

# Domestic International Sales Corporation Returns, 1980

By Jeffrey Hartzok\*

For Income Year 1980, export gross receipts of Domestic International Sales Corporations (DISC's) exceeded \$154 billion. DISC earnings and profits derived from these export receipts amounted to nearly \$9.8 billion. By utilizing the provisions of U.S. income tax law pertaining to this special type of corporation, it was possible for stockholders of DISC's to defer, indefinitely, taxes on \$3.6 billion of the \$9.8 billion earned in 1980. The estimated cost of these provisions has been reported to be nearly \$1.7 billion in lost U.S. tax revenues for 1980 [1].

Large U.S. corporations with DISC subsidiaries were the primary beneficiaries of the DISC provisions. Nearly 70 percent of all tax deferred profits in 1980 were retained by DISC's owned by U.S. corporations with total assets of \$250 million or more.

## DISC LEGISLATION

A DISC is a special type of corporation established by the Revenue Act of 1971 (for taxable years beginning in 1972) to promote exports through sheltering a portion of export profits from U.S. income taxation. The profits of a DISC are not taxed to the DISC itself, but instead are taxed to the stockholders when distributed or deemed distributed. Stockholders of DISC's (typically other operating U.S. corporations) are deemed to receive annually, a portion of the DISC's earnings and profits. This deemed distribution is fully taxable to the stockholders even if the earnings are not actually distributed. U.S. income taxation is deferred indefinitely, for the most part, on the remainder of the DISC's earnings and profits.

To qualify as a DISC, a corporation has to meet very strict formal requirements, such as satisfying the tests that 95 percent of both its gross receipts and assets are "qualified." These requirements are designed to limit the DISC to export related activities. A DISC is allowed to export products that qualified as export property which are manufactured, produced, grown, or extracted in the United States by someone other than the DISC. Property manufactured, produced, grown, or extracted by a DISC and later sold or leased does not qualify as export property.

A DISC usually acquires export property from its parent corporation or an affiliated corporation (a "related supplier") and then sells the property abroad. However, it can act simply as a commission merchant on export sales of related suppliers and, thus, not have any substance (i.e., no employees or real business activity). The allocation of income between the DISC and its related supplier is achieved through the use of special intercompany pricing rules discussed later in this article.

## DISC Legislative Changes

The DISC legislation has undergone three major modifications since 1972. Each law change reduced the tax benefits allowed to the stockholders of DISC's. The Tax Reduction Act of 1975 eliminated DISC benefits for profits arising from exports of depletable energy products such as oil and natural gas. The Tax Reform Act of 1976 limited DISC benefits to taxable income attributable to export gross receipts in excess of 67 percent of the average export gross receipts in a four-year base period. DISC's with adjusted taxable income of \$100,000 or less were exempted from these provisions. The Tax Equity and Fiscal Responsibility Act of 1982 increased the portion of DISC income considered deemed distributed to the DISC's corporate stockholders from 50 percent to 57.5 percent for taxable years beginning in 1983.

## Objectives and Effects of the DISC Legislation

The principal objective of the original DISC provisions was to increase U.S. exports and thereby improve U.S. balance of trade by making U.S. exports more profitable for exporting companies and more competitive, in price, with foreign products.

Exports through DISC's have increased rapidly since their enactment, growing from \$21.7 billion in export receipts in 1972 to \$154.1 billion in 1980. A recent Treasury report [2] estimates that the DISC provisions directly increased U.S. exports in 1980 in the range of \$7.2 billion to \$11.0 billion. This range represents approximately 5 to 7 percent of the total of \$154.1 billion of exports through DISC's.

A comparison of exports through DISC's to total U.S. exports and imports of merchandise for 1973 through 1980 is shown below [3].

DISC Exports vs. Total U.S. Exports and Imports  
(Billions of Dollars)

Year	DISC Exports	Total U.S. Exports	Total U.S. Imports	U.S. Merchandise Trade Balance
1973	\$44.8	\$70.8	\$69.5	\$1.3
1974	66.8	97.9	101.0	-3.1
1975	73.2	107.1	96.9	10.2
1976	82.7	114.8	120.7	-5.9
1977	85.9	121.2	147.7	-26.5
1978	99.6	143.6	172.0	-28.4
1979	132.0	181.7	206.3	-24.6
1980	154.1	220.6	244.9	-24.3

Although total U.S. exports of merchandise (including exports through DISC's) have risen steadily since 1973, U.S. imports of foreign merchandise have increased

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rapidly as well. Contributing to this increase in U.S. imports has been the growth of imports of petroleum products, machinery, and transportation equipment [4].

