

# The Hidden Cost of Offshore Tax Havens

State Budgets Under Pressure  
from Tax Loophole Abuse



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U.S. PIRG Education Fund

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# Executive Summary

**W**hen U.S. corporations and wealthy individuals use offshore tax havens to avoid paying taxes to the federal government, it is an abuse of our tax system. Tax haven abusers benefit from our markets, infrastructure, educated workforce, and security, but they pay next to nothing for these benefits. Ultimately, taxpayers must pick up the tab, either in the form of higher taxes, cuts to public spending priorities, or increased national debt.

Tax havens are countries or jurisdictions with minimal or no taxes. Corporations and individuals shift earnings to financial institutions in these countries to reduce their U.S. income tax liability—costing the federal government \$150 billion in lost revenues each year.

Federal taxpayers are not the only victims of offshore tax havens. Tax havens deprive *state* governments of billions of dollars in badly needed revenues as well. Based on how much income is federally reported in each state, and on state tax rates, it is possible to calculate how much each of the state governments lose as a result of offshore tax dodging.

**In 2011, states lost approximately \$39.8 billion in tax revenues from corporations and wealthy individuals who sheltered money in foreign tax havens. Multinational corporations account for more than \$26 billion of the lost tax revenue, and wealthy individuals account for the rest.**

- \$39.8 billion would cover education costs for more than 3.7 million children for one year.
- This sum is also roughly equivalent to total state and local expenditures on firefighters (\$39.7 billion) or on parks and recreation (\$40.6 billion) in FY 2008.
- Table ES-1 lists the top 10 states with the most revenue lost to tax haven abuse.
- Some of the largest companies in the United States use tax havens, including many that have taken advantage of government bailouts or rely on government contracts. As of 2008, 83 of the 100 largest publically traded

corporations in the United States maintained revenues in offshore tax havens, according to the Government Accountability Office.

- At the end of 2011, 290 of the top Fortune 500 companies using tax havens collectively held \$1.6 trillion in profits outside the United States—up from \$1.1 trillion in 2009—according to Citizens for Tax Justice.

**Table ES-1. Total Annual Income Tax Revenues Lost to Tax Havens (Individual and Corporate Income Taxes Combined)**

| Rank | State          | Revenue Losses (Millions) |
|------|----------------|---------------------------|
| 1    | California     | \$7,147                   |
| 2    | New York       | \$4,275                   |
| 3    | New Jersey     | \$2,833                   |
| 4    | Illinois       | \$2,545                   |
| 5    | Pennsylvania   | \$2,105                   |
| 6    | Minnesota      | \$1,953                   |
| 7    | Massachusetts  | \$1,688                   |
| 8    | North Carolina | \$1,049                   |
| 9    | Florida        | \$979                     |
| 10   | Maryland       | \$966                     |

Federal policymakers must crack down on tax haven abuse, but with Congress often gridlocked, states should act independently to reduce the impact of offshore tax havens on state budgets.

**States can act immediately to restore fairness to the tax system and minimize the fiscal impact of offshore tax haven abuse through policy changes that will close loopholes and increase their ability to detect and penalize tax avoidance.** For example:

**1. States can “decouple” their tax system from the federal tax system.**

Because states typically use the same definitions of income as those in the federal tax code, they automatically lose money when tax haven users don’t report income to the federal government. Decoupling would help prevent those automatic losses. Rather than allow income that has been shifted out of sight from federal tax authorities to diminish the tax baseline, states can close loopholes that restore this hidden income.

**2. States can require worldwide combined reporting for multinational corporations.**

Combined reporting is the practice of treating the parent and subsidiary companies of a multinational corporation as one corporation for the purpose of calculating taxes. Adding up all profits earned worldwide by a company, and then taxing a share of those combined profits according to the company’s level of activity in each country, would eliminate the tax benefits of shifting profits to tax havens such as Bermuda or Ireland.

**3. States should urge their federal representatives to reject a “territorial” tax system,**

which would further erode state revenue. Such a system would allow companies to bring all of the profits they have parked offshore in tax havens back into the United States without paying U.S. taxes.

**4. States can require increased disclosure of financial information**

about corporations’ business presence in other countries and how they price their transfers with their own foreign subsidiaries; as well as to explain why large disparities exist between the profits corporations report to

shareholders and tax authorities. These measures would provide more information for state authorities to search for red flags, decide when to audit, and crack down on abuse.

**5. States could withhold taxes as part of federal FATCA withholding.** The Foreign Account Tax Compliance

Act (FATCA) prescribes a 30 percent federal withholding tax on companies that transfer funds to foreign financial institutions that do not comply with U.S. disclosure and reporting requirements. States that collect income taxes could withhold state taxes on these funds at the same time.



