

Double counting accounting:

How much profit of multinational enterprises is really in tax havens?

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Abstract: Putting an end to the base erosion and profit shifting (BEPS) activity of multinational enterprises (MNEs) is high on national agendas. Influential work in academic and policy circles suggests that the magnitude of BEPS problem is large. We show that these magnitudes are overstated due to researchers' misunderstanding of the accounting treatment of indirectly-owned foreign affiliates in the U.S. international economic accounts data. Our work has far-reaching implications as all country-level MNE data must apply some accounting convention that can make international comparisons difficult. We explain how this accounting treatment leads to double counting of foreign income and to its misattribution to incorrect jurisdictions. We demonstrate a simple correction, and show that the correction significantly reduces the magnitude of the BEPS estimates. For instance, our correction reduces an estimate of the U.S. fiscal effects of BEPS from 30-45% to 4-8% of corporate tax revenues lost to BEPS activity of MNEs (Clausing 2016).

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1. Introduction

Under the Organization for Economic Cooperation and Development (OECD)/G20 Inclusive Framework on Base Erosion and Profit Shifting (BEPS), over 125 countries are collaborating to put an end to tax strategies that artificially shift profits to tax haven jurisdictions. Knowing the distribution of corporate income across countries is critically important in this debate, both to determine appropriate BEPS countermeasures as well as to evaluate the effectiveness of tax policy changes. There has been extraordinary effort put forth in developing methods to measure BEPS; with surprisingly less emphasis on assessing how well various data sources capture the appropriate distribution of income.¹ Indeed, we show that a fatal flaw in the BEPS literature is unawareness of how accounting methods affect the empirical distribution of MNE profits. Using Clausing's (2016) analysis, we illustrate that using the same method and data, but with the correct distribution of income, yields a revised U.S. tax revenue loss to BEPS in 2012 of \$10 billion instead of her reported estimate of \$77 to \$111 billion.²

Both global and country-specific estimates of tax revenue losses due to BEPS are large (Bradbury et al. 2018; Tørsløv et al. 2020; Jansky and Palansky 2019).³ This is due in part to researchers using a variety of methods and data sources. In our study, we do not attempt to critique authors' methods of estimating revenue losses. We are not challenging any of the assumptions or empirical strategies in the studies that we highlight. Rather, our objective is to help other researchers improve the measurement of BEPS and its fiscal effects by explaining how accounting

¹ One of the BEPS project action items, Action 11 Report (OECD 2015), *Measuring and Monitoring BEPS*, focuses on gathering and improving data and analyses to capture the quantitative impact of BEPS.

² The 'appropriate distribution of income' in the BEPS context (and likely in most contexts) is where the income was earned (and taxed). For example, the revenue estimates of the OECD's BEPS Pillar 1 and Pillar 2 requires an understanding of the location of income. We describe in our study how a significant amount of income is *reported* in one country but *earned* in another country, or even more problematic is reported by both countries (double counted).

³ There are a number of nuances to drawing comparisons across various studies' estimates of profit shifting and revenue losses; we refer you to the discussions in the referenced papers, all of which conclude that the range is large; e.g., global annual revenue losses as low as \$90 billion and as high as \$280 billion.

methods affect *any data* on MNE profits. Understanding this is critical because, depending on the approach taken by the data provider, a researcher will observe significant differences in the distribution of MNEs' worldwide profits. Thus, our paper is important for any literature interested in the global distribution of MNE profits.

We use U.S. data sources to illustrate the importance of accounting methods on MNE income measures. There are three datasets that segregate U.S. MNEs' profits by country: (1) Bureau of Economic Analysis (BEA) data on the activities of U.S. MNEs (BEA data), (2) Treasury data on controlled foreign corporations (CFC); and (3) Treasury data on country-by-country reporting (CbyCR). Each of these datasets are available publicly (in aggregate) or through contractual arrangement (at the firm-level). We begin with U.S. data as “the U.S. has a sophisticated system to monitor its multinationals: the BEA survey...Reporting is mandatory; the BEA has decades of experience with this survey, which has been used by many researchers” (Tørsløv et al. 2020). Regarding CFC data, “U.S. tax data, the best possible data for studying [BEPS]” (Clausing (2020) or “perhaps even more promising in terms of accuracy is the use of confidential tax returns” (Garcia-Bernardo et al. 2019). Finally, CbyCR data, released for the first time in December 2018 has been immediately declared as “the most reliable country-level information about [MNEs'] tax payments and profits to date” (Garcia-Bernardo et al. 2019).

We emphasize that it is not possible for all of the above statements to be true because, as we will show, each data source portrays a different distribution and a different aggregate amount of U.S. MNE profits. Consider two simple situations. First, CFC data reports different amounts of aggregate profits in jurisdictions as compared to CbyCR data, which cannot be explained by sample differences. For example, Puerto Rico's profits for 2016 CFC data show \$10 billion

whereas CbyCR data show \$39 billion.⁴ Which income amount is correct and how should authors decide which one to use? Second, the BEA data include three profit measures that report MNE profits across countries using different methods. How can three different measures of income in BEA data be appropriate for understanding and formulating tax policies surrounding BEPS? In this paper, we discuss how researchers have used these three measures, each with a very different distribution of MNEs' profits, to draw inferences about the scale of profit shifting in U.S. MNEs (e.g., Clausing 2016, Zucman 2015, Saez and Zucman, 2019).

To illustrate how accounting methods affect estimates of revenue losses, we revisit work that uses BEA data. BEA data are described by the OECD as 'best practices in available data for BEPS analysis' (OECD 2015, p. 35) and recognized by the IMF as "a major information source for macro studies" (Beer et al. 2019, p. 15). Although we agree with these sentiments, access to either firm-level or aggregate BEA data with a limited understanding of how the data are produced can lead to severely upward biased estimates of BEPS (e.g., Clausing 2016). It can also lead researchers to infer missing profits in other countries based on a comparison of BEA data on outward investment to inward investment data of other countries (Tørsløv et al. 2020).⁵ Even after the BEA addressed how accounting affect the data on its website in 2020, studies continue to misuse BEA data to study BEPS.⁶ With greater accessibility to BEA data at Federal Statistical Research Data Centers beginning 2019, we are concerned that there will be an increase in research that misinterprets the data and draws incorrect inferences.⁷

⁴ Given the higher reporting threshold for CbyCR, we would expect to see greater aggregate profits in CFC data which requires reporting by all taxpayers. Saez and Zucman (2019) claim that Puerto Rico is a tax haven whose profits are newly observable in CbyCR data, but Puerto Rican profits have been in CFC data since 2004.

⁵ We look forward to future work that considers accounting measurement in explaining FDI asymmetries.

⁶ In response to the concerns and recommendations raised in our study, the BEA published a FAQ: <https://www.bea.gov/help/faq/1402>.

⁷ See <https://www.bea.gov/research/special-sworn-researcher-program>. We have been special sworn researchers at the BEA since 2007 and are very familiar with BEA data production.

Our study fills the void in the literature on assessing data used for BEPS analysis by shedding light on this important accounting issue in three ways. First, we describe in detail an important accounting method that affects all reporting of country-level profits of MNEs'. *Any* financial data that requires business entities to disaggregate profits by jurisdiction must have an established method to report the activities contained within ownership structures that exhibit common control but span multiple countries. For example, consider a MNE parent which owns a foreign affiliate (Affiliate 1) that in turn owns another foreign affiliate (Affiliate 2). Affiliate 1 is the 'direct' owner of Affiliate 2, while the MNE parent is the indirect owner. The BEA requires Affiliate 1 to report the income of Affiliate 2 on its own income statement, while at the same time Affiliate 2 will also report its own income. The income of Affiliate 2 on Affiliate 1's books is referred to in the data as **equity income** from investments. Equity income only arises from foreign affiliates that are indirectly-owned owned by the MNE parent. Equity income is neither dividend income nor does it represent an asset (cash or otherwise) flow between two foreign affiliates. It is only an accounting construct that arises when MNEs must report affiliate-level financial data by jurisdiction.

Over the last 30 years, equity income has been a growing component of MNE profits in the BEA data. This is due to U.S. MNEs' ownership structures becoming more complex through the addition of many tiers (or layers) of indirectly-owned foreign affiliates (see Lewellen and Robinson 2014; Blouin and Krull 2019). For example, in 1990 equity income represented 27% of aggregate foreign affiliate net income but, in 2016, equity income comprised 67%. This means that two-thirds of foreign profits in the aggregate BEA data are reported in at least two different countries – once in the country of the affiliate owner and once in the country of the affiliate that

generated the income. Furthermore, equity income is disproportionately reported in tax havens.⁸ Adding further complications for profit shifting work, a MNEs' organizational structure affects its amount of equity income. In response to the concerns raised in our study, the BEA warns that "users should be aware of certain characteristics of the data that result from complex corporate structures when selecting measures of affiliate finances for research or analysis".

While none of the three income measures published by the BEA should be used without adjustment in a BEPS study, we illustrate that the BEA does collect data on MNEs in a manner that permits researchers to construct a suitable measure. To our knowledge, this is not true of any other data source that disaggregates MNE profits by country.

Second, we examine estimates produced by one of the most prolific authors on U.S. fiscal effects of BEPS (e.g., Clausing 2009,2011,2016,2020a). The Clausing papers consistently use BEA income measures that are unsuitable for studying profit shifting. In particular, we replicate Clausing (2016) and demonstrate that the failure to consider the accounting for equity income will significantly bias upwards estimates of BEPS and its fiscal effect. Clausing (2016) offers a lower and upper bound estimate of the U.S. corporate tax base lost to BEPS in 2012 as 30% (\$77 billion) and 45% (\$111 billion).⁹ Once we adjust BEA profit measures to reflect where the foreign affiliate's income was earned (and therefore taxed), we estimate the U.S. corporate tax lost to BEPS in 2012 as 4% (\$10 billion). Clausing (2020b) acknowledges that our critique of her earlier work is warranted but, yet, she continues to incorrectly rely upon a BEA income measures that misattributes the location of MNEs' foreign affiliates earnings.

⁸ Borga and Mataloni (2001) were one of the first to point out that the increasing use of tax haven affiliates serving as foreign parents makes it challenging to infer the economic activity of U.S. MNEs using BEA data. These holding companies are also referred to as 'special purpose entities', which are defined as entities that are directly or indirectly controlled by foreign owners and have their assets and liabilities primarily in other countries (Mohlmann et al. 2019).

⁹ All of the published studies by Clausing refer to the higher estimate as the "main" estimate, while the lower estimate is referred to as the "alternate" estimate.

Third, we consider the merits of the BEA data in light of availability of other data sources providing country-level profits of U.S. MNEs. The BEA is the only data source, to our knowledge, that is both explicit and consistent regarding the accounting rules for the activity of indirectly-owned foreign affiliates.¹⁰ For example, CbyCR reports released by the U.S. are plagued by a number of signs that these data are problematic with respect to how income associated with indirect ownership is handled (see Horst and Curatolo, 2020; Sullivan 2020).¹¹ Thus, BEA data are particularly useful for BEPS analysis relative to other data sources. As alluded to above, every country requires some separate country reporting by its MNEs suggesting that how the income of indirectly-owned affiliates is reported in the financial data of MNEs should be of global concern. How this is handled in non-BEA data sources (both in the U.S. and globally) is less clear, suggesting that comparisons of research findings across countries may be difficult (if not impossible).

Our paper proceeds as follows: First, we provide a background on the BEPS literature and, in particular, studies that estimate fiscal effects. Second, we explain the BEA's accounting method for indirectly-owned affiliates and how it affects the two BEA data series used in profit shifting studies. In the next two sections, we describe how studies using each of these data series incorrectly arrive at misleading and implausibly high estimates of the scale of BEPS with a focus on Clausing (2016). We close by discussing non-BEA data sources and assert this as a global concern.

2. Background and related literature

Academics, governments, and policy organizations are all very active in producing empirical estimates of profit shifting. Recent reviews of work in this area by Dharmapala (2014),

¹⁰ The instructions regarding how to report foreign affiliate profits by country has not changed since 1982.

¹¹ The UK government will not agree to publish its data until "data quality and consistency issues" are addressed; the UK is concerned about the "distortive effect of the inclusion of intragroup dividends within CbyCR profit, where [MNEs] have been taking different approaches in the absence of OECD guidance". (Johnston, 2020).

Riedel (2018) and OECD (2015) conclude that, despite using different data sources and estimation strategies, over one hundred studies report evidence in line with tax-motivated profit shifting. A common theme in these studies is that reported profits are sensitive to tax rates (i.e., semi-elasticity estimates) and that there is a disconnect between the jurisdictions where MNEs are recording their profits and the locations where the economic activities that generate those profits are taking place (e.g., Dharmapala and Riedel 2013; Dischinger and Riedel 2011; Hines and Rice 1994; Huizinga and Laeven 2008). While there is little disagreement that profit shifting exists, there is a lack of consensus over its scale.

From a tax policy perspective, the scale of the tax revenue losses incurred globally, and by individual countries, is extremely salient. Yet, until now, few academic researchers extend their estimates of the profit shifting responses to producing fiscal estimates. OECD (2015) notes Bach (2013), Clausing (2009) and Vicard (2015) as exceptions that have taken the additional steps to extend empirical estimates of elasticities to the magnitude of revenue foregone by governments. Since the OECD report, however, many more studies have presented either global and country-level estimates of revenue losses due to profit shifting: Zucman (2014,2015), Clausing (2016), Tørsløv et al. (2020), Cobham and Jansky (2018), Jansky and Palansky (2019), Guvenen et al. (2019), Bolwijn et al. (2018) and Bilicka (2019). Moreover, at least three international organizations recently developed estimates of the budgetary impact of international corporate tax avoidance for most of the world economy including the OECD (2015), the International Monetary Fund's (IMF's) Crivelli et al. (2016) and United Nations Conference on Trade and Development (UNCTAD) (2015).

Much of the public discourse surrounding profit shifting is fueled by simple, descriptive analyses. For instance, Zucman (2014; 2015) reports that 55% of U.S. MNE foreign affiliate profits

were in tax havens in 2013, Clausing (2016) reports 50% in just seven havens in 2012, and Sullivan (2004) reports that figure at 58% in 2002. Dharmapala (2014) notes it has become increasingly common to point to the fraction of the income of MNEs' reported in tax havens as "self-evidently demonstrating *ipso facto* the existence and large magnitude of BEPS (pg. 2)".¹² However, there is a body of micro-level empirical work suggesting a more modest level of profit shifting. Dharmapala's premise is that the profit shifting work appears to be at an impasse: A handful of influential papers document sizeable U.S. MNE profits in havens implying significant revenue losses that simply cannot be reconciled to the findings in the majority of the empirical literature.

Most of the empirical profit shifting research identifies BEPS by studying the tax sensitivity (or elasticity) of reported income with respect to the tax rate differential across countries. In the absence of taxes, researchers typically assume that a given level of capital, labor and investment opportunities should yield similar amounts of income even in different countries. Once taxes are introduced, evidence of higher pre-tax profits in jurisdictions with relatively lower tax rates is consistent with profit shifting. A consensus estimate, based on a meta-regression study by Heckemeyer and Overesch (2013), is 0.8. This means that a firm with \$1,000,000 of pre-tax profits in a jurisdiction reducing its tax rate from 35 to 25% would shift an additional 8% or \$80,000 of income into that jurisdiction.

Our study helps to reconcile the descriptive and micro-level analyses described above. While some argue that elasticity estimates are too low, we take a different view and argue that aggregate income attributed to tax havens is too high. More specifically, the large share of aggregate income that academic work attributes to tax havens arises from a misinterpretation of

¹² Other authors offer similar statistics using aggregate Treasury CFC data such as Gravelle (2015) who reports that U.S. MNC foreign affiliate profits were 1,614 percent of Bermuda's GDP and 2,066 percent of the Cayman Islands GDP in 2010. We address similar measurement issue with Treasury data as well in Section 5.

the way that MNE data are reported. In particular, the confusion stems from the accounting treatment of the activity of U.S. MNEs' indirectly-owned foreign affiliates. Indeed, the accounting issue we address here is potentially endemic to all country-level financial data to varying degrees. While our study focuses on U.S. BEA data, our study also considers how this accounting issue affects other U.S. data sources. Blouin and Robinson (2020) extends the present analysis to examine the production of statistics on MNEs in several major economies.

