of tested loss qualified business asset investment (QBAI) amount, with respect to any tested loss CFC owned by the U.S. shareholder, to reflect the rule in the final regulations that reduces a tested loss CFC's tested interest expense by its tested loss QBAI amount.

Reminders

Form 8993 deduction. If you are eligible for a deduction under section 250 for your GILTI inclusion, please see Form 8993, Section 250 Deduction for Foreign-Derived Intangible Income (FDII) and Global Intangible Low-Taxed Income (GILTI), and its instructions.

General Instructions

Purpose of Form

Public Law 115-97 (Tax Cuts and Jobs Act of 2017) enacted section 951A, which requires U.S. shareholders of CFCs to include GILTI in gross income. Form 8992 is used by U.S. shareholders to determine their GILTI inclusion.

Who Must File

A U.S. shareholder (including a partner of a domestic partnership) that owns, within the meaning of section 958(a), stock in one or more CFCs. See Regulations sections 1.951A-1(e) and 1.6038-5(a).

CFC. A CFC is generally a foreign corporation of which more than 50% of the total combined voting power or value is owned directly, indirectly, or constructively (within the meaning of section 958) by U.S. shareholders.

U.S. shareholder. A U.S. shareholder of a foreign corporation is a U.S. person who owns (directly, indirectly, or constructively, within the meaning of section 958) 10% or more of the total combined voting power of all the classes of voting stock of the foreign corporation or 10% or more of the total value of shares of all classes of stock of the foreign corporation.

Members of a U.S. consolidated group. Each member of a consolidated group that owns (within the meaning of section 958(a)) an interest in a CFC that generates tested income must complete a Form 8992 and include in Schedule A its tested income CFCs as well as any CFC from which it is allocated a portion of the consolidated tested loss, consolidated QBAI, or consolidated specified interest expense.

When and Where To File

Attach Form 8992 and Schedule A to your income tax return (including, if applicable, partnership or exempt organization return) and file both by the due date (including extensions) for that return.

Note. A U.S. shareholder that is a member of a consolidated group must file its own separate Form 8992 and include in the Schedule A its tested income CFCs, as well as any CFC from which it is allocated a portion of the consolidated tested loss.

Computer-Generated Form 8992

Generally, all computer-generated forms must receive prior approval from the IRS and are subject to an annual review. However, see the exception below. Requests for approval may be submitted electronically to substituteforms@irs.gov, or requests may be mailed to: Internal Revenue Service, Attention: Substitute Forms Program, SE:W:CAR:MP:P:TP, 1111 Constitution Ave. NW, Room 6554, Washington, DC 20224.



Be sure to attach the approval letter to Form 8992. However, if the computer-generated form is identical to the IRS-prescribed form, it does not need to go through the approval process, and an attachment is not necessary.

Every year, the IRS issues a revenue procedure to provide guidance for filers of computer-generated forms. In addition, every year, the IRS issues Pub. 1167, General Rules and Specifications for Substitute Forms and Schedules, which reprints the most recent applicable revenue procedure. Pub. 1167 is available at [IRS.gov/Pub1167](https://www.irs.gov/pub1167).

Corrections to Form 8992

If you file a Form 8992 that you later determine is incomplete or incorrect, file a corrected Form 8992 with an amended tax return, using the amended return instructions for the return with which you originally filed Form 8992. Write "Corrected" at the top of Form 8992 and attach a statement identifying the changes.

Treaty-Based Return Positions

You are generally required to file Form 8833, Treaty-Based Return Position Disclosure Under Section 6114 or 7701(b), to disclose a return position that any treaty of the United States (such as an income tax treaty, an estate and gift tax treaty, or a friendship, commerce, and navigation treaty):

- Overrides or modifies any provision of the Internal Revenue Code; and
- Causes, or potentially causes, a reduction of any tax incurred at any time.

See Form 8833 for exceptions.

Specific Instructions

Name Change

If the name of the person filing the return changed within the past 3 years, show the prior name in parentheses after the current name.

Item A. Identifying Number

The identifying number of an individual is his or her social security number (SSN). The identifying number of all others is their employer identification number (EIN). If a U.S. corporation that owns stock in a CFC is a member of a consolidated group, list the common parent as the person filing the return and enter its EIN in item A. See [IRS.gov/Form8992](https://www.irs.gov/Form8992) for the latest information regarding GILTI and consolidated groups.

Item B. Identifying Number

If the name of the U.S. shareholder of the CFCs reported on this Form 8992 is different from the name of the person filing this return, enter the U.S. shareholder's identifying number here.

Part I

To figure the amounts to enter on lines 1 and 2, complete the Form 8992, Schedule A and Schedule A—Continuation Sheet(s), columns (a) through (f). Refer to the specific instructions for Schedule A later.

Note. Any reference to an amount reported on Schedule A includes the amounts reported on Form 8992, Schedule A and any Schedule A—Continuation Sheet(s). Enter the total amounts from the first completed page of Schedule A, line 1, columns (e) and (f), on Form 8992, Part I, lines 1 and 2, respectively. Combine lines 1 and 2 to figure the amount to enter on line 3.