# Introduction

The recent economic recession created severe budget shortfalls for state governments. Consumer spending, income, property values and business profits have been depressed, and so have state tax revenues. In the last four years, state policymakers have had to close more than \$540 billion in budget shortfalls by making tough choices about cutting critical public services, such as fire and police, cutting pensions for public employees, firing and furloughing teachers, and even reducing the number of days that children go to school.<sup>1</sup>

The problem is compounded when corporations and wealthy individuals in those states avoid paying their taxes by hiding their taxable income in offshore tax havens. While large multinational corporations such as Apple, ExxonMobil, or Goldman Sachs routinely make national headlines for the billions of dollars in federal taxes they avoid annually by parking profits offshore, the impact of missing federal tax revenues on *state* budgets has received virtually no attention. States automatically lose billions of dollars in revenue each year simply because their tax codes are closely linked

to federal tax codes. When multinational firms shift the reporting of profits offshore on their federal taxes, those profits go unreported for state tax purposes too.

Companies and wealthy individuals that abuse offshore tax havens still benefit from their access to each state's markets, workforce, infrastructure, security, and public services. But they pay little or nothing for those benefits—violating the basic fairness of the tax system and forcing other taxpayers to pick up the tab.

The tax burden created by tax haven abuse that is shouldered by the public is ordinarily invisible. State residents have no way to know if a bridge in their community remains in disrepair because of tax haven abuse. Nor do taxpayers send a separate tax check in the name of General Electric or some other company when they pick up the tab. But the effect is the same.

This report shines a light on those otherwise unseen burdens placed on ordinary taxpayers. It estimates the tax revenues lost to state governments through the use of offshore tax havens by U.S. multinational

corporations and wealthy individuals each year.

Fortunately, states have other options besides simply waiting for a gridlocked

Congress to come to their rescue. State policymakers have numerous tools that they can use to reduce the fiscal impact of offshore tax havens on their budgets.

# How Offshore Tax Havens Work

**T**ax havens are countries or jurisdictions with very low or nonexistent taxes, to which U.S.-based multinational firms transfer their earnings to avoid paying taxes in the United States.<sup>2</sup> Income earned by foreign subsidiaries of U.S.-based companies is not taxed until the money is returned to the United States. If the money is kept overseas, the company pays no taxes on it.<sup>3</sup> Companies have many strategies for moving money offshore, including taking on debt in high-tax countries from a lender in a low-tax country, or transferring patents to subsidiaries located in tax havens and paying royalties to the subsidiary to use them in the United States.

Wealthy individuals also use tax havens to avoid paying taxes by setting up offshore shell corporations or trusts. Income earned in the United States can be paid to these offshore entities, thereby avoiding U.S. taxes. These entities also can make investments in the United States without paying taxes because they are considered non-residents.<sup>4</sup>

Many tax haven countries are small nations, such as Bermuda, the Cayman

Islands, Belize and Switzerland.<sup>5</sup> Financial secrecy laws in these nations thwart international rules by limiting disclosure about financial transactions made within their jurisdictions.

## Impacts of Avoided Federal Taxes

Abuse of tax havens by multinational companies and wealthy individuals represents a major loophole in the American tax system. The federal government loses approximately \$150 billion in federal tax revenues every year due to corporations and wealthy individuals sending their money to offshore tax havens.<sup>6</sup> The federal government currently shoulders this burden by cutting public services or adding to the national debt.

These companies and individuals benefit from the taxes paid by other corporations and citizens. The profits they shelter overseas are generally earned from America's largest-in-the-world consumer market;

## The Delaware Loophole

Delaware's extremely lax corporate tax laws, including those governing the incorporation of new companies, have made Delaware shell companies a standard tool for multinational tax dodging. At last count, more than 945,000 corporate entities were legal residents of the state—more than the state's actual population of 898,000.<sup>8</sup>

Businesses operating in other states can transfer their profits to holding companies in Delaware to reduce their tax liability in their own states. This "Delaware loophole," has helped U.S. corporations reduce their state taxes by an estimated \$9.5 billion in the last 10 years, according to the *New York Times*.<sup>9</sup> U.S. corporations can both register their U.S. subsidiaries in Delaware to avoid taxes in other states and make use of offshore tax havens to dodge federal taxes.

The same tax laws that attract U.S. businesses seeking to reduce their tax liability also attract criminal activity and illegal tax evasion. In Delaware, criminals can set up virtually anonymous shell corporations with no connections to a U.S. bank account and without disclosing their identity.<sup>10</sup> Criminals have used anonymous Delaware shell corporations as a tool for illegal activities, including arms dealing and drug trafficking, Medicare and mortgage fraud, embezzling and money laundering, giving and receiving bribes, and circumventing international sanctions.<sup>11</sup>

produced by America's well-educated workforce, which was trained in our extensive public school system; sustained by our road and rail systems that help transport goods to market; and protected by America's strong private property rights as enforced by America's court and probate system. Despite their deep dependence on American economic and social infrastructure, the companies and individuals who use offshore tax havens shirk their duty to pay for it.<sup>7</sup>

## Recent Federal Action to Limit Tax Havens

Markets work best when companies prosper based on their productivity and ability to innovate, rather than their access to sophisticated tax lawyers and ability to

employ complex tax-avoidance schemes. Closing loopholes that allow corporations to avoid paying their share of taxes would therefore improve market competition as well as increase federal revenues and improve the fairness of the tax system.