3. A discussion of U.S. international economic accounts

The U.S. BEA publishes annually various aggregate statistics from international economic accounts. Specifically, the BEA publishes two data series that provide information about the profitability of foreign affiliates of U.S. multinational enterprises (MNEs): (1) activities of MNEs and (2) balance of payments data.¹³ Both data series are derived from accounting information collected in surveys of U.S. MNEs that are conducted by the BEA. Reporting on BEA surveys is mandatory under the International Investment and Trade in Services Survey Act (P.L. 94–472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended). The Act protects the confidentiality of the reported data. The assurance of confidentiality is essential to securing the cooperation of reporting firms and, thus, to maintaining the integrity of the statistical system. U.S. MNEs provide separate company financial statements for each foreign affiliate that exceeds a certain size threshold. Benchmark surveys, conducted every five years, have lower reporting thresholds.¹⁴

All BEA surveys require U.S. MNEs to report financial statement data using U.S. Generally Accepted Accounting Principles (GAAP). The BEA, however, deviates from GAAP with respect to indirectly-owned affiliates in a way that facilitates the disaggregation of profits by

¹³ (1) <https://www.bea.gov/international/di1usdop>; (2) <https://www.bea.gov/international/di1usdbal>

¹⁴ See <https://www.bea.gov/data/economic-accounts/international>

country, but that can confuse a researcher unfamiliar with these accounting methods. GAAP recommends three methods for reporting activity associated with investment in affiliates (i.e., equity ownership interests), depending on the level of control that the parent exerts over an affiliate. Properly interpreting the two BEA data series to study profit shifting requires researchers to have an understanding of these accounting methods, and how they are applied by the BEA in its objective to capture the location of the economic activity of U.S. MNEs.

3.1. Accounting for investments in affiliates

The three methods permitted by U.S. GAAP for investments in affiliates are i) consolidation, ii) the equity method, or iii) the cost method. For the purpose of reporting to capital markets, U.S. GAAP requires full consolidation when the parent company controls the affiliate (owns more than 50%), the equity method when the parent company owns between 20% and 50%, and the cost method when ownership falls below 20%. However, in the context of constructing international economic accounts data, the BEA requires that MNEs use the equity method of accounting to record *all activity associated with investments in foreign affiliates*.¹⁵ Thus, every parent-affiliate relation that exists within a U.S. MNE must be accounted for using the equity method, including when foreign affiliates are parent companies of other foreign affiliates. This deviation from U.S. GAAP enables the reporting of the economic activity by country in a consistent and transparent fashion.

¹⁵ The survey instructions for both the U.S. parent and each of its foreign affiliates clearly state that the equity method of accounting must be used in nearly all cases. The following is an excerpt from the foreign affiliate survey: Method of accounting for equity investments – Forms BE-11B, BE-11C and BE-11D. DO NOT CONSOLIDATE FOREIGN SUBSIDIARIES, BRANCHES, OPERATIONS, OR INVESTMENTS NO MATTER WHAT THE PERCENTAGE OWNERSHIP. – Report a foreign affiliate parent’s equity investments of 20 percent or more in unconsolidated foreign affiliates, including all unconsolidated majority-owned foreign affiliates, using the equity method of accounting. Report equity investments of less than 20%, in accordance with FASB ASC 320 (FAS 115) or cost basis of accounting. Entities operating in the same country may use consolidation. Equity investments of between 10 and 20% must use the cost method, but these are relatively rare. Equity investments less than 10% are treated as portfolio investment rather than direct investment and are not in these data.

The equity method of accounting is best understood by contrasting it with the consolidation and the cost methods. This exercise is also useful because, as we explain later, there appears to be some variation in accounting methods used in non-BEA data sources. We only focus on the income statement effects, although the balance sheet will also differ across these methods.¹⁶ **Consolidation** requires that a parent report all of the revenues and expenses of its affiliates along with its own activity in its financial statements. Each line item on the parent’s income statement combines the activities of the parent with its affiliates.¹⁷ The **cost method** requires that a parent report only dividend distributions from its affiliates as income. The **equity method** requires that the parent report its percentage share of affiliate net income as a single line item on its income statement, often labelled as “equity income”. Equity income is recorded without regard to the timing of any dividend distributions.

In Figure 1 Panel A, we present an example of the reporting of the activity of a U.S. MNE with a directly-owned foreign affiliate (in the Netherlands) and an indirectly-owned foreign affiliate (in Germany). In this structure, both the U.S. parent and the Netherlands affiliate are parent companies whose income statements will be affected by the equity method of accounting. In our example, we focus on how foreign affiliate profits are reported. Assume that the Dutch entity has \$45 of net income related to its activities and the German entity has \$280 of net income. For each affiliate, pretax income is subject to tax in the country of origin. In addition, assume the German affiliate pays a \$10 dividend to its Dutch parent. Since the Netherlands uses a participation exemption system it does not tax the \$10 dividend from Germany.

¹⁶ For instance, under equity method accounting, income from affiliates recorded on a parent company’s income statement is balanced by an adjustment to the parent’s investment asset in its affiliate on its balance sheet. Therefore, this accounting method also affects foreign affiliate asset measures and foreign direct investment *position* data.

¹⁷ Note that any related party transactions are netted out or “eliminated” so that items on a consolidated income statement represent only activity with independent parties. Only entities operating within the same country may use consolidation for BEA reporting.

In Figure 1 Panel B, we show how each accounting method affects the reported income of both affiliates. Under the consolidation method, all of the activity of the Dutch and German entities would be comingled and reported in the Dutch affiliate's income statement. No information would be available about the German affiliate including information revealing that income in the Netherlands includes German activity. Under the equity method, the German entity reports its activity but the Dutch affiliate reports its share of the German income on its books along with its own activity. The income statement of the Dutch entity will report the German income as "equity income". Notice that under the equity method aggregate foreign activity is overstated by \$280. The cost method reports income only when distributions are made to the parent. Since the Dutch entity received a \$10 dividend it will report the dividend along with its own activity. Effectively, the \$10 of income attributable to the dividend is duplicated in the aggregate data. Note that under both the equity method and the cost method that some of the German affiliate's income will be reported in multiple countries.

3.2. Activities of U.S. MNEs data: Net Income

This BEA data series on the activities of U.S. MNEs provides a picture of the overall activities of foreign affiliates and their U.S. parent companies. The measure of income provided in this data series is called Net Income (*NI*), a financial accounting measure of profit for each affiliate. These statistics offer a variety of indicators of the financial structure and operations of U.S. MNEs by obtaining an income statement and balance sheet for each foreign affiliate as well as the U.S. parent. This information is used by the BEA to analyze the characteristics, performance, and economic impact of MNEs. The findings are published monthly in the *Survey of Current Business*, a BEA publication that includes a variety of articles, including detailed presentations about recent data releases, explanations of annual and benchmark updates, and methods used to

produce key estimates of items such as trends in the value of production.¹⁸ Affiliates are included in these data so long as the affiliate is owned at least 10% (either directly or indirectly) by the U.S. parent (the threshold to be considered direct rather than portfolio investment).¹⁹

Figure 1 Panel C illustrates how the activity of the entity described in Panel A would appear to a BEA researcher using this data series. A researcher can only observe the amounts in *italics*. These data allow researchers to calculate the effective tax rates reported in Figure 1 Panel C. Notice that the *NI* amounts are identical to that described in the equity method example in Panel B precisely because this data series *is* financial accounting data for the majority-owned affiliates of U.S. MNEs using the equity method of accounting. Because of the equity method of accounting, this data series includes the \$280 from the German affiliate in the aggregate statistics twice: once in Germany and again in the Netherlands.

The first discussion of “double counting” of income in BEA data can be traced to Altshuler and Grubert (2006). While the authors are correct that unadjusted BEA income will duplicate the reporting of the equity income in the data, they mistakenly explain that equity income represents an intercompany dividend (as in the cost method described in Figure 1 Panel B). This misinterpretation persists over time in analyses found in studies such as Yorgason (2009), Clausing (2009,2011,2016,2020a,2020b), GAO (2008), and Beer et al. (2019).

3.3. Balance of payments data: **Direct investment income**

¹⁸ <https://apps.bea.gov/scb/index.htm>

¹⁹ The BEA publishes two separate series of aggregate statistics by country. The first includes all any foreign affiliate owned less than 50% (but more than 10%). These data are more limited since the BEA requests fewer data items for minority-owned affiliates (those for which the parent owns less than 50%). The second is for majority-owned foreign affiliates (owned 50% or more by the U.S. parent), where the BEA requires more detailed reporting, including information about equity income and tax expense. The amount of income reported by minority-owned affiliates is negligible compared to that reported in majority-owned affiliates (i.e., less than 2–3%).

The second of the two BEA data series is the balance of payments (BoP) data. The measure of income available in this data series is called Direct Investment Income (*DII*). The BoP describes international economic transactions between the U.S. and the rest of the world.²⁰ The BEA compiles these data for the IMF, the OECD, and UNCTAD that publish these statistics.

The BoP has many components. *DII* is a component of the current account, which includes investment income on direct investment, i.e., debt and equity investments in a foreign affiliate by the direct investor.²¹ The income, whether distributed or reinvested in the foreign affiliate, is proportionate to the direct investor's ownership interest in the affiliate resulting in important differences between this data series and *NI*. Here, the focus is on U.S. parents' direct ownership of their affiliates rather than total affiliate ownership. If an affiliate is 85-percent directly owned by its U.S. parent and has net income of \$100, only \$85 is included in *DII*. Moreover, if an affiliate is entirely indirectly owned by the U.S. parent via an intermediate affiliate, *DII* will report the indirectly-owned affiliate's activity only in the country of the intermediate affiliate.²²

Returning to Figure 1 Panel C, we illustrate how the activity of the entity described in Panel A would appear to a BEA researcher using the *DII* data series. Only the net income of the directly owned foreign affiliate is reported (i.e., the amount in italics). No profits from Germany are observed. Information about tax expense is not captured in *DII*. Pre-tax income and effective tax rates cannot be determined. Perhaps most problematic is that total income reported from the

²⁰ These are essential for the BEA in the compilation of, among other things, the U.S. international transactions accounts. Indeed, all countries maintain BoP data to monitor many social and economic objectives. To encourage international comparisons, most countries have largely conformed to international statistical guidelines for compiling BoP, the most recent of which is the International Monetary Fund Balance of Payments and International Investment Position Manual, 6th edition (BPM6). See a discussion of these guidelines from the BEA perspective https://apps.bea.gov/scb/pdf/2014/03%20March/0314_restructuring_the_international_economic_accounts.pdf

²¹ Income on debt and equity investment abroad in unaffiliated entities is considered portfolio income, a separate component of BoP. Ownership of 10% or more constitutes a direct investment.

²² The sole exception is that direct investment income includes net interest income held on any intercompany balances between the U.S. parent and any indirectly held affiliates.

Netherlands can no longer be separated into Dutch operating income and Dutch equity income (which is operating income in another country). In our example, 86% of the *DII* from the Netherlands is actually income from simply holding an affiliate located in Germany.²³

4. Which BEA income measure is best suited to examine profit shifting?

One of the most important assumptions underlying work on profit shifting is that the researcher can directly observe, or has a reasonable proxy for, the amount and location of income reported across jurisdictions. Financial statement information is a widely accepted proxy for the location of taxable profits because tax return information is difficult to access, particularly across multiple countries. A key theme in our study is that researchers using data to infer the amount and location of reported profits must understand how the data source's profits are measured.

Researchers are using three BEA measures of income in the profit shifting literature – *NI*, *DII*, and *Profit type return* or *PTR*. Researchers obtain the first two measures directly from the BEA survey data (described in Section 3.2 and 3.3). *PTR* (described in Section 4.2) is an income measure derived from the Net Income data series, and calculated by BEA economists since 1994 to study value added by foreign affiliates in their country of location. We argue that none of these measures are appropriate for studying profit shifting and propose a fourth measure that is appropriate for BEPS studies.

4.1. Our recommendation: Adjusted pre-tax income

We recommend a measure to study profit shifting that we call *Adjusted Pre-Tax Income* (*Adj. PTI*). The researcher can calculate this measure using the Activities of U.S. MNEs data.

²³ We are not the first to point this out. Countries recognize the issue and sometimes report alternative FDI statistics based on ultimate beneficial owner. <https://www.bea.gov/international/di1fdibal> However, this is not standard practice and is viewed as additional FDI statistics rather than traditional FDI statistics.

Unlike *NI*, which double counts profits, and *DII*, which is only an after-tax measure that fails to source income to the appropriate countries, *Adj. PTI* reports income and taxes once and in the correct jurisdictions.

Adj. PTI makes two adjustments to *NI*. First, equity income is removed from *NI*, generating *Adjusted Net Income* reported in the far right example shown in Figure 1 Panel C. This example demonstrates that *Adjusted Net Income* results in income being attributed to the country where it is earned and allows researchers to correctly estimate the applicable effective tax rate. *Adjusted Net Income* can be transformed into a pre-tax income measure because the tax expense shown in the data now maps to *Adjusted Net Income*. A comparison of Figure 1 Panel A to *Adjusted Net Income* in Panel C illustrates that our suggested measure correctly reports the affiliates' economic activity. *Adj. PTI* of \$60 and \$400 in the Netherlands and Germany, respectively, reflects the correct amount and location of income from Panel A.

In Figure 2, we revise Figure 1 from Clausing (2016) that plots the share of aggregate pre-tax income (*PTI*), estimated as *NI* plus tax expense, and *DII* in several tax haven countries. We also include *Adj. PTI*. When equity income is removed from affiliates' *PTI*, the proportion of income reported in many of the 'largest' tax havens drops significantly but the income in two of the U.S.'s largest trading partners, Canada and the UK, is virtually unchanged. In Figure 3, we revise Figure 2 from Zucman (2014) to include our *Adj. PTI* measure. Note again that the amount of income reported in the Netherlands, Luxembourg and Bermuda falls precipitously while Ireland's share increases. Zucman (2014) reports that approximately 55% of all foreign profits in 2013 are in the handful of tax havens reported in this plot, yet the actual percentage is only 35%. In summary, the literature often paints an inaccurate picture with respect to the share of foreign profits earned in tax haven countries.

The importance of considering equity income for BEPS analyses is of growing significance. First, equity income is not equally distributed across countries. Rather, because firms often place tax haven affiliates in the top tier of their foreign ownership structure for tax planning purposes (e.g., see Lewellen and Robinson, 2014), equity income is concentrated in tax havens. This is likely due, in part, to check-the-box regulations issued by the U.S. Treasury department that incentivized tiered structures for tax planning (see Blouin and Krull, 2019). Figure 4 shows that the share of aggregate equity income in the BEA data became more concentrated in tax haven countries beginning in the early 2000s. This suggests that earlier studies such as Hines and Rice (1994) are less affected by the measurement issues we raise with respect to equity income than more recent studies such as Clausing (2016).

For example, in 2016, the most recent year of available data, equity income constitutes \$681 billion of the aggregate foreign affiliate net income earned by U.S. MNEs of \$1,016 billion. This means that 67% of 2016 aggregate *NI* is included in the data more than once.²⁴ That percentage has averaged 19, 31, 59, and 65 percent over the last four decades, respectively. Figure 4 reveals that U.S. foreign affiliates' portion of equity income in tax havens has increased from approximately 20% in 1982 to almost 80% in 2016. The increasing levels of equity income in tax haven countries implies that recent studies on profit shifting, which fail to adjust for equity income, will yield biased estimates of BEPS-related revenue losses.

4.2. “Adjusted-Adjusted” pre-tax income: ***The BEA’s profit type return***

Since 1994, the BEA reports another measure of income called profit type return (*PTR*). *PTR* is computed as follows - “*NI* (before income taxes or depletion charges), excluding capital

²⁴ In all of our examples, we only report the existence of one indirectly-owned foreign affiliate (i.e., Germany). However, in the data, there are organizations that have up to 10 tiers of foreign affiliates. In this case, the net income of the bottom affiliate would be reported in the data 10 times.

gains and losses, income from equity investments, and other non-operating income...and includes an inventory valuation adjustment.” The measure was introduced by the BEA to address, in part, their desire to improve the measurement of economic, or “value-added,” activity in foreign affiliates of U.S. MNEs. Although this measure is conceptually similar to our recommended measure, *Adjusted Pre-Tax Income*, because *PTR* includes many additional adjustments to *NI* (beyond adding back income taxes and removing equity income), it has some significant differences that reduce its usefulness for studying BEPS. Interestingly, while Clausing (2020) declares it “not suitable for estimating the overall size of profit shifting” (p. 4), both Wright and Zucman (2018) and Saez and Zucman (2019) use this measure to study profit shifting.

Figure 5 compares *PTR* and *Adj. PTI* along with *PTR* as measured in Wright and Zucman (2018) and Saez and Zucman (2019). Note that *PTR* is not reported by the BEA before 1994.²⁵ In aggregate, the measures appear to be very similar (Panel A). Additionally, except for 2009, the haven percentages do not appear to be that different. But these aggregate measures mask significant within country variation. Panel C provides the comparison of *PTR* and *Adj. PTI* for Canada, Netherlands, Germany and UK Caribbean. For Canada, notice that the difference between *Adj. PTI* and *PTR* as a percentage of *PTR* vary from -20% to 25%. The differences in the measures for Netherlands is even larger. For expositional ease, the percentage difference in the graphs was truncated to fall between -100% and 100%. In the last five years of the graph, the percentage difference between *PTR* and *Adj. PTI* for the Netherlands has been as high as 425% and as low as -82%.

²⁵ We are uncertain how both Wright and Zucman (2018) and Saez and Zucman (2019) obtain *PTR* before 1994.

