

(VI) A FOREIGN CORPORATION OR PARTNERSHIP THAT HAS ESTABLISHED AN OFFICE WITHIN AN APPROVED FOREIGN TRADE ZONE FOR ACTIVITIES TO BE CONDUCTED WITHIN THE APPROVED FOREIGN TRADE ZONE.

(VII) AS USED IN THIS PARAGRAPH, THE TERMS "FOREIGN" AND "DOMESTIC" HAVE THE SAME MEANINGS AS IN THE INTERNAL REVENUE CODE.

(4) "APPROVED FOREIGN TRADE ZONE" MEANS AN AREA DESIGNATED AS IN ACCORDANCE WITH SECTIONS 466 THROUGH 469 OF ARTICLE 23 OF THIS CODE AND THE FOREIGN-TRADE ZONES ACT (19 USC 81A, ET SEQ.).

(5) "INTERNATIONAL BANKING FACILITY" MEANS A FINANCIAL INSTITUTION THAT:

(I) 1. MAKES, ARRANGES FOR, PLACES, OR SERVICES ANY LOAN TO A FOREIGN PERSON FOR USE EITHER OUTSIDE OF THE UNITED STATES OR IN AN APPROVED FOREIGN TRADE ZONE IN THE UNITED STATES; OR

~~(II) 2. DERIVES EARNINGS FROM A FOREIGN EXCHANGE TRADING OR HEDGING TRANSACTION THAT IS RELATED TO SUCH A LOAN; AND~~

~~(III) -- IS LOCATED -- WITHIN -- 1 -- MILE -- OF -- THE FOREIGN-TRADE-ZONE-IN-AREA-THAT-HAS-BEEN-DESIGNATED-FOR-USES SET-FORTH--IN-SUBPARAGRAPHS-I-AND-II-UPON-RECOMMENDATION-OF THE-CHIEF-EXECUTIVE-OFFICER-AND-APPROVAL--BY--RESOLUTION--OF THE--LEGISLATIVE--BODY--OF--THE-COUNTY-WHEREIN-THE-FINANCIAL INSTITUTION-IS-LOCATED-~~

(II) 1. MEETS THE REQUIREMENTS TO BE AN INTERNATIONAL BANKING FACILITY AS SET FORTH IN THE LAWS OF THE UNITED STATES OR REGULATIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM; AND

2. IS LOCATED WITHIN A COUNTY WHERE THERE IS AN APPROVED FOREIGN TRADE ZONE. FOR PURPOSES OF THIS SECTION "COUNTY" SHALL INCLUDE BALTIMORE CITY. THIS SUBPARAGRAPH DOES NOT APPLY TO A FOREIGN TRADE ZONE WHERE THE APPLICANT FOR SUCH A ZONE IS A PUBLIC CORPORATION OTHER THAN A COUNTY, AS DEFINED BY ARTICLE 23, § 466 OF THIS CODE.

(6) "NET EARNINGS" MEANS THE NET INCOME OF A FINANCIAL INSTITUTION FOR ITS ANNUAL ACCOUNTING PERIOD ENDING WITH OR WITHIN THE FISCAL YEAR OF THE STATE FOR WHICH THE TAX IS IMPOSED UNDER THIS SECTION, DETERMINED UNDER § 280A(A) OF THIS ARTICLE AND ALLOCABLE TO THIS STATE UNDER THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION AND ADJUSTED UNDER SUBSECTION (I) OF THIS SECTION; PROVIDED, HOWEVER, THAT THE FINANCIAL INSTITUTION SHALL INCLUDE IN ITS INCOME INTEREST UPON OBLIGATIONS OF THE UNITED STATES, OF ANY STATE INCLUDING MARYLAND, OF ANY COUNTY, MUNICIPAL OR