The president and Congress have recently taken some steps to eliminate offshore tax haven abuse, but much more still needs to be done.

The Foreign Account Tax Compliance Act (FATCA), adopted in March 2010, added new reporting requirements and penalties to discourage individuals, companies and banks from hiding money in offshore tax havens.<sup>12</sup> The law will impose a 30 percent withholding tax on U.S. source payments to foreign financial institutions that fail to meet disclosure requirements on their American clients' accounts.

While much of the law has not yet been implemented, progress has been made. In February 2012, the United States forged reciprocal agreements with France, Britain, Spain, Germany and Italy to provide for the automatic exchange of information about the foreign bank accounts of U.S. citizens.<sup>13</sup> In November, the Treasury Department announced it is now working with more than 50 jurisdictions to enable the exchange of tax information.<sup>14</sup> Despite the progress, FATCA's impact has been limited because financial institutions have been drawing out the stakeholder consultation process. These maneuvers have pushed back its effective date into 2014.<sup>15</sup>

Other legislation also adopted in March 2010 should facilitate IRS enforcement of the Economic Substance Doctrine by incorporating that doctrine into the IRS

code. The Economic Substance Doctrine ensures that transactions have an economic purpose beyond manipulating tax exposure. The law places the burden of proof on taxpayers rather than regulators to demonstrate that a tax strategy is legal. It is projected to produce revenues of \$4.5 billion over a decade.<sup>16</sup>

Finally, in September 2011, Congress passed legislation to ban tax strategy patents, which allowed tax lawyers to patent a myriad of tax avoidance strategies, including setting up shell companies in offshore tax havens.<sup>17</sup> While this ban does not necessarily reduce tax shelter abuse, it at least reduces its profitability to the lawyers that facilitate it, and thus removes an incentive for companies to pioneer new ways to rip off the public.

# Offshore Tax Havens Cost States Billions in Avoided Taxes

**W**hen companies and individuals use offshore tax havens to avoid paying their share of federal taxes, they also reduce how much they pay in state taxes. This adds up to billions of dollars of revenue each year that state governments do not receive and cannot use to repair roads, improve schools, or maintain parks.

Based how much income is federally reported in each state, and on state tax rates, it is possible to calculate how much each of the state governments lose as a result of offshore tax dodging. **Altogether, tax havens cost state governments nearly \$39.8 billion in lost revenues in 2011.<sup>18</sup> Of that total, corporations were responsible for \$26 billion in lost revenues to tax havens, while wealthy individuals were responsible for the rest.<sup>19</sup>**

## How Federal and State Taxes Are Linked

State and federal tax burdens are closely linked. State tax burdens are typically

calculated using the same (or similar) definitions of income as those used in the calculation of federal taxes. This is done for the sake of simplicity and to reduce the cost of enforcement and compliance. The result, however, is that income that corporations and wealthy individuals avoid reporting for federal tax purposes is also left unreported for state tax purposes—depriving state governments of billions of dollars in revenue.

There are numerous tactics companies can use to manipulate their definition of “taxable income” to lower their federal tax burden, which translates to a lower state tax burden as well. For example, U.S. companies can take advantage of a loophole in the federal tax code that allows them to defer U.S. taxes on “passive” income. Passive income includes royalties, dividends, rents, and interest, and companies are required to pay annual U.S. taxes on this income even if it stays offshore. However, companies avoid this by creating transactions between foreign subsidiaries that transform this “passive” income into “active” income, or income resulting from actually doing business,

which is not taxable by the U.S. government until it is brought onshore.<sup>20</sup>

For example, in order to reduce its passive income tax liability, Google can transfer ownership of patents to a Bermuda subsidiary; then, an Irish subsidiary pays royalties to the Bermuda subsidiary for the right to use the patents. Normally, this royalty payment would be considered passive income and subject to U.S. taxation. However, the tax loophole states that if the payment is related to the “active” business of the Irish subsidiary, the company can defer paying taxes. Google used this tactic to move \$5.4 billion in royalties to its Bermuda tax haven in 2008, completely removing those royalties from its U.S. “taxable income” and keeping them out of the reach of states, as well.<sup>21</sup>

## State-Level Tax Losses to Tax Havens

Through the use of offshore tax havens, U.S. corporations and wealthy individuals are reducing their overall state tax liability. Altogether, tax havens cost state governments

nearly \$39.8 billion in lost revenues in 2011.<sup>22</sup> Of that total, corporations were responsible for \$26 billion in lost revenues to tax havens, while wealthy individuals were responsible for the rest.<sup>23</sup> Table 1 and Appendix B break down the lost revenues by state.