Zucman switches from *DII* in earlier work (Zucman 2014, 2015) to *PTR* in Wright and Zucman (2018) and Saez and Zucman (2019).²⁶ As *DII* and *PTR* are very different measures of income, switching from one to the other suggests a lack of foundational knowledge regarding the production of U.S. national statistics.²⁷ While we agree that *PTR* is preferred to *DII* in BEPS studies, the failure of the author(s) to discuss the change in measure could be construed as downplaying the importance of sourcing income where earned and serves to perpetuate the confusion among BEPS researchers. Moreover, it is unclear to us why these authors do not rely on *Adj. PTI*, which is a better measure of affiliates' total income.

5. Using U.S. international economic accounts to measure profit shifting

5.1. *PTI versus Adjusted PTI*

In this section, we focus on a series of studies by Clausing over nearly a decade that use pre-tax *NI* instead of *Adj. PTI* (Clausing 2009,2011,2016). As we described earlier, failing to exclude equity income double counts foreign affiliate profits when using the Net Income data series. Through replication and revision to her estimate of the U.S. fiscal effects of BEPS, we illustrate the significance of failing to exclude equity income. Clausing's estimates are roughly one third of what she reports when foreign affiliate profits are not double counted.

Failing to adjust for equity income biases all of her inputs towards finding large fiscal effects of BEPS. Clausing's methodology used in each study has three critical inputs: (i) foreign

²⁶ Additionally, Wright and Zucman (2018) exclude the oil industry while Saez and Zucman (2019) exclude the oil industry and add Puerto Rico as a tax haven. By making these adjustments, this work masks the magnitude of the overstatement of profit shifting found in Zucman (2014, 2015). We should also note that it is puzzling that these papers report Puerto Rico activity even though the BEA does not provide Puerto Rican activity. They appear to comingle U.S. Treasury CbyCR data with BEA data.

²⁷ For example, Wright and Zucman (2018) reports figures using both *PTR* (e.g., Figure 3) and *DII* (e.g., Figure 4) suggesting that there is some confusion among the authors regarding the appropriate measure to capture the location of income.

affiliate profits, (ii) foreign effective tax rates, and (iii) the tax sensitivity of reported income. The first input is the pre-tax income or “*PTI*” (*NI* plus tax expense) in each location. The second is calculated using *PTI* and tax expense in each location. The third is the semi-elasticity of reported income to tax rates, which is determined by the first two inputs in a regression framework.

Table 1 summarizes the results of our replication and revision. Section A.1 of the Appendix outlines in detail the steps of this analysis. Column 1, which uses *PTI* to measure aggregate foreign income by country, is our starting point and is our replication of the estimate offered in Clausing (2016). Following Clausing’s method and use of the data, we estimate a 42% U.S. corporate tax revenue loss to profit shifting. Clausing reports an estimate of 45.9%. Our replication estimate is slightly lower than what Clausing reported because Clausing used preliminary data published by the BEA whereas we use revised data.²⁸

Next, we offer revised estimates using *Adj. PTI* in the next four columns of Table 1. We revise the reported estimate after correcting for each source of measurement error induced by the failure to exclude equity income. For example, failing to remove equity income will artificially increase profits and at the same time artificially decrease effective tax rates, resulting in an overstated semi-elasticity estimate. This semi-elasticity estimate is then multiplied by the tax rate differential between the foreign affiliate and the U.S. parent (which is overstated) to determine a tax responsiveness thereby compounding the bias in the estimate of revenue lost.²⁹

²⁸ The difference between preliminary and revised data published by the BEA can be significant. Authors using BEA data often use preliminary data for the most recent year to make their study as up to date as possible. However, researchers should be aware that once the final data are published, other researchers will not be able to replicate their work and the results may in some cases change significantly depending on the study. We would also caution researchers from using preliminary BEA data when the purpose of their study is to generate important figures like the U.S. revenue loss to BEPS in a single year (i.e., the year of the preliminary data).

²⁹ That tax responsiveness is then applied to foreign affiliate profits to determine the change in the foreign tax base attributable to BEPS that ultimately determines the U.S. revenue loss. The total change in the foreign tax base is then multiplied by the ratio of foreign affiliate sales to parent firms in the U.S. relative to foreign affiliate sales to both parents and affiliated firms in other countries. There is also a gross-up adjustment for income shifted out of the U.S. by foreign-controlled MNEs. See Section A.1 of the Appendix for details.

In column 2, we estimate shifted profits using *Adj. PTI*, but effective tax rates and semi-elasticities derived from using *PTI* (as in Clausing). Comparing the estimate in column 1 to the estimate in column 2 provides a sense of *the impact of double counting* on revenue loss estimates. Simply removing equity income from the measure of foreign affiliate profits in each country and changing nothing else reduces the estimate of tax revenue losses from 42% to 13% of corporate tax revenue. This suggests that fiscal estimates using *PTI* are materially different from those using an income measure appropriately reporting the income's jurisdiction.

In column 3, when we adjust the income measure *and* correct the estimate of effective tax rates (but use the overstated semi-elasticity estimate), the revenue loss is further reduced to around 6%. In column 4, when we adjust the income measure *and* the semi-elasticity estimate (but *not* the effective tax rates), the revenue loss is around 8%. Thus, the measurement error in foreign effective tax rates appears to have a larger effect than the semi-elasticity estimate. Remarkably, while the profit shifting literature extensively debates elasticity estimates, we find that the elasticity has little influence on Clausing's final fiscal estimate as compared to the failure to consider how equity income affects the level of reported income and the measurement of the effective tax rate.

Finally, in the last column, when we adjust the income measure, the effective tax rates, and the semi-elasticity, the revenue loss is around 4%. Thus, we believe that a more realistic estimate of the U.S. revenue loss is somewhere between 4 and 13%. The OECD Action 11 report estimates global corporate income tax revenue losses of between 4% and 10% of global tax revenues. In this context, an estimate of U.S. losses at 4% seems appropriate, particularly since profit-shifting responses are shown to be stronger in less developed countries (Johannesen et al. 2018).

5.2. *Is Direct Investment Income (DII) a good alternative to PTI?*

In this section, we focus on studies that use *DII* to assess profit shifting. Before we describe these studies, in Figure 6 we illustrate in greater detail how equity income affects *DII*. Figure 6 offers a picture of three variants of a basic ownership structure. Notice that in each structure the U.S. parent has the same economic ownership of the two foreign affiliates (i.e., 100% ownership). In Structure 1, each affiliate is directly owned by the U.S. parent. In Structure 2, the Dutch affiliate holds a partial equity interest in the German affiliate with the U.S. parent owning the rest. In Structure 3, the Dutch affiliate holds all of the equity interest in the Germany affiliate. Structure 3 is the classic example of tiered ownership from Figure 1.

Notice that regardless of the ownership structure, \$45 of net income is earned in the Netherlands and \$280 is earned in Germany. However, greater indirect ownership of the German affiliate by the U.S. parent will result in greater amounts of *DII* being attributed to the Netherlands. In Structure 1 (no indirect ownership of Germany) the direct investment series will report income in a manner consistent with where it is earned: \$45 in the Netherlands and \$280 in Germany. In contrast, Structure 3 (100% direct ownership of Germany) will result in the direct investment series reporting the entire \$325 in the Netherlands.

Figure 6 illustrates that greater indirect ownership results in greater equity income as a proportion of net income for the foreign affiliate acting as the foreign parent company (the Netherlands in this example). For example, in Structures 1, 2, and 3, we show that 0, 70 and 100 percent of *DII*, respectively, is earned in Germany but reported in the Netherlands. Overall, the reported location of the *DII* will vary depending upon an MNE's ownership structure potentially leading some researchers to misinterpret their findings.

5.2.1. *Zucman (2014, 2015)*

In Zucman (2014) and his very influential book, Zucman (2015), the author estimates that artificial profit shifting to tax havens enables U.S. companies to reduce their tax liabilities by \$130b per year. This appears to be a ‘back-of-the-envelope’ estimate for 2013 using three assumptions: (i) total pre-tax foreign profits of \$650b, (ii) 55% of those profits “come from” six tax havens (based on *DII* data), and (iii) those profits were taxed in those tax havens at a very low (or no) tax rate. Thus, $\$650b * 55% * 35%$ equals approximately \$130b. However, a significant amount of *DII* income reported in tax haven countries is earned (and taxed) elsewhere. Replacing *DII* with *Adj. PTI* reduces his estimate to \$80b highlighting again the importance of equity income in the BEA data. To our knowledge, this estimate has never been retracted and continues to be cited.

5.2.2. Clausing (2009, 2011, 2016, 2020a)

In each of her papers, Clausing acknowledged that *PTI* results in ‘some form of’ double counting. Clausing claims it is impossible to satisfactorily correct for double counting in the BEA data.³⁰ This leads Clausing to rely on *DII*, which she mistakenly believes does not include equity income: “This data series excludes all income from equity investments” (Clausing, 2016, p 911). However, as we have discussed, *DII* includes equity income of directly-owned affiliates and therefore misreports the *location* of MNEs’ foreign earnings. As before, we describe her method and our replication in detail in Section A.2 of the Appendix.

Table 2 summarizes the results of our replication and revision of Clausing’s (2016) estimate of the fiscal effects of profit shifting using *DII*. In Column 1, we estimate a U.S. revenue

³⁰ In Clausing (2020b), she states that she relies economists at the BEA who suggested “that there was no simple correction for the double-counting (for the purpose of calculating profit shifting)...” But, again, the BEA’s new explanation posted on its website clearly outlines how our simple correction eliminates double counting (<https://www.bea.gov/help/faq/1402>).

loss of \$76 billion, as compared to Clausing's (2016) reported estimate of \$77 billion.³¹ In Column 2, we offer a revised estimate of \$43 billion. As Clausing notes that her estimate using *DII* is a lower bound and her estimate using *PTI* is an upper bound, we compute a ratio of the estimates in Table 2 to the estimates in Table 1. Clausing's estimate in Table 2 is only 70% (\$77/\$111 billion) of her estimate from Table 1, while ours is 42% (\$43/\$102 billion).^{32, 33}

It is unclear why using *DII* is a sensible solution to the double counting problem that arises from using *PTI*. Instead, researchers can simply adjust *PTI* by subtracting equity income, which is provided in the published BEA data.³⁴

5.2.3. Guvenen, Mataloni, Rassier and Ruhl. (2019)

Concerned with national statistics that are showing a significant slowdown in U.S. productivity, Guvenen et al. (2019) suggest that measures of U.S. productivity are downward biased due to U.S. MNEs' tax-related profit shifting. By inference, this suggests that measures of other countries' productivity are biased upward. Their basic premise is that much of the profits of MNEs reported in tax havens have been artificially shifted out of the U.S. and should be moved back into U.S. national statistics. Arguing that tax planning increased significantly since 1999, the paper uses apportionment to reallocate aggregate *DII* based on the location of MNEs' payroll and

³¹ Again the differences are due to the use of preliminary versus revised data.

³² For our *DII* estimate of revenue lost, we use the same semi-elasticity and tax rate that Clausing calculated using *PTI* that includes equity income. This emphasizes the effects of using the wrong income measure.

³³ Additionally, Clausing's alternate estimate using *DII* should have been much lower than what she reported. Through our replication and discussion with BEA staff, we discovered that Clausing's lower bound estimates using *DII* is overstated due to an improper gross-up procedure that artificially inflates the aggregate amount of reporting *DII* from \$526b to \$919b. Note that other researchers that rely on the *DII* data series – including authors within the BEA – do not gross-up the *DII* data to account for less than 100% ownership of direct foreign affiliates. Of note is that Clausing (2020) ceases to use the gross-up procedure for *DII* and no longer presents estimates using *PTI*. However, Clausing also changes several things about her method making it impossible for researchers or policy makers to compare her current estimates with her previous estimates. See Section A.2 of the Appendix for details.

³⁴ In Clausing (2020b), the author argues that *DII* is better than *Adj. PTI* (what she refers to as the subtraction method) because it captures foreign-to-foreign shifting. We are unable to follow the author's line of reasoning. Equity income is no more likely to be profits earned and then shifted out of foreign jurisdictions than profits earned and shifted out of the U.S.

assets. Ultimately, the paper concludes that in some industries, up to 8% of the industries' value-added activity has been shifted out of the U.S. This 8% represents an increase in the annual growth of productivity of 0.53% from 2000 to 2008.

While the authors' apportionment exercise is reasonable, we challenge the authors' interpretation of their results as stemming from tax-related profit shifting. To illustrate our concern, we again turn to our example in Figure 6. Suppose that there is \$325 of net income in the U.S. parent (there is no equity income in the \$325) and that the payroll and PPE in each of the three countries suggest that 70% of worldwide income should be in the U.S., 25% should be in Germany and 5% should be in the Netherlands. The aggregate worldwide income of this MNE is \$650 (\$325 US + \$280 Germany + \$45 Netherlands). With these apportionment factors, Guvenen et al (2019) would report that \$455 of worldwide income should be apportioned to the U.S., \$162.50 should be apportioned to Germany and the remaining \$32.50 should be in the Netherlands. Given the net income earned in each of the jurisdictions (i.e., \$325 US + \$280 Germany + \$45 Netherlands), one would expect \$12.50 to be removed from the Netherlands and apportioned to the U.S. ($45 - 32.50$) and \$117.50 ($280 - 162.50$) to be removed from Germany and apportioned into the U.S. The adjustments out of Germany and the Netherlands increase the U.S. tax base by \$130 ($12.50 + 117.50$). Note that the \$130 is also the difference between apportioned and actual income reported in the U.S. ($325 - 455$). If the MNE is organized as Structure 1, then these are the adjustments to the tax base, and hence productivity, for each country that would be reported in Guvenen et al (2019).

However, assuming the MNE is organized in Structure 3, Guvenen et al (2019) will report that \$292.50 ($325 - 32.50$) will be removed from Netherlands and apportioned to the U.S. The authors suggest that this represents profits that have been artificially shifted out of the U.S.

However, in reality, only \$45 was earned in the Netherlands, so only \$12.50 of profits can be shifted out. Referencing similar figures from their study, approximately \$9.8 billion of *Adj. PTI* was earned in the Netherlands (or approximately \$15.8 billion using *PTR*) but yet \$77.9 billion is removed from the Netherlands. Therefore, we argue that their results are misleading because \$280 of the adjustment to the Dutch affiliate is related to the equity income from the Netherlands' indirect ownership of the Germany affiliate. As there is no *DII* reported in Germany, Guvenen et al (2019) would report an adjustment to increase the tax base in Germany of \$162.50 (0 – \$162.50). Furthermore, the net effect to the U.S. is still a \$130 increase in its tax base (292.50-162.50).

If the MNE is organized in Structure 2, Guvenen et al (2019) will report that \$208.50 will be removed from Netherlands (\$241-32.50) and into the U.S. But \$78.50 of this negative adjustment represents net income that should be reported in Germany (\$84-162.50) with a net increase to the U.S. base of \$130. Notice that the greater the equity ownership, the greater the net income shifted out of the directly owned affiliate.

Overall, each of these sets of adjustments (which depend upon the ownership structure) result in the correct amount of *DII* being reallocated to the appropriate jurisdiction. However, the paper's inference that each of these sets of adjustments are economically equivalent is wrong. And, we conjecture that the reason for the paper's reported uptick in reallocated profits over time is likely related to increasing equity income stemming from changing complexity in ownership structures rather than staggering increases in profit shifting.

Unfortunately, Guvenen et al. (2019) do not provide details about the extent of the positive adjustments (such as Germany from our example). Rather, they aggregate the negative adjustments and imply that these amounts represent income that has been artificially shifted out of the U.S. We argue that this is very misleading. While we do agree that their apportionment exercise represents

a reasonable approach to allocating global income, the tenor of their story is far different if income is being removed from a non-haven country like Germany. We estimate that approximately 75% of the income that Guvenen et al. (2019) call U.S. tax base lost to tax havens represents equity income that should first be assigned to its source country. This is based on the proportion of equity income observed in directly-owned tax haven entities. Despite having access to micro-data, the authors do not reveal the country in which the income was generated.

6. Comparisons of BEA data with other data sources

Profit shifting research commonly uses three additional sources for measures of MNE's foreign activity. First, the U.S. Treasury publishes aggregate information on U.S. MNEs' foreign operations collected from tax returns. Second, detailed financial statement information of (predominantly) U.S. MNEs is collected and reported by Standard & Poor's' Compustat. Finally, Bureau van Dijk (BvD) collects regulatory reporting filings for a global sample of MNEs. Below, we discuss how each of these data sources can be compared to the aggregate statistics offered by BEA's activities of MNEs data and balance of payments data.

6.1. U.S. Treasury Data from the Statistics of Income

We begin by comparing our *Adj. PTI* amounts to the aggregate data reported by Treasury. Treasury's Statistics of Income (SOI) publishes two data series that provide aggregate information about U.S. MNEs' foreign affiliates. The first, Form 5471, Information Return of U.S. Persons with Respect to Certain Foreign Corporations, along with its accompanying schedules is required to be filed for each foreign affiliate owned (directly, indirectly or constructively) more than 50%

by U.S. shareholders.³⁵ Beginning in 2016, taxpayers are also required to file Form 8975, Country-by-Country Report . Any U.S. taxpayer with more than \$850 million in revenues in the previous tax reporting period is required to complete CbyCR.