If the amount on line 3 is positive, complete Schedule A, columns (g) through (l). If the amount on this line is zero or negative, stop here (do not complete Schedule A, columns (g) through (l)) and include Form 8992 and Schedule A with your return.

Part II

Enter the amount from Part I, line 3, on line 1. Enter the amount from Schedule A, line 1, column (g), multiplied by 10% (0.10) on line 2. Enter the amount from Schedule A, line 1, column (j), on line 3a. Enter the amount from Schedule A, line 1, column (i), on line 3b. To figure the amount to enter on line 3c, subtract line 3b from line 3a (if zero or less, enter zero). To figure the amount to enter on line 4, subtract line 3c from line 2 (if zero or less,

enter zero). To figure the amount to enter on line 5, subtract line 4 from line 1.

This amount will be used to calculate column (l) on Schedule A. For a corporate shareholder, enter this amount on Form 1120, Schedule C, line 17, or on the comparable line of other corporate returns.

For a noncorporate shareholder, enter the result on Schedule 1 (Form 1040 or 1040-SR), Part I, line 8 (Other income), or on the comparable line of other noncorporate tax returns.

Schedule A

A U.S. shareholder files Form 8992, Schedule A, to report its pro rata share of amounts for each CFC (the tax year of which ends with or within the shareholder's tax year) from each CFC's Schedule I-1 (Form 5471), Information for Global Intangible Low-Taxed Income, to determine the U.S. shareholder's GILTI, if any, and to determine the amount of the U.S. shareholder's GILTI, if any, allocated to each CFC. If a U.S. shareholder does not file a Schedule I-1 (Form 5471) for every CFC that is part of its GILTI computation, for instance due to an exception for multiple filers of the same information, the U.S. shareholder will still need to provide amounts with respect to each CFC as if the U.S. shareholder filed Schedule I-1 (Form 5471) for that CFC.



Due to space limitations, if you need to list more CFCs than fit on one Schedule A, attach Schedule A—Continuation Sheet(s) to continue listing the CFCs and their respective information. Do not write "See attached" in the section and attach additional sheets.

Column (a). Enter the name of each CFC. If the name of any of the CFCs being reported on Form 8992, Schedule A, changed within the past 3 years, show the prior name(s) in parentheses after the current name.

Column (b). Please refer to the instructions for the Form 5471, line 1b(2)—Reference ID Number.

Column (c). Enter the U.S. dollar amount of tested income, if any, from line 6 of Schedule I-1 (Form 5471) for each CFC listed in column (a).

Column (d). Enter the U.S. dollar amount of tested loss, if any, from line 6 of Schedule I-1 (Form 5471) for each CFC listed in column (a).

Column (e). Enter your pro rata share of the tested income listed in column (c).

Column (f). Enter your pro rata share of the tested loss listed in column (d).

Note. If you are a member of a consolidated group, enter your allocable share, rather than pro rata share, of the amounts in columns (f), (g), (i), and (j). See Regulations section 1.1502-51(e)(3).

Column (g). Enter your pro rata share of the U.S. dollar amount of qualified business asset investment (QBAI) from line 8 of Schedule I-1 (Form 5471) for each tested income CFC.

Note. If you have a tested loss for a particular CFC, no entry should be made for that CFC in this column. See Regulations section 1.951A-3(b).

Column (h). Enter your pro rata share of the tested loss QBAI amount of any tested loss CFC. The tested loss QBAI amount of a tested loss CFC is an amount equal to 10% of the QBAI from Schedule I-1 (Form 5471), line 9c, that the tested loss CFC would have had if it were instead a tested income CFC. See Regulations sections 1.951A-4(b)(1)(i), 1.951A-4(b)(1)(iv), and example 5 of 1.951A-4(c)(5).

Column (i). Enter your pro rata share of the amount of tested interest income from Schedule I-1 (Form 5471), line 10c, for each CFC.

Column (j). Enter your pro rata share of tested interest expense income from Schedule I-1 (Form 5471), line 9d.

Column (k). Before completing column (k), enter the totals (including amounts from any Schedule A—Continuation Sheet(s)) of columns (c) through (j) on line 1 for each column and complete Form 8992, Parts I and II. Then for each CFC with an amount in column (e), divide that amount by the total on line 1, column (e). Enter the result here to four decimal places.

Column (l). Multiply Form 8992, Part II, line 5, by column (k) and enter the amount here in whole dollars only. This information is used in completing Schedule J (Form 5471), Accumulated Earnings and Profits (E&P) of Controlled Foreign Corporation, and in Schedule P (Form 5471), Previously Taxed Earnings and Profits of U.S. Shareholder of Certain Foreign Corporations, for each CFC.

Line 1

On line 1 of the first completed page of Schedule A, enter the totals for columns (c) through (f) for Schedule A and any Schedule A—Continuation Sheets. If the amount on your Form 8992, Part I, line 3, is positive, you are required to complete Schedule A, columns (g) through (l), and should also enter on line 1 of the first completed page of Schedule A the totals for columns (g) through (l) for Schedule A and any Schedule A—Continuation Sheets.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB

control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated burden for individual and business taxpayers filing this form is approved under OMB control

number 1545-0123 and is included in the estimates shown in the instructions for their individual and business income tax returns.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.

DRAFT AS OF
February 7, 2020