To put this figure into perspective, this amount could pay for the education of about 3.7 million school-age children for one year.<sup>24</sup> This sum is also roughly equivalent to total state and local expenditures on firefighters (\$39.7 billion) or on parks and recreation (\$40.6 billion) in FY 2008.<sup>25</sup>

Well-known companies engage in tax avoidance through the use of offshore tax havens, including the majority of America’s largest publicly held corporations. According to the Government Accountability Office, 83 of the 100 largest publicly traded U.S. corporations maintained revenues in offshore tax haven countries as of 2008.<sup>26</sup> (See Appendix A.) After 2008, despite the financial crisis, large corporations increased the amount of profits stored overseas. At the end of 2011, 290 of the top Fortune 500 companies using tax havens held a collective \$1.6 trillion in profits outside the United States—up from \$1.1 trillion in 2009—according to Citizens for Tax Justice.<sup>27</sup>

**Table 1. Total Annual Individual and Corporate Income Tax Revenues Lost to Tax Havens (Millions)**

| State          | Individuals | Corporations | Total   |
|----------------|-------------|--------------|---------|
| California     | \$2,936     | \$4,211      | \$7,147 |
| New York       | \$1,840     | \$2,435      | \$4,275 |
| New Jersey     | \$1,058     | \$1,776      | \$2,833 |
| Illinois       | \$607       | \$1,939      | \$2,545 |
| Pennsylvania   | \$324       | \$1,780      | \$2,105 |
| Minnesota      | \$629       | \$1,324      | \$1,953 |
| Massachusetts  | \$439       | \$1,248      | \$1,688 |
| North Carolina | \$426       | \$623        | \$1,049 |
| Florida        | NA*         | \$979        | \$979   |
| Maryland       | \$277       | \$690        | \$966   |

\* “NA” (not applicable) indicates that states do not collect taxes on this type of income.

# States Can Reduce the Fiscal Impact of Offshore Tax Havens

States can minimize the fiscal impact of offshore tax haven abuse through policy changes that close loopholes and increase their ability to detect and penalize tax avoidance. For example:

## **States can “decouple” their tax system from the federal tax system.**

States can avoid losing billions of dollars in revenues due to unreported federal taxes by “decoupling” their tax systems from the federal tax system. States use a two-step process to determine how corporations should be taxed: first, they determine net profits; then, they use state-specific formulas to determine the share of those profits that should be subject to taxation in that state. States can “decouple” their definition of income from the federal code to avoid lost revenues when corporations and individuals don’t report income for federal tax purposes.

For example, 22 states and the District of Columbia have decoupled from a federal tax break known as the Qualified Production Activities Income (QPAI) deduction.<sup>28</sup> This tax break was meant to help American

manufacturers by allowing them to deduct up to 9 percent of income earned for “domestic production” activities. However, the legislation that enacted the QPAI deduction is loose in its definition of “production” activity, allowing corporations such as Starbucks and Walt Disney Company to use the QPAI deduction to avoid paying \$48 million and \$370 million in taxes, respectively, over five years.<sup>29</sup> The 25 states that have not decoupled from the QPAI measure stood to lose more than \$505 million in 2011 alone, according to the Center on Budget and Policy Priorities.<sup>30</sup>

Likewise, more than 30 states have decoupled from “bonus depreciation” measures passed by Congress in 2002, 2003, 2004, 2008, 2009 and 2010, which allow companies to immediately deduct up to 100 percent of the cost of investments in machinery and equipment, according to the Institute on Taxation and Economic Policy.<sup>31</sup> As of 2011, 22 states had decoupled from this measure by requiring companies to add these deductions back into their taxable income.<sup>32</sup>

States can minimize losses to offshore tax havens by decoupling from the federal



determination of income. Two specific examples of federal loopholes from which states could decouple are the “active financing exemption” and the “credit default swap loophole.”

The active financing exception is an exception to the general rule in the tax code that companies must pay taxes on “passive” income—such as dividends, interest, or royalties—as it is earned. Instead of paying taxes right away, companies can use this loophole to defer tax payments on passive income earned overseas until the money is brought back into the United States. The U.S. Congress Joint Committee on Taxation estimates that this recently extended loophole will cost \$11.2 billion in lost federal revenue over the next two years.<sup>33</sup> States could decouple from this federal exemption to recoup lost revenue.

Credit default swaps are complex financial instruments that many argue were at the center of the 2008 financial crisis. A loophole in the tax code allows companies to send swap payments offshore as “foreign” income even though the payment originated in the United States. States should also decouple from this loophole and treat swap payments that originate in the United States as taxable U.S. income.

The limitation of decoupling is that local tax authorities traditionally couple their taxes for simplicity, which also makes tracking compliance and enforcement easier. The Multistate Tax Commission (MTC), an intergovernmental state tax agency charged with determining state and local tax liability for multistate taxpayers; settling apportionment disputes; and promoting uniformity in state tax systems, could play a role in elevating best practices for greater decoupling.