6.1.1. Form 5471

Treasury publishes aggregate assets, revenues and earnings and profits (E&P) of all CFCs on Form 5471 on a biennial basis.³⁶ Aggregate assets and revenues are reported using accounting information that follows GAAP.³⁷ Reported E&P, however, is a tax concept that roughly approximates the net income generated in each foreign affiliate. The E&P schedule is intended to track aggregate profits that would be subject to incremental U.S. tax upon the repatriation under the U.S.'s worldwide tax system or subject to the U.S.'s CFC regime (referred to as Subpart F).³⁸ A dividend received from an affiliate is reported in the affiliate's parent's E&P. This reporting is similar to the cost method of accounting from Figure 1. Recall that the \$10 dividend paid from Germany to the Netherlands results in the \$10 of dividends being reported in income twice: First in the German entity, as dividends are not deductible from net income, and again in the net income of the Netherlands affiliate. Because of this concern with double counting, in 2010 the SOI began providing information about dividends received from related affiliates.

In Table 3, we report the aggregate 2016 E&P from Form 5471 for seven haven countries along with the BEA measures described above. We have included the aggregate E&P with and

³⁵ A Form 5471 is required to be filed by any U.S. person who owns 10% or more of a controlled foreign corporation or "CFC". A CFC is a foreign corporation that has U.S. shareholders that own more than 50% of the vote or value of the stock of the corporation. Notice that this definition implies that more than one shareholder may file a Form 5471 for the same CFC.

³⁶ SOI data is only published in aggregate biennially in even years. The most recent year of the data is 2016.

³⁷ Form 5471 includes Schedule C, Income Statement, and Schedule F, Balance Sheet. However, except for total revenue and total assets, these data are not aggregated and reported by SOI. The instructions from these schedules state that taxpayers should report all amounts "in accordance with U.S. GAAP." There is no guidance in the instructions regarding how to account for the activity of indirectly-owned foreign affiliates.

³⁸ 2018 Forms 5471 will also include the reporting for the new Global Intangible Low-Taxed Income tax.

without the related-party dividends. Notice that aggregate foreign pre-tax E&P without related dividends is roughly \$285 billion higher than the BEA *Adj. PTI*. This could be attributable to more foreign activity being reported to the IRS or because of duplicated Form 5471 filings (see footnote 35). But what is striking is that the SOI data reports substantially more activity in havens than BEA *Adj. PTI*. This over-reporting of income in tax havens is likely related to a known problem with disregarded entities created via the check-the-box regulations.³⁹

For tax planning purposes, many companies establish disregarded entities. If an entity is disregarded, then its activity will be aggregated with the activity of another legal entity, which is almost certainly in a different country. Effectively, this means that although the aggregate level of income may be reported correctly, the location of that income is incorrect. Dowd, Landefeld and Moore, (2017) explain that there is no way for researchers using the Treasury data to ascertain with certainty the income from disregarded entities and the countries to which it belongs. In contrast, the BEA data requires firms to report income based on where the income is generated even if the entity is disregarded for income tax purposes. Hence, the reported locations of adjusted BEA income measure should not be confounded by disregarded entities, as in Treasury data.

An additional problem arises when researchers attempt to use the income statement (Schedule C) from Form 5471. Although Form 5471 includes a detailed schedule on E&P (Schedule H) and the taxes paid on current E&P (Schedule E), these schedules do not provide any details on the revenue and expense (except for taxes) components of E&P. This leads researchers to rely on Schedule C, which, as explained in Section 3.1, must include activity for directly- and indirectly-owned affiliates. However, as there is no description for how to account for this activity

³⁹ See Blouin and Krull (2019) for a detailed discussion of tax planning utilizing check-the-box.

in the instructions of the form, we suspect that MNEs could report the activity of its indirectly-owned affiliates in any of the three manners described in Figure 1.⁴⁰

Due to accounting issues with Form 5471, relying on either the income statement or current E&P potentially bias the semi-elasticity of foreign profits with respect to effective tax rates found in papers such as Dowd, Landefeld and Moore (2017) and could provide an inaccurate picture of the underlying source country from which foreign affiliate dividends actually originate.

6.1.2. Form 8975 (Country-by-Country Reporting or 'CbyCR')

CbyCR stems from the OECD's BEPS Action Item 13. By requiring similar reporting of economic activity for all MNEs across all jurisdictions, Action 13 intends to provide governments with information to help combat aggressive profit shifting activity. CbyCR requires large MNEs to report revenues, profits, income taxes, capital, accumulated earnings, employees and tangible assets by jurisdiction. Again, the data is based on financial reporting information rather than tax reporting. Unlike the U.S.'s Form 5471, CbyCR reporting guidance requires data to be collected in a manner intended to eliminate the double counting of the activity of downstream affiliates. Additionally, U.S. CbyCR filing instructions stipulate that filing is required by any entity "with a single owner that may be disregarded as an entity separate from its owner." As such, the location of income in these data is not confounded by disregarded entities as in Form 5471.

Table 3 provides a comparison of CbyCR to the other BEA income measures. Interestingly, the CbyCR data is more similar to our *Adj. PTI* measure both in terms of aggregate income and the proportion of aggregate income earned in tax havens. DII, PTI and *Adj. E&P* from Form 5471

⁴⁰ We suspect that taxpayers may be able to remove the activity related to indirectly owned affiliates from book income as the E&P schedule allows the taxpayer to make "Other" net additions or subtractions to book income to reconcile book income to current E&P. Unfortunately, SOI does not publish aggregate net income from the income statement. If they did, we could observe whether net income from Schedule C is substantially higher than current E&P from Schedule H. However, we are able to observe that total assets reported on the balance sheet (Schedule F of Form 5471) is higher than adjusted total assets found in the BEA data.

significantly overstate the amount of income earned in tax havens. Using the CbyCR as a benchmark, it clearly appears that Form 5471 data fails to accurately report the location of income.

However, CbyCR does have some limitations. First, CbyCR is a new disclosure requirement and the IRS is continuing to release clarifications and updated form instructions for taxpayers wishing to comply with the new reporting requirements. To date, only two years of CbyCR are available. Second, the U.S. (and other countries) allow CbyCR reporting to be based on MNEs' applicable financial statements, which might include audited financials, statutory reporting, managerial reporting or even regulatory reporting.⁴¹ An MNE is simply required to use the same reporting conventions year over year. Further, there is no requirement that an MNE use the same data source for all financial data included in the Form 8975. The lack of a consistent data source for all reporting MNEs makes it difficult to perform reliable analyses with CbyCR data. Third, the U.S. CbyCR does not eliminate the double counting of income as suggested in Clausing (2020b). Anecdotally, many researchers believe that stateless income reported in CbyCR only includes activity that effectively avoids tax in all jurisdictions. However, this category primarily includes the income of conduit entities that are not subject to tax. Conduits include partnerships, which themselves are not subject to tax. Rather, their owners, the partners, are subject to tax based on their proportional ownership in the entity. CbyCR requires that large partnerships report their activity that is passed through to their owners on Form 8975 as stateless. If the partner also has a duty to file CbyCR, then it reports its proportional share of the partnership's income on its CbyCR where the partner is subject to tax.⁴²

⁴¹ See page 32 of BEPS Action Item 13 for a description of recommended CbyCR data sources. The decision by the US not to limit the data source to audited financial statements is discussed in detail in section 11 of the preamble to the final 6038-4 regs.

⁴² See the instructions of Form 8975 for an example of how stateless income is reported by conduit entities.

Notice that any income included in the partner's CbyCR report is double counted. In addition, Horst and Curatolo (2020) explains that countries are making inconsistent recommendations regarding whether dividends paid from affiliates in one jurisdiction should be included in the profits of another. Similar to the concern with the CFC reporting, reporting dividends in this manner (as with the cost method of accounting) duplicates the dividend income in the CbyCR data.⁴³ These authors conclude that 14 to 23% of U.S. CbyCR income is double counted. The UK government has gone as far as to refuse to publish their aggregate data until the OECD works out the inconsistencies (Johnston, 2020).

6.1.3. U.S. Financial Accounting Data

Another source of data about MNEs' foreign operations is their publicly available financial statements. U.S. GAAP requires companies to report pretax income attributable to the U.S. and to its foreign activity along with U.S. and foreign tax expense. Although firms disclose the locations of their material subsidiaries, the financial statements do not provide any detailed financial information about activity in MNEs' foreign affiliates.⁴⁴ However, we can compare aggregate foreign pre-tax income and tax expense to BEA measures of income and taxes. As public companies likely represent the majority of the U.S. outbound investment activity, aggregate

⁴³ Clausing (2020b) calls into question the efficacy of our *Adj. PTI* measure by comparing both 2016 and 2017 BEA and CbyCR amounts reported in Bermuda and commenting on the disparity between the two measures (e.g., in 2016, \$24.9 billion in CbyCR versus (\$1.6) billion of *Adj. PTI*). As the 2017 BEA data are only preliminary and large adjustments between preliminary and revised data are not unusual, we focus on the discrepancy in 2016. We believe the BEA and CbyCR amounts likely differ because CbyCR includes intercompany dividends while BEA data do not. In 2016, CFCs in Bermuda report \$23.951 billion in dividend received from related affiliates. Once we remove the related party dividends, we find that the aggregate CbyCR profits of \$0.95 billion (24.90 – 23.95) are close to the profits in Bermuda reported by the BEA. Unfortunately, CFC data are only published for even years so we will be never be able to compare the 2017 dividend-adjusted CbyCR to *Adj. PTI*.

⁴⁴ Note that segment information is also required by U.S. GAAP. However, firms that report geographic segment information may aggregate across regions or continents. Firms have significant discretion in the choice of segments to report.

financial statement information can provide a baseline to compare the reasonableness of our various BEA measures of economic activity.

Because financial statements represent the consolidated activity of the MNE, pre-tax foreign income (and related tax expense) will not be subject double counting concerns. In Table 4, we compare aggregate foreign pre-tax income and foreign tax expense collected from publicly available financial statements to the measures from the BEA and Form 5471. Notice that the financial statement income and taxes are very similar BEA *Adj. PTI*. We anticipated that the aggregate financial statement activity will be slightly less than the BEA data because large private firms without public debt will be reported in the BEA but not in the financial statements. However, it appears that the BEAs reporting thresholds result in some MNEs not reporting in the BEA data because aggregate financial statement income is higher than amounts reported in the BEA data. Although total taxes reported on Form 5471 is reasonably close to the amounts reported in the financial statements and by the BEA, the current E&P activity exceeds both amounts, suggesting that the Form 5471 is double counting some foreign profits.

6.2. Non-U.S. Financial Accounting Data

Bureau Van Dijk (BvD) collects data on activity non-U.S. activity of MNEs. BvD collects data from over 160 information providers covering over 200 countries and territories. Of the roughly 300 million companies covered by the BvD data, over 99% of them are private firms. The data includes financial information for both consolidated organizations as well as for the separate affiliates of consolidated organizations. Many researchers use BvD to study profit shifting (e.g., Huizinga and Laeven 2008; De Simone 2016; Markle 2015; Dischinger and Riedel 2011).

While BvD documentation reports that financial information for consolidated MNEs is collected from annual reports, the documentation is less clear about the sources of the separate

company financial information. Because separate company filings will require accounting to deal with the activity of indirectly-owned affiliates, there could be variation in practice across the BvD data. If countries have different reporting requirements for income from investments in affiliates, then work that compares the profit shifting across different countries will potentially be biased.

A preliminary review of U.K. statutory reporting (the source of BvD UK separate company reporting) suggests that the U.K. affiliates report income from foreign affiliates based on the cost method of accounting. However, statutory reporting in Germany allows firms to report either on the cost of equity method. As income from lower-tiered affiliates is at least partially duplicated in the BvD data, MNEs with more sophisticated ownership structures are going to appear to have more income in upper tier affiliates relative to lower tier affiliates.

7. Conclusions

To date, the BEA net income series from the financial and operating data represents the best available data source to measure the BEPS activity of U.S. MNEs. However, in order to generate unbiased estimates of BEPS, the data must be adjusted for the earnings in lower tier affiliates called equity income. As more researchers gain access to the BEA data, we hope that this paper serves as a roadmap to help them understand the accounting issue and how to correct their data. When we adjust the BEA income measures for equity income, we document estimates of revenue losses that are significantly lower than current estimates. We conclude that many of the existing estimates in the academic literature are significantly overstated and, therefore, should be interpreted with caution any conclusions about BEPS countermeasures that rely on BEA data unadjusted for equity income.

Variation in how the income of indirectly-owned affiliates is captured in financial data of MNEs should be a global concern. Whether countries compile their international statistics through enterprise surveys, financial accounting data, or both, any economic data that requires MNEs to disaggregate profits by jurisdiction must have an established method to report the activity of indirectly-owned affiliates. Our preliminary reviews suggest that these methods are not comparable across countries. This highlights the challenge of interpreting results from studies that compare international statistics across countries and associate so-called data ‘bilateral FDI asymmetries’ with tax-motivated profit shifting (e.g., Tørsløv et al. 2020). We also note that caution is warranted when using other data sources such as Bureau van Dijk and U.S. tax return data, including the newly collected country-by-country reporting data. Each of these sources report financial data for MNEs’ foreign affiliates that includes activity from indirectly-owned affiliates. In sum, we emphasize the importance understanding any data source’s accounting for indirectly-owned affiliates before undertaking any profit shifting study.

The issues addressed in this paper are also salient in other data sources. In particular, we hope that researchers will include some discussion of the double counting and misallocation issues when using data such as Bureau Van Dijk’s Orbis or Bundesbank’s MiDi. The Statistic of Income’s 5471 data series also appears to suffer from some double counting and misallocation of income across jurisdictions. However, the initial CbyCR seems to rectify some of the limitations of the 5471s. We look forward to future work that endeavors to reconcile the reporting of economic activity across countries observed in various data sources.

References

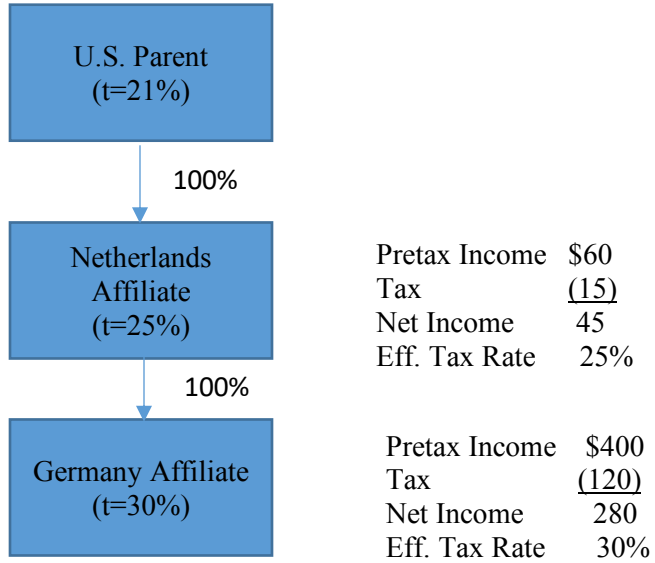
- Albertus, James. 2019. The Direct Investment Income Puzzle. Carnegie Mellon working paper.
- Altshuler, Rosanne and Harry Grubert. 2006. Governments and Multinational Corporations in the Race to the Bottom. *Tax Notes International* (Volume 41 No. 5), pgs. 459-474.
- Bach, Stefan. 2013. Has German Business Income Taxation Raised Too Little Revenue Over the Last Decades? Discussion Papers of DIW Berlin 1301.
- Beer, Sebastian, Ruud de Mooij and Li Liu. 2019. International Corporate Tax Avoidance: A review of the channels, magnitudes and blind spots. IMF Working paper no. 168.
- Bilicka, Katarzyna. 2019. Comparing UK Tax Returns of Foreign Multinational to Matched Domestic Firms. *American Economic Review*, Vol 209 No. 8, p.2921-2953.
- Blouin, Jennifer and Linda Krull. 2019. Does Tax Planning Effect Organizational Complexity: Evidence from Check-the-Box. University of Pennsylvania working paper.
- Borga, Maria and Raymond Mataloni. 2001. Direct Investment Positions for 2000: Country and Industry Detail. Survey of Current Business, July Issue, p. 16-29.
- Bolwijn, Richard, Bruno Casella, and Davide Rigo. (2018). “An FDI-driven approach to measure the scale and economic impact of BEPS”. *Transnational Corporations* 25 (2).
- Bradbury, David, Tibor Hanappi and Anne Moore. 2018. Estimating the fiscal effects of base erosion and profit shifting: data availability and analytic issues. *Transnational Corporations*, Volume 25, Number 2.
- Clausing, Kimberly. 2009. Multinational Firm Tax Avoidance and Tax Policy. *National Tax Journal* (Volume 62 Number 4), pgs. 703-725.
- Clausing, Kimberly. 2011. The Revenue Effects of Multinational Firm Income Shifting. *Tax Notes* (March 28), pgs. 1580-1586.
- Clausing, Kimberly. 2016. The effect of Profit Shifting on the Corporate Tax Base in the United States and Beyond. *National Tax Journal* (Volume 68, Number 4), pgs. 905-934.
- Clausing, Kimberly. 2020a. Profit Shifting Before and After the Tax Cuts and Jobs Act. Reed College working paper.
- Clausing, Kimberly. 2020b. How Big is Profit Shifting? Reed College working paper.
- Cobham, A., & Janský, P. 2018. Global distribution of revenue loss from corporate tax avoidance: Re- estimation and country results. *Journal of International Development*, 30(2), 206–232. <https://doi.org/10.1002/jid.3348>.
- Crivelli, Ernesto, Ruud de Mooij, and Michael Keen. (2016). “Base erosion, profit shifting and developing countries”, *FinanzArchiv: Public Finance Analysis* 72 (3), pp. 268-301.
- Damgaard, Jannick, Thomas Elkjaer and Niels Johannesen. 2019. What is Real and What is Not in the Global FDI Network? IMF Working paper 19/274.
- De Simone, Lisa. 2016. Does a Common Set of Accounting Standards Affect Tax-Motivated Income Shifting for Multinational Firms? *Journal of Accounting and Economics* 61, p.145-165.
- Desai, Mihir, Fritz Foley and James Hines. 2006. The Demand for Tax Haven Operations. *Journal of Public Economics* (Volume 90 No. 3), pgs. 513-531.
- Dharmapala, Dhammika. 2014. What Do We Know about Base Erosion and Profit Shifting? A Review of the Empirical Literature. *Fiscal Studies* (Volume 35, Number 4), pgs. 421-448.
- Dharmapala, Dhammika and Nadine Riedel. 2013. Earnings Shocks and Tax-Motivated Income-Shifting: Evidence form European Multinationals, *Journal of Public Economics* (Volume 97, Issue C), p. 95-107.

- Dischinger, M. and Nadine Riedel. 2011. Corporate taxes and the location of intangible assets within multinational firms. *Journal of Public Economics*, 95(7–8), 691–707.
- Dowd, Tim, Paul Landefeld and Anne Moore. 2017. Profit Shifting of U.S. Multinationals. *Journal of Public Economics* (Volume 148), pgs. 1-13.
- Garcia-Bernardo, Javier, Petr Jansky, Thomas Torslov. 2019. Multinational Corporations and Tax Havens: Evidence from Country-by-Country Reporting. Institute of Economic Studies working paper.
- GAO. 2008. U.S. Multinational Corporations: Effective Tax Rates Are Correlated with Where Income Is Reported. Report to the Committee on Finance, U.S. Senate. Washington DC: United States Government Accountability Office.
- Gravelle, Jane. 2015. Tax Havens: International Tax Avoidance and Evasion. CRS Report for Congress. Washington DC: Congressional Research Service.
- Guvenen, Faith, Raymond Mataloni, Dylan Rassier, Kim Ruhl. 2019. Offshore Profit Shifting and Domestic Productivity Improvement. NBER Working paper 23324 (revised October 2019).
- Heckemeyer, Jost and Michael Overesch. 2013. Multinationals’ Profit Response to Tax Differentials: Effect Size and Shifting Channels. *Canadian Journal of Economics*, vol. 50, issue 4: 965-994.
- Hines, James and Eric Rice. 1994. Fiscal Paradise: Foreign Tax Havens and American Business. *The Quarterly Journal of Economics* (Volume 109 No. 1), pgs. 149-182.
- Horst, Thomas and Alex Curatolo. 2020. Assessing the Double Count of Pretax Profit in the IRS Summary of CbC Data for Fiscal 2017. Tax Notes, April 27, 2020.
- Huizinga, H. and L. Laeven. 2008. International Profit Shifting within Multinationals: A Multi-Country Perspective. *Journal of Public Economics*, 92, 1164-1182.
- Jansky, Petr and Miroslav Palansky. 2019. Estimating the Scale of Profit Shifting and Tax Revenue Losses Related to Foreign Direct Investment. *International Tax and Public Finance*, vol. 26: 1048-1103.
- Johannesen, N., T. Torslov, L. Wier., 2018. Are less developed countries more exposed to multinational tax avoidance? Method and evidence from micro-data. Working paper.
- Johnston, Stephanie Soong. 2020. U.K. Blocking OECD from posting aggregated CbC Reporting Data. Tax Notes, May 6, 2020.
- Lewellen, Katharina and Leslie Robinson. 2014. Internal Ownership Structure of Multinational Firms. Dartmouth College working paper.
- Markle, K. 2015. A Comparison of the Tax-Motivated Income Shifting of Multinationals in Territorial and Worldwide Countries. *Contemporary Accounting Research*.
- de Mooij, Ruud and Sjef Ederveen. 2008. Corporate Tax Elasticities: A Reader’s Guide to Empirical Findings. *Oxford Review of Economic Policy* (Volume 24), pgs. 680-697.
- OECD. 2015. *Measuring and Monitoring BEPS: Action 11 Final Report*. Paris: OECD.
- Riedel, Nadine. 2018. Quantifying International Tax Avoidance: A Review of Academic Literature, *Review of Economics* (Volume 69 Number 2), pgs. 169-181.
- Saez, Emmanuel and Gabriel Zucman (2019). *The Triumph of Injustice: How the Rich Dodge Taxes and How to Make Them Pay*. 1st Edition, W.W. Norton and Company.
- Sullivan, Martin. 2004. Data Show U.S. Companies Shifting Profits to Tax Havens. Tax Notes International, September 20, pp 1035 -1046.
- Sullivan, Marti. 2020. Are Country-by-Country Reports Worthless? Tax Notes, January 13, 2020.

- Tørsløv, Thomas, Ludvig Wier and Gabriel Zucman. 2020. The Missing Profits of Nations, NBER Working Paper No. 24701.
- UNCTAD. (2015). *World Investment Report 2015: Reforming International Investment Governance*. New York and Geneva: United Nations.
- Vicard, Vincent. 2015. Profit Shifting through Transfer Pricing: Evidence from French Firm Level Trade Data. Banque de France Working Paper no. 555.
- Yorgason, Daniel. 2009. Collection of Data on Income and Other Taxes in Surveys of U.S. Multinational Enterprises. BEA working paper.
- Wright, Thomas and Gabriel Zucman. 2018. The Exorbitant Tax Privilege. NBER Working Paper No. 24983.
- Zucman, Gabriel. 2014. Taxing across Borders: Tracking Personal Wealth and Corporate Profits, *Journal of Economic Perspectives* (Volume 28, Number 4), pgs. 121–148
- Zucman, Gabriel. 2015. *The Hidden wealth of nations: The scourge of tax havens*. Chicago: University of Chicago Press.

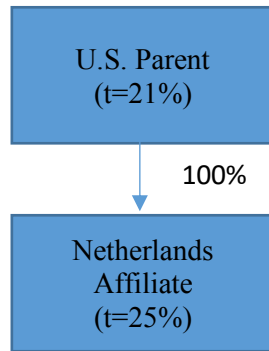
Figure 1
Accounting for activity of an indirectly-owned foreign affiliate

PANEL A: Organization and Activity



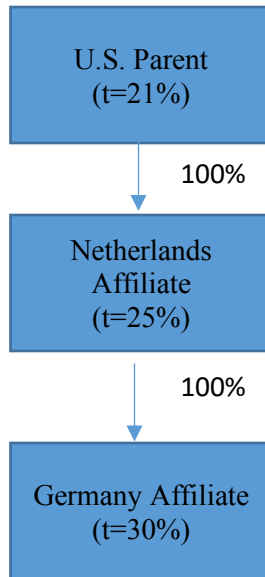
PANEL B: Accounting Methods

Consolidation



Pretax Income	\$460
Tax	<u>(135)</u>
Net Income	325
Eff. Tax Rate	29.3%

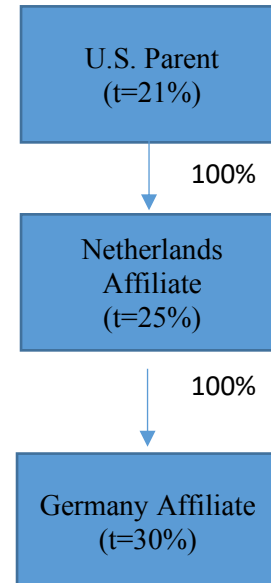
Equity Method



Pretax Income	\$ 60
Equity Income	280
Tax	<u>(15)</u>
Net Income	325
Eff. Tax Rate	4.4%

Pretax Income	\$400
Tax	<u>(120)</u>
Net Income	280
Eff. Tax Rate	30%

Cost Method

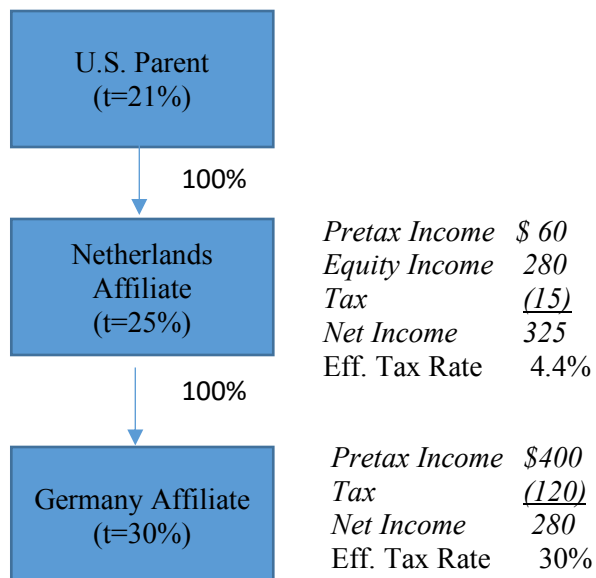


Pretax Income	\$ 60
Dividend Income	10
Tax	<u>(15)</u>
Net Income	55
Eff. Tax Rate	21.4%

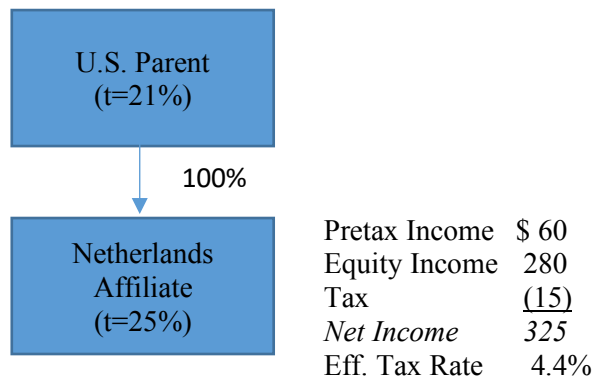
Pretax Income	\$400
Tax	<u>(120)</u>
Net Income	280
Eff. Tax Rate	30%

Panel C: BEA measures of Income

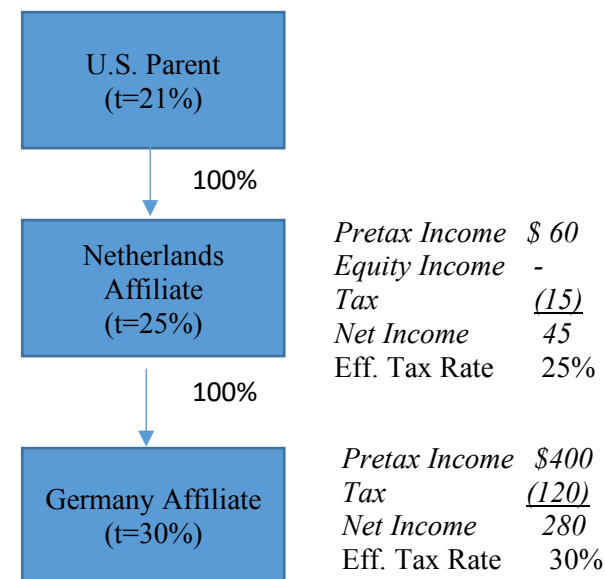
Net Income



Direct Investment Income

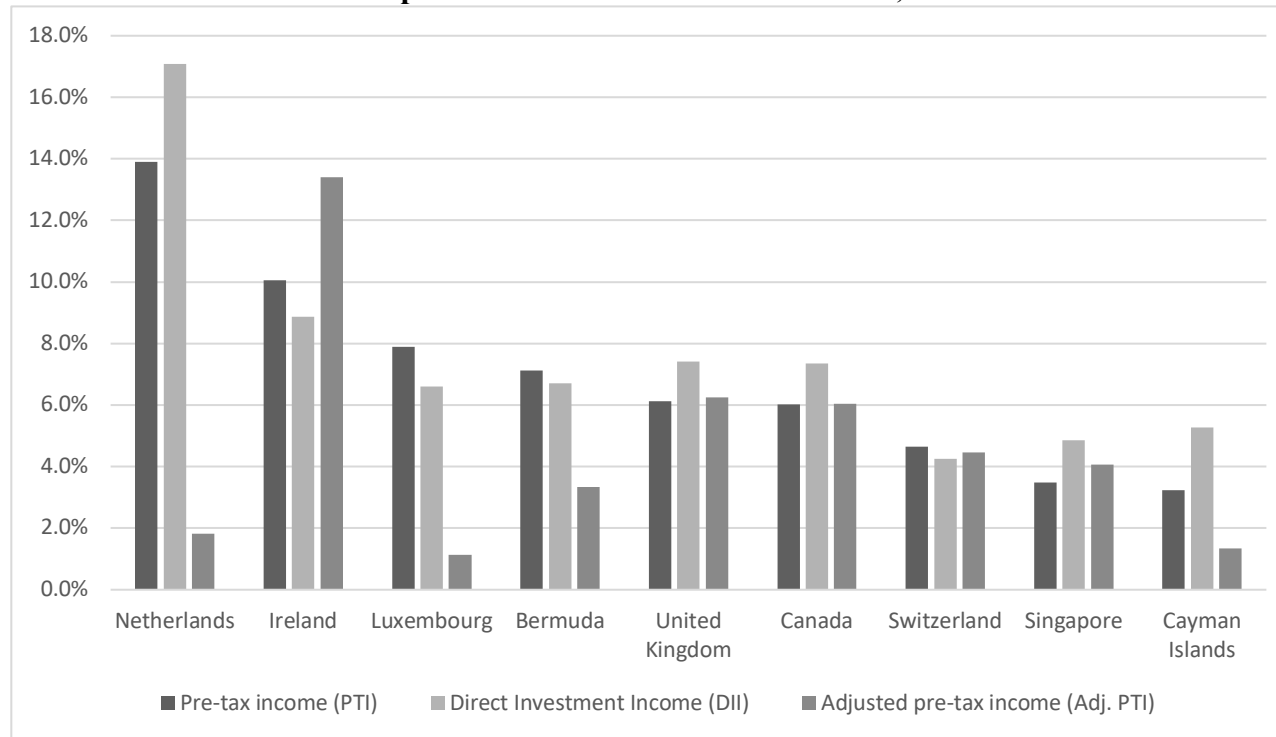


Adjusted Net Income



Only the items/amounts in italics are observable in the BEA data. Only *Net income* and *Adjusted net income* are available on an after-tax and a pre-tax basis. *Direct investment income* is only available after-tax.

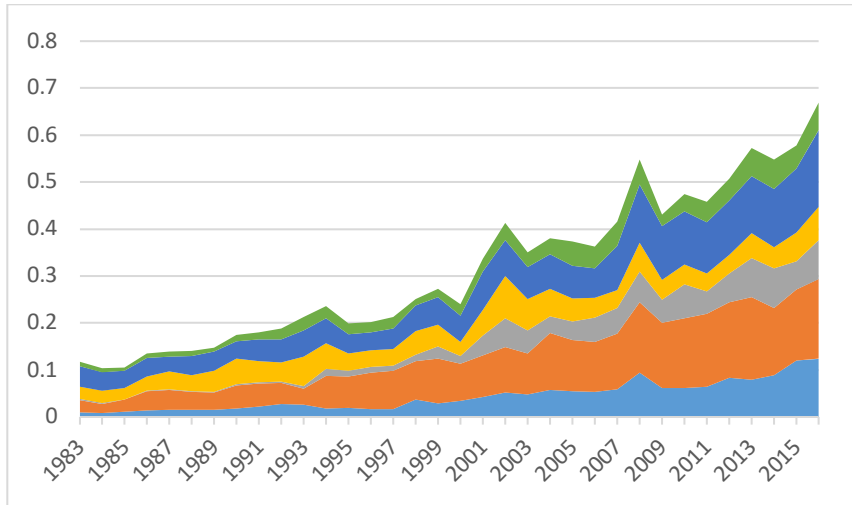
Figure 2
Comparison of BEA Measures of Income, 2012



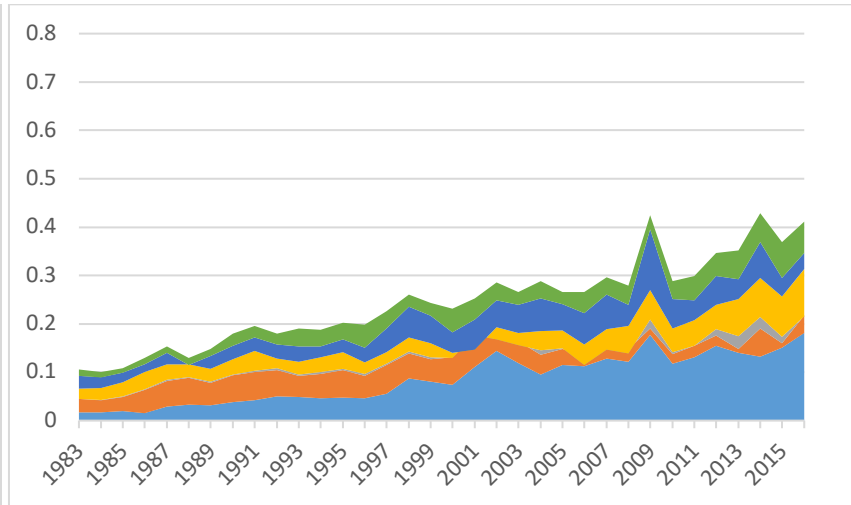
Note: This figure replicates Figure 1 from Clausing (2016). Clausing (2016) uses *PTI* and *DII*; we add our measure, *Adj.PTI*, to the figure. *PTI* is aggregate Net Income plus foreign tax expense as reported in the Activities of U.S. MNEs data. *DII* is aggregate parents' shares of the net income of directly-owned affiliates as reported in the Balance of Payments data. *Adj.PTI* is aggregate PTI less equity income.