**States can require global combined reporting for multistate corporations.**

Combined reporting is the practice of treating the parent and subsidiary companies of a multi-state corporation as one corporation for state tax purposes. The 23 states that currently require combined reporting have eliminated many of the tax benefits of shifting profits to tax haven states such as Delaware or Nevada by adding up all profits earned nationwide by a company, and then taxing a share of those combined profits according to the company’s level of activity in that state.<sup>34</sup>

States can extend combined reporting to offshore subsidiaries, as well. This “worldwide” approach would require companies to report on profits earned by subsidiaries overseas as well as their domestic profits. Adding up all profits earned worldwide by a company, and then taxing a share of those combined profits according to the company’s level of activity in each country, would eliminate the tax benefits of shifting profits to tax havens such as Bermuda or Ireland. It would also prevent companies from arbitrarily apportioning profits to jurisdictions where they won’t be taxed.

Tax authorities would have the larger picture for a group of worldwide affiliates, and companies could not so easily portray contradictory stories to each country about where their business activities take place.

**States should urge the federal government to reject a territorial tax system.**

A territorial tax system would allow companies that temporarily shift profits to tax haven countries to freely bring those profits back to the United States without paying U.S. tax. Current loopholes already allow some corporations using tax havens to indefinitely defer much of their taxes on income earned abroad. A territorial tax system would exempt these earnings from

taxation altogether, creating a permanent “tax holiday.”

Such a move would increase existing incentives for corporations to disguise profits as “foreign” to unfairly avoid paying U.S. taxes—while also encouraging companies to move jobs and factories out of the country. State leaders should press their colleagues in the federal government to reject such a system.

### **States can require increased disclosure of financial information.**

State tax authorities could require companies to disclose more information about their business presence in other countries and how they price their transfers with foreign subsidiaries; and to explain why large disparities exist between the profits they report to shareholders and to tax authorities. This would provide more information for state authorities to search for red flags, decide when to audit, and crack down on abuse.

For example, states could share financial information about companies and individuals suspected of tax avoidance. Current IRS rules prohibit states from exchanging information about taxes. However, these rules could be relaxed when certain suspicious tax activities occur, which would help states gather information to decide which companies and individuals to more closely scrutinize. Two such potential “red flags” could include:

- When the profits that companies report to shareholders exceed profits reported to the federal government by 10 percent. When this happens, current federal law requires these companies to file supplementary tax information. States should be able to share tax information when there are large discrepancies between reported earnings.

- When companies or individuals trigger FATCA withholding (see below) by transferring funds to overseas financial institutions that don’t comply with U.S. disclosure laws. States should know when companies or individuals within their borders are suspected of tax avoidance through offshore tax havens.

States should also require all companies incorporated within their borders to disclose information about the true owners of the company, allowing law enforcement and local tax authorities to more effectively track fraudulent activity and protect the public, and avoiding the many problems associated with criminals using anonymous shell companies.

### **States could withhold taxes as part of federal FATCA withholding.**

The Foreign Account Tax Compliance Act (FATCA) prescribes a 30 percent federal withholding tax on funds that corporations or individuals transfer to foreign financial institutions that fail to comply with U.S. disclosure and information sharing requirements.

Since states also lose tax revenue when multistate companies siphon off income to offshore tax havens, states could also impose a withholding tax on this income. States could withhold taxes on transactions according to the percentage of the company’s share of income earned in that state.

## **Conclusion**

States are not merely onlookers to the federal failure to address problems with offshore tax havens. Each state suffers an

unjustified and painful loss of revenue, typically in the range of hundreds of millions if not billions of dollars annually. States can exercise their own leadership and make independent fixes to their own tax systems and require more comprehensive disclosure of suspicious tax avoidance. Working with

the federal government, they can also urge greater information sharing, withhold state taxes on shady transactions that also trigger federal withholding, and insist against instituting a “territorial” tax system that would open the door to even greater offshore tax dodging.

# Methodology

To estimate the amount of revenue forgone by state governments due to offshore tax havens, we needed to know the following:

1. How much federal income tax in each state is avoided by offshore tax havens,
2. How much federal income tax is avoided for business versus individual filers,
3. How much income individuals and corporations using tax havens earn based on their tax filings, and
4. How much state tax would have been generated on that income if it hadn't been shifted offshore.

## **1. How much federal income tax in each state is avoided through offshore tax havens?**

We followed the methodology used by Phineas Baxandall, Abigail Caplovitz Field and Dan Smith of U.S. PIRG in *Picking*

*Up the Tab* (April 2012), in attributing the federal income tax avoided through tax havens to each state. To apportion these lost revenues to the states, we obtained IRS data for total income tax revenues from each state. We then subtracted the total refunds, with interest, for each state to obtain net income tax revenues by state. We divided that number by the national net income tax revenue (national revenue minus national refunds with interest). The resulting percentage was the amount of net revenue attributable to each state, and we multiplied \$150 billion by those percentages to apportion the \$150 billion.<sup>35</sup>

## **2. How much of the money in offshore tax havens is from businesses versus individual filers?**

The Senate Committee on Joint Investigations estimates that 60 percent of money in offshore tax havens belongs to businesses and 40 percent belongs to individual or household filers. We assumed that the number holds constant for each state, and split the state-level figures obtained in step 1 accordingly.