Figure 3
Comparison of Zucman (2014, 2015)'s Corporate Profits Reported in Tax Havens

Direct Investment Income (DII) as Reported by Zucman



Using Adjusted Pre-tax Income (Adj. PTI)

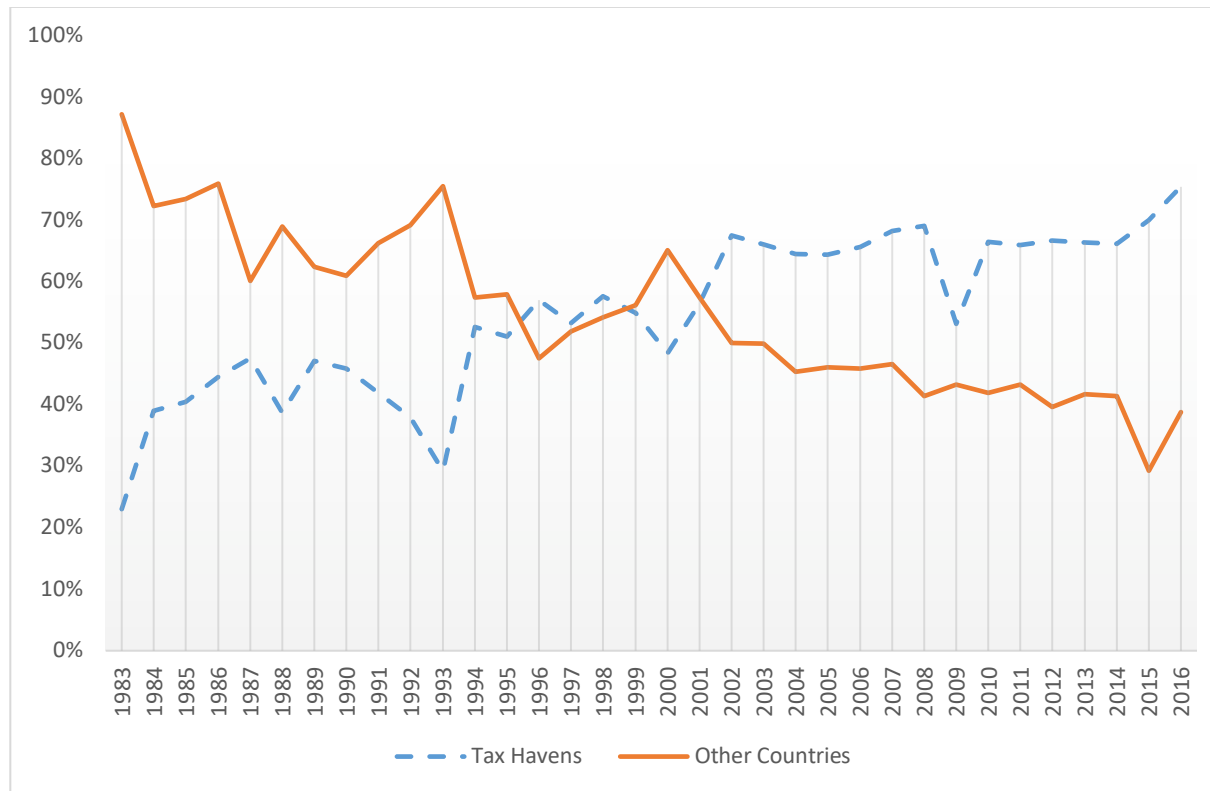


■ Ireland
 ■ Netherlands
 ■ Luxembourg
 ■ Switzerland
 ■ Bermuda
 ■ Singapore

Note: This figure replicates Figure 2 from Zucman (2014) (it is also slide 20 from his long presentation on the Hidden Wealth of Nation: The Scourge of Tax Havens and on page 106 of Zucman (2015)).

DII is aggregate parents' shares of the net income of directly-owned affiliates as reported in the Balance of Payments data. *Adj. PTI* is aggregate Net Income plus tax expense less equity income as reported in the Activities of U.S. MNEs data.

Figure 4
Share of Aggregate Equity Income of U.S. Foreign Affiliates:
Havens versus Other Countries

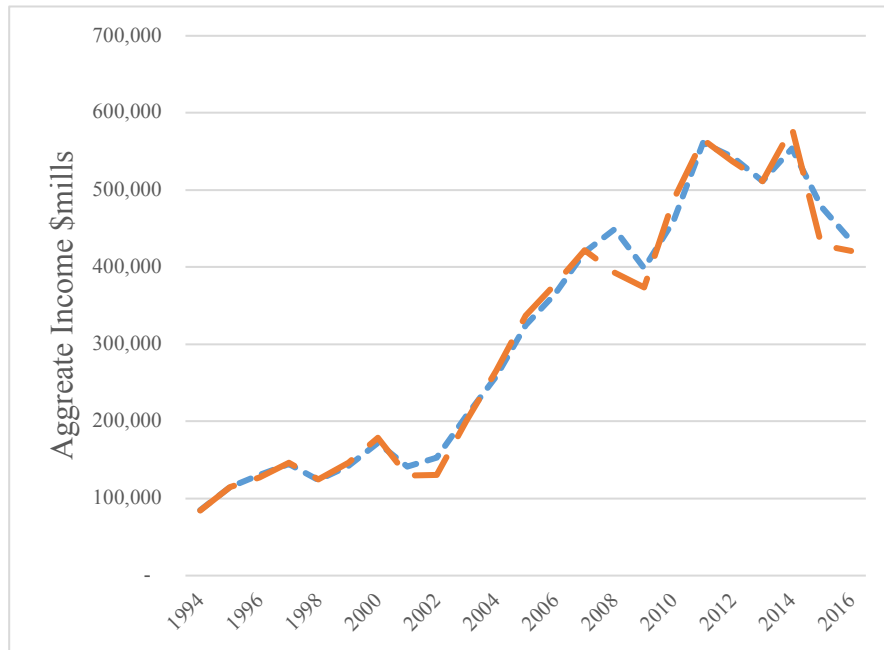


Data source: U.S. majority-owned foreign affiliate data collected by the BEA and included in the activities of MNEs data series:
<https://www.bea.gov/international/di1usdop>

Tax havens: Ireland, Luxembourg, Netherlands, Caribbean, Bermuda, Barbados, Singapore, Switzerland.

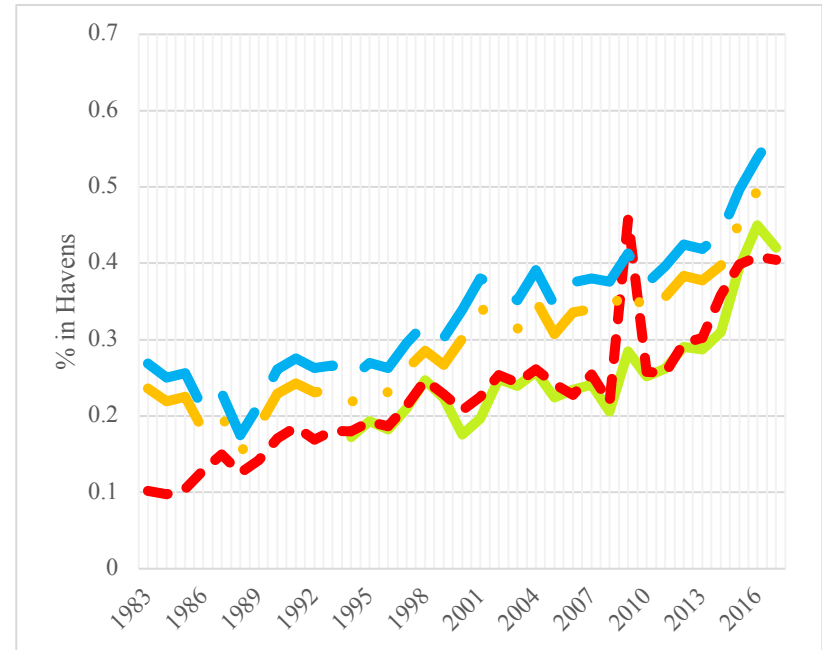
Figure 5
Comparison of BEA's Profit Type Return (PTR) to Adjusted PTI (Adj. PTI)

Panel A:



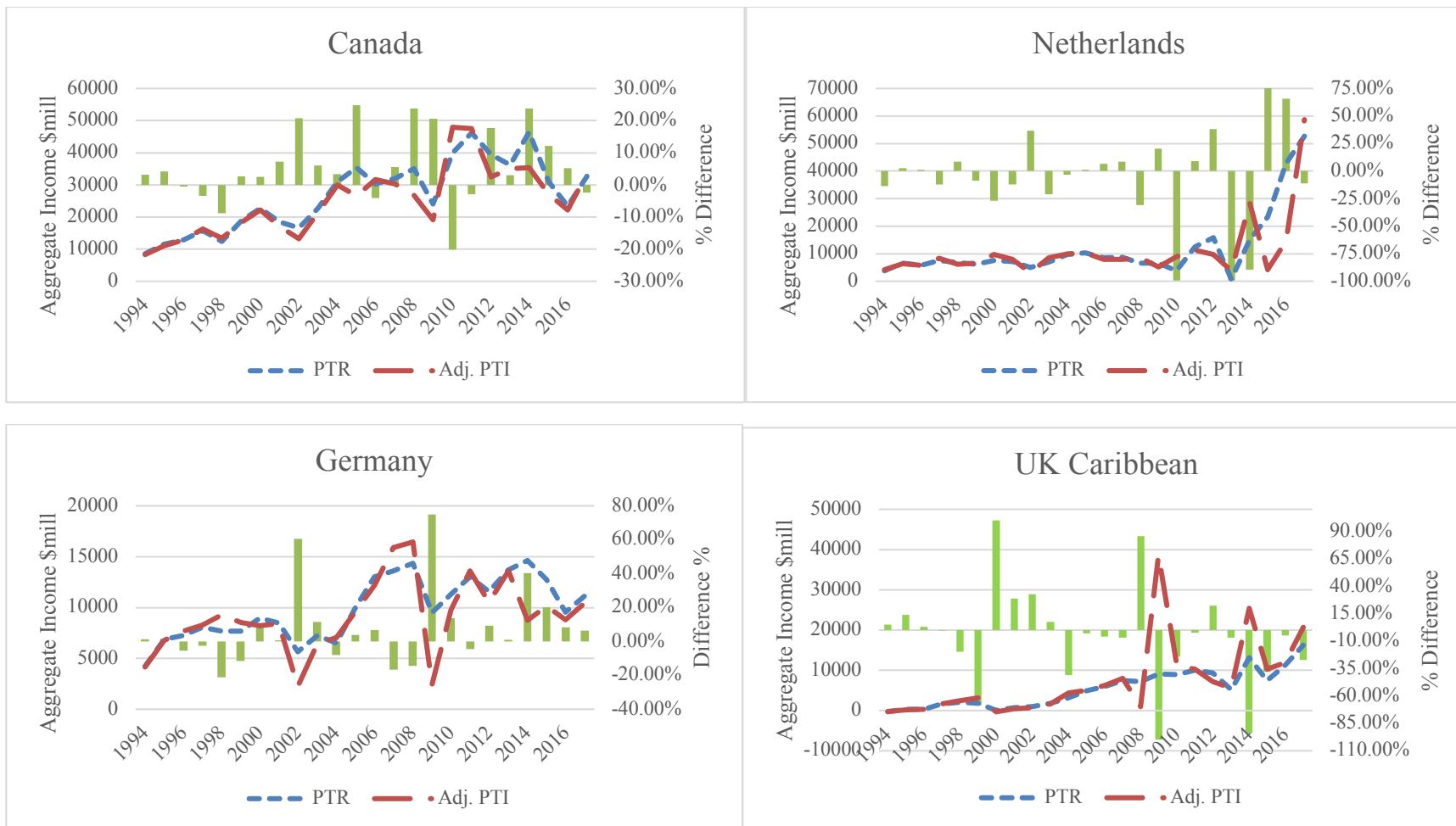
--- PTR — Adj_PTII

Panel B:



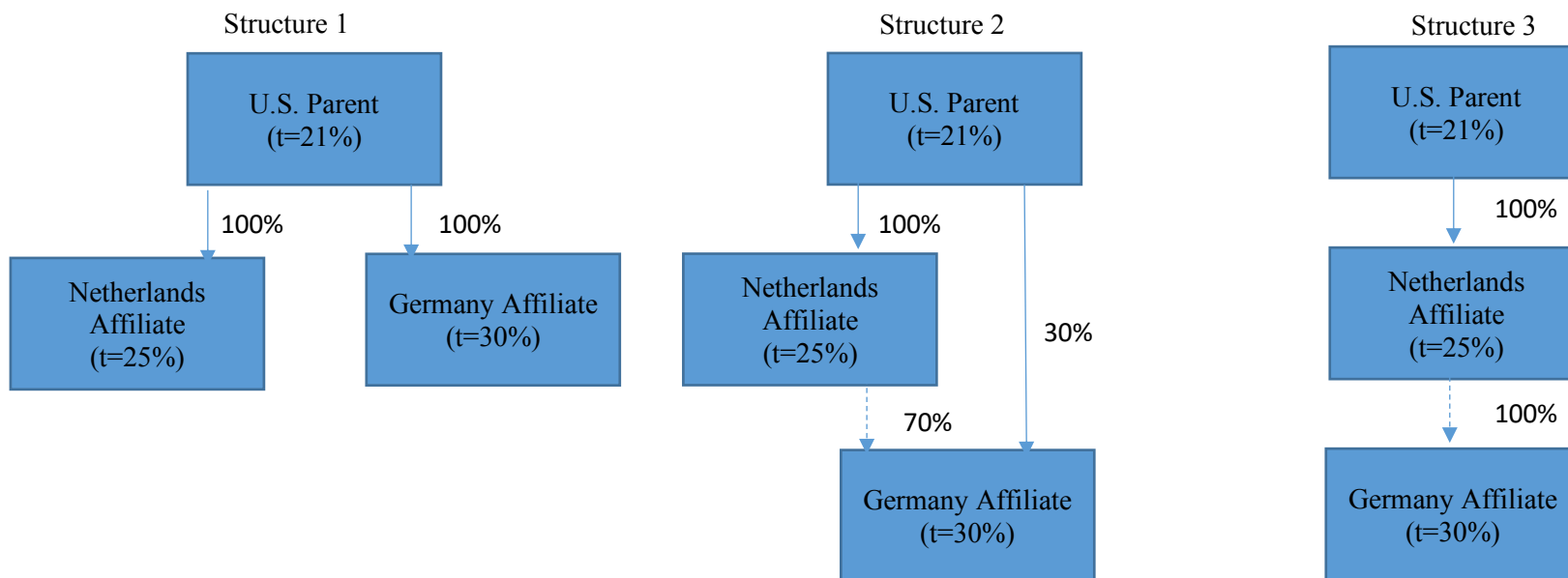
— PTR
 - - - Adj. PTI
 — PTR, w/o Oil (Wright and Zucman, 2018)
 — PTR, w/o oil PR (Saez and Zucman, 2019)

Panel C



PTR is BEA profit type return. *Adj. PTI* is NI plus tax expense less equity income. % Difference is the difference between *PTR* and *Adj. PTI* over *PTR*. Both Wright and Zucman (2018) and Saez and Zucman (2019) exclude the oil industry from their *PTR* measure. Additionally, Saez and Zucman add Puerto Rico (PR) from 2016 CbyCR and extrapolate this data back decades to the beginning of their sample period.

Figure 6
Different ownership structures with same economic ownership



Net Income of the Dutch affiliate:	Pretax Income	\$ 60	Pretax Income	\$ 60	Pretax Income	\$ 60
	Tax	<u>(15)</u>	Equity Income	196	Equity Income	280
	Net Income	45	Tax	<u>(15)</u>	Tax	<u>(15)</u>
	Eff. Tax Rate	25%	Net Income	241	Net Income	325
Net Income of the German Affiliate:	Pretax Income	\$400	Eff. Tax Rate	5.9%	Eff. Tax Rate	4.4%
	Tax	<u>(120)</u>	Pretax Income	\$400	Pretax Income	\$400
	Net Income	280	Tax	<u>(120)</u>	Tax	<u>(120)</u>
	Eff. Tax Rate	30%	Net Income	280	Net Income	280
Direct Investment Income:	Netherlands	\$45	Eff. Tax Rate	30%	Eff. Tax Rate	30%
	Germany	\$280	Netherlands	\$241	Netherlands	\$325
			Germany	\$84		

Table 1
Adjusted Estimates of Fiscal Effects using Adj. Pre-Tax Income (Adj. PTI), 2012

	Clousing	Blouin and Robinson			
BEA income measure used, revised inputs (i.e., eff. tax rates, elasticity)	PTI (1)	Adj. PTI (2)	Adj. PTI, eff. tax rates (3)	Adj. PTI, elasticity (4)	Adj. PTI, eff. tax rates, elasticity (5)
<i>Aggregate income, \$Billion</i>	<i>1,080</i>	<i>467</i>	<i>467</i>	<i>467</i>	<i>467</i>
Change in foreign tax base	(626)	(196)	(92)	(125)	(61)
Ratio of foreign affiliate sales with related parties in U.S. to total foreign affiliate sales with related parties outside host country	34.0%	34.0%	34.0%	34.0%	34.0%
Increase in U.S. Tax Base without Shifting, \$Billion (U.S. MNEs)	213	67	31	43	21
Ratio of U.S. sales of foreign MNEs to foreign sales of U.S. MNEs	60.1%	60.1%	60.1%	60.1%	60.1%
Total Increase in U.S. Tax Base without Shifting, \$Billion (All MNEs)	341	107	50	68	33
U.S. Revenue Loss, \$Billion	102	32	15	20	10
% of Corporate Tax Revenue	42%	13%	6%	8%	4%

Note: Pre-tax income (PTI) = Net Income + tax expense (Activities of U.S. MNEs data). Adj. PTI is Net Income + tax expense - equity income.

Table 2
Adjusted Estimates of Fiscal Effects using BEA Direct Investment Income (DII), 2012

	Clausing	Blouin and Robinson
<i>Aggregate income, \$Billion</i>	919	526
Change in foreign tax base	(463)	(265)
Ratio of foreign affiliate sales with related parties in U.S. to total foreign affiliate sales with related parties outside host country	34.0%	34.0%
Increase in U.S. Tax Base without Shifting, \$Billion (U.S. MNEs)	157	90
Ratio of U.S. sales of foreign MNEs to foreign sales of U.S. MNEs	60.1%	60.1%
Total Increase in U.S. Tax Base without Shifting, \$Billion (All MNEs)	252	144
U.S. Revenue Loss, \$Billion	76	43
% of Corporate Tax Revenue	31.4%	17.8%

Note: DII is Direct Investment Income from the BEA's BoP data series.

Table 3
Comparisons of BEA Data, CFC Data, and CbyCR Data

Year 2016							
<u>BEA Reporting-Based Measures</u>				<u>IRS Form 5471</u>			<u>IRS Form 8975</u>
	DII	PTI	Adj. PTI	Pre-Tax E&P	Dividends Received from Related Parties	Adj. E&P	Pre-Tax Income
Ireland	52,366	153,615	77,369	202,280	40,018	162,262	31,390
Luxembourg	34,819	102,212	(963)	86,251	47,018	39,233	(2,139)
Netherlands	72,130	182,552	14,675	197,133	112,880	84,253	37,642
Caribbean	26,279	59,317	11,850	45,587	14,304	31,283	26,082
Bermuda	41,554	79,532	(1,602)	108,415	23,951	84,464	24,900
Singapore	25,002	43,809	27,573	28,922	5,399	23,523	29,040
Switzerland	30,321	71,951	43,098	63,021	20,291	42,730	(6,204)
Foreign income – All countries	427,542	1,110,164	420,065	1,071,013	365,422	705,591	431,813
% in Tax Havens	66%	62%	41%	68%	72%	66%	33%

Note: DII is Direct Investment Income from the BEA’s BoP data series. PTI is Net Income plus tax expense from the Activities of U.S. MNEs data. Adj. PTI is Net Income plus tax expense less equity income. Adj. E&P is Pre-tax E&P less related party dividends.

Table 4
Comparisons of Audited Financial Statements, BEA Data, and CFC Data

	Audited Financial Statements		BEA		IRS Form 5471	
	Pre-tax Foreign Income	Foreign Tax Expense	Adjusted PTI	Taxes	E&P Minus Related Party Dividends	Foreign Taxes
2008	425,328	156,487	392,489	140,644	661,692	125,226
2009	363,309	105,492	373,534	109,424	N/A	N/A
2010	470,953	135,464	487,815	130,000	644,540	114,435
2011	546,533	159,687	565,270	163,878	N/A	N/A
2012	523,640	153,705	537,594	152,667	670,333	130,815
2013	520,364	144,904	511,432	138,607	N/A	N/A
2014	511,638	131,777	580,597	133,164	647,556	121,633
2015	436,545	106,637	428,446	91,422	N/A	N/A
2016	443,818	100,487	420,065	86,941	705,591	105,181

Note: Pre-tax Foreign Income is aggregate PIFO from Compustat and Foreign Tax Expense is aggregate TXFO from Compustat for all firms with totals greater than \$10 million and non-missing foreign pre-tax income (PIFO) or non-missing foreign tax expense (TXFO). Adjusted PTI is Net Income plus tax expense less equity income from the BEA's Activities of U.S. MNEs data. Taxes is aggregate tax expense from the BEA's Activities of U.S. MNEs data.

Appendix

In this Appendix, we provide details on our replication and revision of Clausing's estimate of the U.S. fiscal effects of base erosion and profits shifting (BEPS) of MNEs. The purpose of this exercise is not to critique the methodology used in Clausing (2016). There are various empirical strategies used in the profit shifting literature, and indeed even the methodology used by Clausing is changing over time (see, for example, Clausing (2020a,2020b) that uses our recommended measure of income but changes the method used to estimate profit shifting, and the countries that are included as tax havens). We simply want to show the effect that equity income has on estimates of profit shifting.

A.1 Replicating and revising reported estimates using PTI from Clausing (2016)

To illustrate the implications of failing to understand equity income when measuring BEPS, we revisit the U.S. revenue loss estimates generated in Clausing (2016). Note that this method was used in Clausing (2009,2011,2016) with a new method in Clausing (2020a). We do not consider the revised method in Clausing (2020a,2020b) but focus only on the data quality and interpretation in her published studies. In our view, changing the method and interpretation of the data simultaneously masks the underlying estimation error from previous work.

Clausing's methodology has three critical inputs: (i) foreign affiliate profits, (ii) foreign effective tax rates, and (iii) the tax sensitivity of reported income. The first two inputs largely determine the tax sensitivity of reported income, or semi-elasticity. This semi-elasticity is then multiplied by the tax rate differential between the foreign affiliate and the U.S. parent to determine the tax responsiveness by country. That tax responsiveness is then applied to foreign affiliate

profits to determine the change in the foreign tax base attributable to BEPS.⁴⁵ We explain how each of Clausing's inputs is affected by equity income and offer a set of revised estimates.

A.1.1 Foreign affiliate profits

Clausing (2009,2011,2016) do not appropriately capture the magnitude of foreign profits nor the country in which those profits were earned (and subject to tax). To illustrate, assume that the example provided in Figure 1 in the paper represents aggregate BEA data for all U.S. MNEs. The appropriate distribution of foreign affiliate net income (*NI*) is \$45 in the Netherlands and \$280 in Germany. Now consider that BEA data is reported using the equity method, as shown in Panel B of Figure 1. Using *NI* including equity income, one would infer (incorrectly) that \$325 of net income was earned in the Netherlands and \$280 was earned in Germany. The \$280 earned in Germany is double counted. Clausing (2009,2011,2016) report fiscal estimates using pre-tax *NI*, referred to in the paper as *PTI*, from the activities of MNEs data that double counts foreign affiliate profits. These estimates are problematic because, as shown in our example, profits are attributed to the Netherlands simply as an artifact of the equity method of accounting.

Clausing does recognize the issue of double counting, but maintains the view that the problem has no good solution. She attributes this misunderstanding to economists at the BEA reporting that there is “no simple correction for the double-counting” (Clausing, 2020b).⁴⁶ Because Clausing believes it is undesirable to remove all equity income from income measures (see Clausing, 2011 p. 1581), she presents her estimates using *PTI* as an upper bound and using *DII*

⁴⁵ The total change in the foreign tax base is then multiplied by the ratio of foreign affiliate sales to parent firms in the U.S. relative to foreign affiliate sales to both parents and affiliated firms in other countries. There is also a gross-up adjustment for income shifted out of the U.S. by foreign-controlled MNEs. See Section A.1 of the Appendix.

⁴⁶ The BEA, however, is well aware of the issue and posted instructions to address double counting consistent with our recommendation on their website in 2020 <https://www.bea.gov/help/faq/1402>.

described in section A.2 of the Appendix) as a lower bound. Yet, with a clear understanding of the equity income, it is obvious that it should never be considered in a profit shifting study.

A.1.2 Foreign effective tax rates

With respect to measuring tax incentives, we again refer to the example in Figure 1 in the paper. The Net income data series on the activities of MNEs contains information about tax expense, and therefore can be used to estimate effective tax rates. Clausing argues that effective tax rates of foreign affiliates are a better measure of tax incentives than the statutory rate. Our objective is not to enter into the debate on the merits of using effective tax rates versus statutory tax rates in studies of BEPS, but to describe how the equity method of accounting affects the estimation of effective tax rates.

Figure 1 Panel A shows that the appropriate foreign effective tax rates are 25% and 30% in the Netherlands and Germany, respectively. However, dividing tax expense by pre-tax income will not yield an appropriate tax rate measure when MNEs have indirectly-owned foreign affiliates. Equity income is an accounting construct and does not represent income earned in the (foreign affiliate) parent's jurisdiction. Unless it is removed from the denominator, effective tax rates will be systematically low for countries reporting equity income. For example, one would calculate an effective tax rate in the Netherlands as $15/340 = 4.4\%$ when the tax rate should be $15/60 = 25\%$.

So far, one can see that measures of income that include equity income bias in favor of finding evidence of BEPS for two reasons – overstating profits in tax havens and understating effective tax rates. These errors imply that any regression of uncorrected BEA measures of income on incorrect effective tax rates will result in an upward bias in the estimated semi-elasticity.

A.1.3 Estimating the semi-elasticity of reported income to tax rates

The primary approach to estimate BEPS in the academic literature is directly derived from the early pioneering research on MNE profit shifting, notably Hines and Rice (1994) and Grubert and Mutti (1991). The basic premise is that the observed pretax income of an affiliate represents the sum of “true” income and “shifted” income. True income is a function of the affiliate’s capital and labor inputs. Shifted income is determined by the tax incentive to move income in or out of the affiliate. In the simplest scenario, this incentive is estimated as the tax rate difference between the parent and the foreign affiliate.⁴⁷ Income reported by a low-tax affiliate that cannot be accounted for by the affiliate’s own labor and capital inputs is attributed to income shifting.

Clausing (2016) uses reported country-level aggregates by the BEA to estimate the tax sensitivity of income from 1983 through 2012. In Table A1 Panel A, we replicate the regression analyses of foreign affiliate profits on foreign affiliate effective tax rates, controlling for affiliate- and country-level variables. We use the same set of control variables and determine our semi-elasticity as the average across the eight specifications shown in the table. We estimate an average semi-elasticity of -2.72 (close to Clausing’s original estimate of -2.92) when the dependent variable is pretax *NI*, which she refers to in her study as ‘gross income’.⁴⁸

In Table A1 Panel C, we estimate the semi-elasticity with our measure, *Adj. PTI*, as the dependent variable. Adjusting *PTI* for equity income also changes the effective tax rate measure that we use as an independent variable. When we use *Adj. PTI* to estimate the effective tax rates,

⁴⁷ However, more complex versions take account of the overall pattern of tax rates faced by all the affiliates of the MNC (e.g. Huizinga and Laeven, 2008).

⁴⁸ Table A1 Panel B, replicates the analysis, but uses *DII* as the dependent variable. Clausing performs this exercise to make the point that the data series provide consistent results. Across the eight specifications, we obtain an average semi-elasticity of -2.81, which is substantially similar to that obtained when using pretax *NI* as the dependent variable.

we obtain an average semi-elasticity across the eight specifications of -1.80, which is nearly one-third lower than Clausing's elasticity.

A.1.4 Estimating shifted profits

Armed with a semi-elasticity estimate of profit shifting responses at the margin, Clausing next determines the amount of income that would have been reported in each foreign jurisdiction if the tax rate was the same as the U.S. tax rate. She assumes a U.S. effective tax rate of 30 percent. We replicate these calculations in Table A2 Panel A, comparing our estimates to hers.

The amount of *PTI* reported in each location in the raw BEA data appears in column 1.⁴⁹ The estimate of *PTI* without shifting in column 2 is calculated as the total amount of *PTI* reported minus the product of the *PTI* reported, the tax rate differential, and the semi-elasticity. For example, our estimate of income without shifting for the Netherlands of \$34 is calculated as $\$169 - [\$169 * (30\% - 2.7\%) * 2.92]$. The 2.92 is her semi-elasticity estimate and 2.7% is the estimated effective tax rate in the Netherlands. The third column shows the share of shifted income that is reported in each country, as in Clausing (2016). For example, excess profits in the Netherlands are $\$169 - \34 , or \$135. Total excess profits abroad are $(\$815 + 265) - (\$201 + \$253) = \626 , so 21.6 percent of 'excess' income is attributed to the Netherlands.

A.1.5 Estimating U.S. fiscal effects

The amount of artificially shifted profits of \$626 billion from Table A2 Panel A is a key input for estimating the revenue lost due to income shifting. This number is an estimate of the total excess profits abroad, or the total change in the foreign tax base attributable to profit shifting. The steps that Clausing (2016) uses to convert this total amount of shifted profits into an overall estimate of the U.S. fiscal effects are summarized in Table A2 Panel B. Recognizing that not all

⁴⁹ Our data are very close, but not identical, to Clausing (2016) because she used preliminary data from the BEA website in the past whereas we are using revised data currently posted on the BEA website.

of the shifted profits came from the U.S. tax base, her first step is to determine the amount of this total foreign tax base change that should put back into the U.S. Using the proportion of affiliated transactions occurring with the U.S. parent as a proxy for this unobserved share, the total change in the foreign tax base is multiplied by the ratio of foreign affiliate sales to parent firms in the U.S. (reported by the BEA in 2012 as \$472,687) relative to foreign affiliate sales to both parents and affiliated firms in other countries (reported by the BEA in 2012 as $\$472,687 + \$917,445 = \$1,390,132$).⁵⁰ Thus, $\$626 * 34\% = \213 is an increase to the U.S. tax base.

The second step is to consider the income shifting behavior of foreign controlled MNEs operating in the U.S. While the data do not allow for a separate estimate of foreign MNEs' profit shifting behavior, Clausing presumes that income shifting would increase by a factor that is based on the ratio of the sales of affiliates of foreign-controlled MNEs in the U.S. (a proxy for the ability of foreign MNEs to shift income away from the U.S. and reported by the BEA in 2012 as \$4,191,727) to the sales of affiliates of U.S.-controlled MNEs abroad (a proxy for the ability of U.S. MNEs to shift income away from the U.S. and reported by the BEA in 2012 as \$6,977,495). We obtain a ratio of 60 percent.⁵¹ Thus, a total of $\$213 + \$213 * 60\% = \$341$ is assumed missing from the U.S. tax base due to global profit shifting. The third and final step is to apply the U.S. effective tax rate of 30 percent to the amount of the U.S. tax base lost to profit shifting of \$341 billion. This gives us a U.S. revenue loss of \$102 billion in our replication.

A.2 Replicating and revising reported estimates using DII from Clausing (2016)

In each of her papers, Clausing acknowledged that income from the 'Activities of MNEs data' described Section 3.2 of the paper results in 'some form of' double counting. This leads her

⁵⁰ Our ratio is 34% rather than the 39% used in Clausing (2016) again because of differences in preliminary versus revised data. We confirmed with Clausing and that the difference is due to the use of preliminary BEA data.