### 3. How much income is not subjected to taxation due to the use of tax havens?

To estimate the amount of taxable income that corresponds to this avoided tax, we multiplied the corporate and individual avoided taxes by the effective federal tax rates for each category. For corporations, we performed a further adjustment to incorporate the fact that businesses typically can deduct their state taxes from their federal taxable income. For individuals, we adjusted our state taxable income estimate to account for deduction of federal income tax from state taxable income in some states that allow it.

For businesses, we assumed that the effective federal corporate tax rate is 24.2 percent (versus a statutory rate of 39.2 percent), per Thomas L. Hungerford, Congressional Research Service, *An Analysis of the "Buffett Rule,"* 28 March 2012.

We then multiplied each state's statutory corporate tax rate (per Federation of Tax Administrators, *Range of State Corporate Income Taxes*, February 2012) by our estimate of federal taxable income, and added the resulting figure to the federal taxable income figure. The result is that, in states with state corporate tax, state taxable income is higher than federal taxable income.

For individuals, we assumed that tax avoidance strategies are used by the wealthiest individuals in society and therefore we chose to use the effective federal tax rate for the wealthiest 0.01 percent of filers. Those taxpayers paid a 24.77 percent effective income tax rate (total tax divided by total income) in 2006, per Thomas L. Hungerford, Congressional Research Service, *Changes in the Distribution of Income Among Tax Filers Between 1996 and 2006: The Role of Labor Income, Capital Income, and Tax Policy*, 29 December 2011. For

Alabama, Iowa and Louisiana, three states that allow individual taxpayers to deduct their federal taxes from their taxable state income, we subtracted taxes that would be paid on offshore funds from our calculation of federal taxable income.

### 4. How much state tax would have been generated on that income if it weren't shifted offshore?

*Corporations:* We estimated the amount of state tax that would be paid on corporate income by multiplying the corporate taxable income shielded from taxation through the use of tax havens (as estimated in step 3) by each state's corporate tax rate. In states with multiple corporate tax brackets, we used the rate for the highest tax bracket, per Federation of Tax Administrators, *Range of State Corporate Income Taxes*, February 2012. We modified this method for several states based on state-specific conditions.

- For Delaware, we chose to use the rate for large financial institutions because the largest institutions are most likely to use offshore tax havens. Delaware charges a flat 8.7 percent tax to corporations except for financial institutions, which are subject to a rate that is lower for larger institutions. Financial institutions in the top bracket in Delaware pay 1.7 percent.
- In Hawaii, Iowa, Kansas, Maine, Massachusetts, Missouri, North Dakota, South Carolina and South Dakota, we used the tax rate for financial institutions instead of for all corporations.
- In Indiana, we used the new tax rate of 8 percent that took effect July 1, 2012.
- In Texas, we used the 1 percent tax rate that applies to corporations with revenues of more than \$1 million.

*Individuals:* We calculated state tax that would be paid by individuals in a similar manner by using state-specific individual income tax rates, per Federation of Tax Administrators, *State Individual Income Taxes*, January 2012. Because we assume that individuals who use offshore tax havens are of significantly above-average wealth, we used the marginal tax rate for the highest income bracket.

By using the statutory tax rate rather than the effective tax rate for both individuals and corporations, we may be overstating potential tax revenues. Presumably, if individuals and corporations had to pay taxes on funds currently offshore, they might seek other tax avoidance strategies, thereby reducing the revenue generated.

## Appendix A. Tax Haven Use by 83 of the 100 Largest Publicly Traded Companies\*

| State          | Companies that Use Tax Havens  | Subsidiaries Located in Tax Havens | 2007 Revenue Combined (Millions) |
|----------------|--|------------------------------------|----------------------------------|
| New York       | Alcoa; American Express; American International Group; Bank of America Corp.; Citigroup; Goldman Sachs Group; Hess Corporation; International Business Machines Corporation; J.P. Morgan Chase & Co.; Lehman Brothers Holdingst; Merrill Lynch†; MetLife; Morgan Stanley; News Corporation; PepsiCo, Inc.; Pfizer; Time Warner | 1,373                              | \$1,213,989                      |
| Texas          | ConocoPhillips; Dell, Inc.; ExxonMobil Corporation; Marathon Oil; SYSCO Corporation; Valero Energy Corporation   | 193                                | \$804,359                        |
| Illinois       | Abbott Laboratories; Allstate; Archer-Daniels-Midland Company; Caterpillar, Inc.; Deere; Kraft Foods, Inc.; McDonald's; Motorola, Inc.; Sears Holdings; The Boeing Company; Walgreen Co.   | 178                                | \$443,687                        |
| California     | Apple; Chevron; Cisco Systems; Countrywide Financial†; Hewlett-Packard Company; Ingram Micro; Intel; McKesson Corporation; Safeway; Walt Disney; Wells Fargo   | 148                                | \$696,155                        |
| New Jersey     | Honeywell International, Inc.; Johnson & Johnson; Merck & Co., Inc.; Prudential Financial  | 116                                | \$154,283                        |
| Ohio           | Cardinal Health, Inc.; Kroger; The Procter & Gamble Company  | 107                                | \$235,075                        |
| North Carolina | Wachovia Corporation†  | 59                                 | \$55,528                         |
| Michigan       | Delphi; Dow Chemical; Ford Motor Company; General Motors Corporation   | 57                                 | \$434,488                        |
| Minnesota      | 3M; Best Buy; SuperValu; Target; UnitedHealth Group  | 46                                 | \$236,600                        |
| Connecticut    | Aetna; General Electric Company; Hartford Financial Services; Travelers Companies; United Technologies Corporation   | 43                                 | \$310,948                        |
| Virginia       | Altria Group, General Dynamics Corporation   | 43                                 | \$65,345                         |
| Tennessee      | FedEx  | 21                                 | \$35,214                         |
| Washington     | Costco Wholesale; Microsoft; Washington Mutual†  | 12                                 | \$141,053                        |
| Pennsylvania   | Comcast; GMAC†; Sunoco   | 10                                 | \$104,486                        |
| Delaware       | DuPont   | 9                                  | \$30,653                         |
| Georgia        | Coca-Cola  | 8                                  | \$28,857                         |
| Kansas         | Sprint Nextel Corporation  | 7                                  | \$40,146                         |
| Florida        | Tech Data  | 7                                  | \$23,423                         |
| Arkansas       | Tyson Foods, Inc.  | 6                                  | \$26,900                         |
| Nebraska       | Berkshire Hathaway, Inc.   | 1                                  | \$118,245                        |
| Indiana        | WellPoint  | 1                                  | \$61,134                         |