⁵¹ Our 60% is very close to the 58.5% in Clausing (2016) which was generated using preliminary data.

to offer ‘alternate estimates’ using direct investment income (*DII*) from the BoP data described in Section 3.3. of the paper, which she mistakenly believes does not include equity income: “This data series excludes all income from equity investments” (Clausing, 2016, p 911). However, as we discuss in Section 3.3, *DII* does include equity income and there are several reasons that using this alternative data series does not alleviate the measurement issues we raise.

Most notably, it misreports the location of MNEs’ foreign earnings. As shown in Figure 1 Panel C on the paper, using *DII* leads to the incorrect inference that \$325 of net income was earned in the Netherlands, and no income was earned in Germany. Furthermore, pre-tax profits are unobservable (one only observes \$325 in after-tax profits), and the distribution of income across countries for U.S. MNEs is skewed towards tax havne countries with relatively more equity income (see Borga and Mataloni, 2001 and Figure 4).

Moreover, Clausing’s work adjusts *DII* in a manner that induces further mismeasurement (overstatement) of foreign profits. Recall that the *DII* series only records activity related to the parent’s direct ownership in affiliates. For example, in Structure 2 of Figure 6, if the U.S. parent only owned 30 percent of the German affiliate with \$280 of net income, *DII* would only include \$84. Therefore, Clausing (2009,2011,2016,2020a,2020b) is concerned that the estimate of the revenue loss will miss part of the profits shifted to Germany. If \$1 was shifted from the U.S. to Germany, only \$0.30 will be observed in *DII*. Hence, to ensure that the full \$1 is included in the revenue loss estimate, Clausing would like to gross up the partial share of the German affiliate’s net income captured in *DII* by its level of direct ownership (i.e., 30%).

The 30 percent is not reported in any of the aggregate BEA data series. But Clausing annually contacts BEA staff to get the average direct ownership percent of all U.S. MNEs’ foreign

affiliates.⁵² This percentage is then used to gross-up aggregate *DII*. In the case of Structure 2, BEA staff would provide Clausing with an estimate of direct ownership of 65% $((100+30)/2)$. Since she is provided with only a single percentage and cannot observe which countries have direct ownership, Clausing will gross up the aggregate *DII* from all countries by 65% to infer that aggregate net income of this MNE is \$500 (\$371 in the Netherlands and \$129 in Germany).

In the case of Structure 3, the average direct ownership is 50% $((100+0)/2)$. In this case, she would infer that aggregate net income of this MNE is \$650 (\$90 in the Netherlands and \$560 in Germany). In Structure 1, where there is no indirect ownership, the average direct ownership is 100% so there would be no gross-up and she would use *DII* of \$325 (\$45 in the Netherlands and \$280 in Germany). The greater the number of indirectly-owned affiliates, the lower the average direct ownership percentage. Since U.S. MNEs have been growing in complexity, the gross-up will lead to too much income being attributed to foreign jurisdictions.⁵³

Overall, there are at least three issues with the gross-up. First, since BEA data doesn't provide any information about whether affiliates that are less than 100% directly owned are owned indirectly by the MNE's domestic parent, grossing up will lead to an overstatement of income in the data series.⁵⁴ To illustrate our concerns, we refer to Structure 2 in Figure 6. For Structure 2, a researcher observes that there is \$241 of income related to the direct ownership of the Netherlands affiliate and \$84 of income related to the 30% direct ownership of the Dutch affiliate. The existence of the 70% ownership of the German affiliate (denoted by the dashed line) by the Dutch affiliate

⁵² This percentage from 2004 through 2015 is as follows (and is decreasing over time as ownership structures become more tiered): 65.6, 65.3, 65.0, 64.0, 58.1, 58.2, 57.8, 57.2, 56.5, 53.4, and 56.6.

⁵³ The important gross-up procedure can be inferred from only one sentence on pg. 918 in Clausing (2016): "data from the BEA are adjusted to include foreign taxes paid and to reverse the BEA's adjustment of the data by the U.S. parent equity ownership percentage." However, as we've shown using our examples in Figure 6, her gross-up more than reverses the BEA adjustment because the average direct ownership gross-up percentage is always too low.

⁵⁴ Note that this gross-up procedure has other issues such as it is applied to every country. Since the proportion of income in tax havens is already disproportionate in this data series (because they are more often at the top of the ownership chains), the gross-up calculation simply exacerbates this issue.

is unobservable. Additionally, in Structure 3, the existence of the 100% ownership of the Germany affiliate by the Dutch affiliate is also unobservable. Second, it is also quite possible that the missing direct ownership could be due to the ownership of the affiliate by *another* U.S. MNE. If this is the case, then the statistics will be as biased as if the foreign affiliate has indirect ownership. Third, to do this gross-up correctly, Clausing should at least be provided by BEA economists with the average direct ownership of only directly owned affiliates (which is approximately 95% in 2012).

Ultimately, this gross-up procedure effectively reintroduces the double-counting problem that the use of *DII* was intended to solve. As reported in Table 2 of the paper, our replication of Clausing's (2016) fiscal estimate using *DII* grossed-up by average direct ownership of all foreign affiliates of 57 percent results in an estimated revenue loss of \$76 billion, as compared to Clausing's (2016) \$77 billion. When *DII* is not adjusted for indirect ownership, the estimated revenue loss drops to \$43 billion. The Clausing (2016) estimate of the fiscal effects using direct investment income is only 70% (\$77/\$111 billion) of her estimate using net income, while ours is 42% (\$43/\$102 billion).⁵⁵ This implies that the alternate estimate she offers is extremely sensitive to the gross-up procedure.⁵⁶

In summary, it is unclear why using *DII* is a sensible solution to the double counting problems that arises from using *PTI*. Instead, one should simply subtract equity income from *PTI*. Using *DII* provides a lower estimate of profit shifting only because aggregate foreign profits are lower, but it is still not an appropriate way to measure profit shifting because the distribution of reported profits depends on the organizational structure of MNEs' foreign affiliates.

⁵⁵ For our *DII* estimate of revenue lost, we use the same semi-elasticity and tax rate that Clausing calculated using *PTI* that includes equity income.

⁵⁶ Note that other researchers that rely on the *DII* data series – including authors within the BEA – do not gross-up the *DII* data to account for less than 100% ownership of direct foreign affiliates.

Table A1 – Panel A
Replication of Clausing (2016) - Semi-Elasticity Estimate using Pre-Tax Income (PTI)

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	lnincome	lnincome	lnincome	lnincome	lnincome	lnincome	lnincome	lnincome
ETR	-2.791***	-3.479***	-2.446***	-2.404***	-4.379***	-2.161***	-2.236***	-2.039***
	(0.215)	(0.200)	(0.115)	(0.134)	(0.202)	(0.133)	(0.128)	(0.118)
lnGDP		0.535***		0.010		1.237***		0.200
		(0.023)		(0.027)		(0.163)		(0.154)
lnGDPpc		0.417***		0.225***		1.942***		1.617***
		(0.031)		(0.021)		(0.224)		(0.204)
Indistance		-0.317***		-0.006				
		(0.067)		(0.045)				
Lnpppe			1.125***	1.014***			0.741***	0.497***
			(0.025)	(0.025)			(0.027)	(0.029)
lnemp			-0.400***	-0.280***			0.427***	0.123***
			(0.027)	(0.035)			(0.047)	(0.047)
Constant	8.117***	-6.784***	0.626***	-1.379***	8.570***	-42.889***	0.458***	-17.214***
	(0.075)	(0.677)	(0.134)	(0.530)	(0.063)	(2.330)	(0.162)	(2.437)
Observations	1,559	1,513	1,554	1,512	1,559	1,535	1,554	1,534
R-squared	0.09742	0.46502	0.74212	0.78567	0.69970	0.88897	0.89079	0.91260
country fe	no	no	no	no	yes	yes	yes	yes
Sample	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012

Standard errors in parentheses

***p<0.01, **p<0.05, *p<0.1

Note: We estimate an average semi-elasticity on 'etr' of -2.72 compared to -2.92 in Clausing (2016). **Variable definitions:** Except for *lnGDP*, *lnGDPpc* and *Indistance*, all variables are collected from the BEA data series called Activities of U.S. MNEs. *lnincome* is the log of *PTI*, calculated as Net Income plus foreign tax expense as reported in the Activities of U.S. MNEs data series. *ETR* is foreign tax expense divided by *PTI*. *lnGDP* and *lnGDPpc* (per capita income) capture the country's scale and wealth and were collected from the World Bank's World Development Indicators database. *Indistance*, collected from an online calculator (<https://www.distancefromto.net/distance-from-united-states-country>), is distance in miles from the foreign jurisdiction to the U.S. and is included to control for economic closeness. *lnppe* and *lnemp* are the log of property plant and equipment and number of employees, respectively.

Table A1 – Panel B
Replication of Clausing (2016) – Semi-Elasticity Estimate using Direct Investment Income (DII)

VARIABLES	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
	lnusdia	lnusdia	lnusdia	lnusdia	lnusdia	lnusdia	lnusdia	lnusdia
ETR	-3.141*** (0.203)	-3.510*** (0.193)	-2.825*** (0.121)	-2.494*** (0.148)	-4.022*** (0.184)	-2.112*** (0.135)	-2.306*** (0.138)	-2.042*** (0.130)
lnGDP		0.482*** (0.022)		-0.032 (0.029)		0.953*** (0.163)		0.299* (0.167)
lnGDPPc		0.360*** (0.030)		0.214*** (0.023)		1.705*** (0.226)		1.492*** (0.221)
Indistance		-0.353*** (0.064)		-0.040 (0.049)				
lnppe			0.916*** (0.026)	0.825*** (0.027)			0.558*** (0.028)	0.303*** (0.032)
lnemp			-0.228*** (0.028)	-0.120*** (0.038)			0.388*** (0.052)	0.106** (0.051)
Constant	7.598*** (0.070)	-5.171*** (0.650)	1.073*** (0.139)	0.421 (0.580)	7.848*** (0.057)	-33.881*** (2.332)	1.404*** (0.174)	-17.619*** (2.641)
Observations	1,524	1,497	1,523	1,496	1,524	1,519	1,523	1,518
R-squared	0.13544	0.44656	0.69542	0.71420	0.73107	0.87542	0.86509	0.88570
country fe	no	no	No	no	yes	yes	yes	yes
Sample	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1

Note: We estimate an average semi-elasticity on 'ETR' of -2.81 using DII. **Variable definitions:** Except for *lnusdia*, *lnGDP*, *lnGDPPc* and *Indistance*, all variables are collected from the BEA data series called Activities of U.S. MNEs. *lnusdia* is the log of *DII*, the direct ownership share of net income of directly-owned affiliates as reported in the Balance of Payments data series. *ETR* is foreign tax expense divided by *PTI*. *PTI* is Net Income plus foreign tax expense from the Activities of U.S. MNEs data. *lnGDP* and *lnGDPPc* (per capita income) capture the country's scale and wealth and were collected from the World Bank's World Development Indicators database. *Indistance*, collected from an online calculator (<https://www.distancefromto.net/distance-from-united-states-country>), is distance in miles from the foreign jurisdiction to the U.S. and is included to control for economic closeness. *lnppe* and *lnemp* are the log of property plant and equipment and number of employees, respectively.

Table A1 – Panel C
Replication of Clausing (2016) - Semi-Elasticity Estimate using Adjusted Pre-Tax Income (Adj. PTI)

VARIABLES	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	lnincomebr	lnincomebr	lnincomebr	lnincomebr	lnincomebr	lnincomebr	lnincomebr	lnincomebr
ETRbr	-1.192***	-2.527***	-1.438***	-1.620***	-2.940***	-1.601***	-1.545***	-1.507***
	(0.210)	(0.186)	(0.102)	(0.114)	(0.191)	(0.116)	(0.108)	(0.099)
lnGDP		0.571***		0.026		1.101***		0.045
		(0.022)		(0.023)		(0.148)		(0.136)
lnGDPpc		0.344***		0.134***		1.836***		1.422***
		(0.028)		(0.018)		(0.205)		(0.180)
Indistance		-0.315***		0.011				
		(0.063)		(0.039)				
lnppe			1.036***	0.964***			0.648***	0.462***
			(0.022)	(0.021)			(0.023)	(0.026)
lnemp			-0.285***	-0.201***			0.516***	0.250***
			(0.023)	(0.030)			(0.041)	(0.041)
Constant	7.460***	-7.454***	0.400***	-1.382***	8.045***	-38.663***	0.453***	-11.840***
	(0.081)	(0.649)	(0.116)	(0.473)	(0.068)	(2.097)	(0.137)	(2.146)
Observations	1,517	1,472	1,512	1,471	1,517	1,494	1,512	1,493
R-squared	0.02078	0.43811	0.76997	0.80970	0.68174	0.89102	0.90257	0.92036
country fe	no	no	no	no	yes	yes	yes	yes
sample	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012	1983-2012

Standard errors in parentheses
*** p<0.01, ** p<0.05, * p<0.1

Note: We estimate an average semi-elasticity on 'ETRbr' of -1.80 using Adj. PTI. **Variable definitions:** *lnincomebr* is the log of Adj. PTI, Net Income before foreign tax expense and before equity income from the Activities of U.S. MNEs data. *ETRbr* is foreign tax expense divided by Adj. PTI. *lnGDP* and *lnGDPpc* (per capita income) capture the country's scale and wealth and were collected from the World Bank's World Development Indicators database. *Indistance*, collected from an online calculator (<https://www.distancefromto.net/distance-from-united-states-country>), is distance in miles from the foreign jurisdiction to the U.S. and is included to control for economic closeness. *lnppe* and *lnemp* are the log of property plant and equipment and number of employees, respectively.

Table A2 Panel A
Replication of Clausing (2016) – Estimate of Shifted Profits

	Clausing (2016), Table 3, Column 1		Clausing (2016), Table 3, Column 2		Clausing (2016), Table 3, Column 3	
	PTI Reported, \$Billion		Estimate of PTI without Shifting, \$ Billion		Percent of Total Excess PTI in Location	
Country	<i>Blouin and Robinson</i>	<i>Clausing</i>	<i>Blouin and Robinson</i>	<i>Clausing</i>	<i>Blouin and Robinson</i>	<i>Clausing</i>
Netherlands	\$ 169.4	\$ 172.3	\$ 34.2	\$ 33.0	21.6%	23.0%
Ireland	\$ 122.5	\$ 122.3	\$ 23.6	\$ 23.6	15.8%	16.3%
Luxembourg	\$ 96.2	\$ 96.1	\$ 14.9	\$ 15.0	13.0%	13.4%
Bermuda	\$ 86.9	\$ 79.7	\$ 10.8	\$ 9.9	12.1%	11.5%
Switzerland	\$ 56.5	\$ 57.9	\$ 14.4	\$ 14.6	6.7%	7.2%
Singapore	\$ 42.5	\$ 42.4	\$ 10.6	\$ 10.5	5.1%	5.3%
Caymans	\$ 39.5	\$ 40.9	\$ 8.5	\$ 8.7	4.9%	5.3%
All others under 15 percent	\$ 201.5	\$ 188.6	\$ 84.1	\$ 89.8	18.7%	16.3%
Total under 15 percent	\$ 815.0	\$ 800.0	\$ 201.0	\$ 205.0	98.0%	98.4%
All others with data	\$ 264.9	\$ 267.0	\$ 252.5	\$ 257.0	2.0%	1.6%
Total in 2012	\$ 1,079.9	\$ 1,067.0				

Note: Pre-tax income (PTI) is Net Income plus tax expense from the Activities of U.S. MNEs data. The ‘15 percent’ category above refers to the estimated effective tax rate in each country. This tables uses aggregate BEA data for 2012. The differences in Column 1 arise from our use of revised data versus use of preliminary data in Clausing (2016).

Table A2 Panel B
Replication of Clausing (2016) – Estimate of Fiscal Effects, 2012

	PTI Reported, \$ Billion (1)	Estimate of PTI without Shifting, \$Billion (2)	Change in Foreign Tax Base, \$Billion (3)	Clausing (2016) (4)	
Tax rate less than 15%	815	201	(614)	(595)	(2) - (1)
All other countries	265	252	(12)	(10)	(2) - (1)
All countries	1,080	454	(626)	(605)	(A)
Ratio of foreign affiliate sales with related parties in U.S. to total foreign affiliate sales with related parties outside host country			0.34	0.39	(B) see note
Increase in U.S. Tax Base without Shifting, \$Billion (U.S. MNEs)			213	234	(C) -[(A)*(B)]
Ratio of U.S. sales of foreign MNEs to foreign sales of U.S. MNEs			0.60	0.59	(D) see note
Total Increase in U.S. Tax Base without Shifting, \$Billion (All MNEs)			340.93	371	(E) (C)+(C)*(D)
U.S. Revenue Loss (assuming a 30% tax rate)			102	111	(E)*30%
% of Corporate Tax Revenue			42.1%	45.9%	

Note: Pre-tax income (PTI) is Net Income plus tax expense. (B)=472,687/(482,687+917,445) =.34. (D)=4,191,727/6,977,495=.60. Clausing (2016) reports U.S. federal tax revenue in 2012 of \$242 billion.