\*Table does not include some U.S. companies that began using tax havens after 2008.

Source: U.S. Government Accountability Office, *International Taxation: Large U.S. Corporations and Federal Contractors with Subsidiaries in Jurisdictions Listed as Tax Havens or Financial Privacy Jurisdictions*, December 2008.

†Indicates companies that have become defunct or were bought by other companies after the 2008 financial crisis.

## Appendix B. Tax Avoidance by State\*

### Total Annual Income Tax Revenues Lost to Tax Havens (Individual and Corporate Income Taxes Combined)

| Rank | State                | Revenue Losses (Millions) |
|------|----------------------|---------------------------|
| 1    | California           | \$7,147                   |
| 2    | New York             | \$4,275                   |
| 3    | New Jersey           | \$2,833                   |
| 4    | Illinois             | \$2,545                   |
| 5    | Pennsylvania         | \$2,105                   |
| 6    | Minnesota            | \$1,953                   |
| 7    | Massachusetts        | \$1,688                   |
| 8    | North Carolina       | \$1,049                   |
| 9    | Florida              | \$979                     |
| 10   | Maryland             | \$966                     |
| 11   | Virginia             | \$936                     |
| 12   | Georgia              | \$918                     |
| 13   | Connecticut          | \$904                     |
| 14   | Missouri             | \$843                     |
| 15   | Wisconsin            | \$814                     |
| 16   | Michigan             | \$755                     |
| 17   | Indiana              | \$733                     |
| 18   | Ohio                 | \$707                     |
| 19   | Louisiana            | \$656                     |
| 20   | District of Columbia | \$549                     |
| 21   | Oregon               | \$506                     |
| 22   | Colorado             | \$504                     |
| 23   | Arizona              | \$503                     |
| 24   | Arkansas             | \$478                     |
| 25   | Tennessee            | \$468                     |
| 26   | Kentucky             | \$380                     |

| Rank | State          | Revenue Losses (Millions) |
|------|----------------|---------------------------|
| 27   | Oklahoma       | \$367                     |
| 28   | Nebraska       | \$323                     |
| 29   | Texas          | \$307                     |
| 30   | Iowa           | \$260                     |
| 31   | Alabama        | \$257                     |
| 32   | Rhode Island   | \$229                     |
| 33   | Delaware       | \$220                     |
| 34   | South Carolina | \$220                     |
| 35   | Kansas         | \$200                     |
| 36   | Utah           | \$183                     |
| 37   | Hawaii         | \$133                     |
| 38   | New Mexico     | \$126                     |
| 39   | New Hampshire  | \$124                     |
| 40   | Idaho          | \$119                     |
| 41   | West Virginia  | \$106                     |
| 42   | Mississippi    | \$92                      |
| 43   | North Dakota   | \$78                      |
| 44   | Alaska         | \$77                      |
| 45   | Vermont        | \$75                      |
| 46   | Montana        | \$72                      |
| 47   | Maine          | \$58                      |
| 48   | South Dakota   | \$2                       |
| 49   | Nevada         | NA                        |
| 50   | Washington     | NA                        |
| 51   | Wyoming        | NA                        |

\*Note: "NA" indicates that the state does not collect taxes on this type of income.



## Total Annual Individual Income Tax Revenues Lost to Offshore Tax Havens

| Rank | State                | Revenue Losses (Millions) |
|------|----------------------|---------------------------|
| 1    | California           | \$2,936                   |
| 2    | New York             | \$1,840                   |
| 3    | New Jersey           | \$1,058                   |
| 4    | Ohio                 | \$707                     |
| 5    | Minnesota            | \$629                     |
| 6    | Illinois             | \$607                     |
| 7    | Massachusetts        | \$439                     |
| 8    | North Carolina       | \$426                     |
| 9    | Georgia              | \$349                     |
| 10   | Virginia             | \$347                     |
| 11   | Pennsylvania         | \$324                     |
| 12   | Connecticut          | \$318                     |
| 13   | Wisconsin            | \$303                     |
| 14   | Missouri             | \$289                     |
| 15   | Maryland             | \$277                     |
| 16   | Michigan             | \$233                     |
| 17   | Oregon               | \$223                     |
| 18   | Colorado             | \$193                     |
| 19   | District of Columbia | \$190                     |
| 20   | Arkansas             | \$190                     |
| 21   | Louisiana            | \$166                     |
| 22   | Delaware             | \$158                     |
| 23   | Indiana              | \$150                     |
| 24   | Kentucky             | \$145                     |
| 25   | Arizona              | \$143                     |
| 26   | Kansas               | \$129                     |

| Rank | State          | Revenue Losses (Millions) |
|------|----------------|---------------------------|
| 27   | Oklahoma       | \$128                     |
| 28   | Iowa           | \$118                     |
| 29   | Nebraska       | \$112                     |
| 30   | South Carolina | \$108                     |
| 31   | Utah           | \$70                      |
| 32   | Alabama        | \$67                      |
| 33   | Rhode Island   | \$65                      |
| 34   | Hawaii         | \$61                      |
| 35   | Maine          | \$49                      |
| 36   | Idaho          | \$46                      |
| 37   | West Virginia  | \$36                      |
| 38   | New Mexico     | \$36                      |
| 39   | Mississippi    | \$35                      |
| 40   | Vermont        | \$29                      |
| 41   | Montana        | \$28                      |
| 42   | North Dakota   | \$20                      |
| 43   | Alaska         | NA                        |
| 44   | Florida        | NA                        |
| 45   | Nevada         | NA                        |
| 46   | New Hampshire  | NA                        |
| 47   | South Dakota   | NA                        |
| 48   | Tennessee      | NA                        |
| 49   | Texas          | NA                        |
| 50   | Washington     | NA                        |
| 51   | Wyoming        | NA                        |

\*Note: "NA" indicates that the state does not collect taxes on this type of income.

## Total Annual Corporate Income Tax Revenues Lost to Offshore Tax Havens

| Rank | State                | Revenue Losses (Millions) |
|------|----------------------|---------------------------|
| 1    | California           | \$4,211                   |
| 2    | New York             | \$2,435                   |
| 3    | Illinois             | \$1,939                   |
| 4    | Pennsylvania         | \$1,780                   |
| 5    | New Jersey           | \$1,776                   |
| 6    | Minnesota            | \$1,324                   |
| 7    | Massachusetts        | \$1,248                   |
| 8    | Florida              | \$979                     |
| 9    | Maryland             | \$690                     |
| 10   | North Carolina       | \$623                     |
| 11   | Virginia             | \$589                     |
| 12   | Connecticut          | \$587                     |
| 13   | Indiana              | \$584                     |
| 14   | Georgia              | \$569                     |
| 15   | Missouri             | \$554                     |
| 16   | Michigan             | \$523                     |
| 17   | Wisconsin            | \$512                     |
| 18   | Louisiana            | \$489                     |
| 19   | Tennessee            | \$468                     |
| 20   | Arizona              | \$360                     |
| 21   | District of Columbia | \$358                     |
| 22   | Colorado             | \$310                     |
| 23   | Texas                | \$307                     |
| 24   | Arkansas             | \$288                     |
| 25   | Oregon               | \$283                     |
| 26   | Oklahoma             | \$239                     |

| Rank | State          | Revenue Losses (Millions) |
|------|----------------|---------------------------|
| 27   | Kentucky       | \$235                     |
| 28   | Nebraska       | \$211                     |
| 29   | Alabama        | \$190                     |
| 30   | Rhode Island   | \$164                     |
| 31   | Iowa           | \$141                     |
| 32   | New Hampshire  | \$124                     |
| 33   | Utah           | \$113                     |
| 34   | South Carolina | \$112                     |
| 35   | New Mexico     | \$91                      |
| 36   | Alaska         | \$77                      |
| 37   | Idaho          | \$73                      |
| 38   | Hawaii         | \$72                      |
| 39   | Kansas         | \$71                      |
| 40   | West Virginia  | \$69                      |
| 41   | Delaware       | \$62                      |
| 42   | North Dakota   | \$58                      |
| 43   | Mississippi    | \$57                      |
| 44   | Vermont        | \$46                      |
| 45   | Montana        | \$44                      |
| 46   | Maine          | \$9                       |
| 47   | South Dakota   | \$2                       |
| 48   | Nevada         | NA                        |
| 49   | Ohio           | NA                        |
| 50   | Washington     | NA                        |
| 51   | Wyoming        | NA                        |

\*Note: "NA" indicates that the state does not collect taxes on this type of income.

# Notes

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