As noted before, large U.S. corporations with DISC subsidiaries have been the primary beneficiaries of the DISC provisions. Shown below is a historical comparison of the tax deferred income for all DISC's and those owned by corporations with total assets of \$250 million or more ("large" majority corporate stockholders). Although a majority corporate stockholder of a DISC is defined as a corporation owning 50 percent or more of the DISC's capital stock, more than 99 percent of the DISC's owned by "large" corporations are wholly owned subsidiaries.

## Tax Deferred Income (Millions of Dollars)

Income Year	Total Deferred Amount	DISC's with "Large" Majority Corporate Stockholders	
		Total Amount	Percent of All DISC's
1975	\$2,351	\$1,498	63.7
1976	1,572	942	60.0
1977	1,519	959	63.1
1978	2,071	1,376	66.4
1979	3,065	2,148	70.1
1980	3,606	2,520	69.9

Assuming an income tax rate structure of 48 percent for Income Years 1975 through 1978 and 46 percent for Income Years 1979 and 1980, it was possible for these large corporations to defer indefinitely over \$4.4 billion in U.S. income taxes since 1975 [5].

## EXPORT ACTIVITIES, 1979 VS 1980

The number of DISC's actively engaged in exporting U.S. goods and services abroad for 1979 and 1980 was 7,933 and 8,665, respectively (see Figure A). The number of active DISC's continued to grow in nearly all major product and service groups, increasing nearly 9 percent from 1979. DISC's primarily engaged in exporting U.S. manufactured products continued to dominate DISC activity, representing 88 percent of the total number of DISC's. During this same period the cumulative number of elections to be treated as a DISC increased nearly 10 percent from 10,978 in February 1979 to 12,192 in February 1980 [6]. The data on elections were not adjusted for DISC's that were inactive, were liquidated, withdrew their election, or had their election revoked. The increase in the number of DISC elections during 1980 provides evidence of the continued use of the DISC provisions for export sales.

## Balance Sheets

In 1980, DISC total assets amounted to \$28.7 billion, an 18.9 percent increase over the previous year (Figure B). This increase compares to a net increase of only 13 percent in total assets for corporations in general [7], and it is more than double the 9.0 percent inflation rate for 1980, as measured by the Implicit Price Deflator for Gross National Product [8]. The fastest growing asset item for the second year in a row was export property which increased 42.1 percent in 1980 after increasing 76.2 percent the previous year.

Figure A -- Number of DISC's by Selected Major Product or Service Group, 1979 - 1980

Selected Major Product or Service Group	Number		Percent Change
	1979	1980	
Total .....	7,933	8,665	9.0
Nonmanufactured			
products and services .....	953	1,052	10.4
Grains .....	119	110	-7.6
Other agriculture .....	183	222	21.3
Manufactured products .....	6,980	7,613	9.1
Food and kindred products .....	273	336	2.3
Textile mill products .....	247	284	15.0
Apparel and other fabric products .....	151	180	19.2
Lumber and wood products .....	197	198	0.5
Paper and allied products .....	141	160	13.5
Printing, publishing and allied products .....	96	126	32.0
Chemicals and allied products .....	521	621	19.9
Rubber and plastic products .....	136	162	19.1
Primary metal products .....	244	281	15.2
Fabricated metal products .....	701	773	10.3
Machinery, except electrical .....	1,465	1,448	-1.2
Electrical machinery and equipment .....	1,248	1,354	8.5
Transportation equipment .....	401	441	10.0
Professional, scientific, and photographic equipment .....	420	439	4.5

Figure B -- Balance Sheets, 1979-1980 (Millions of Dollars)

Selected Items	1979	1980
Total assets, total .....	\$24,161	\$28,729
Qualified assets, total .....	24,105	28,674
Working capital .....	475	628
Export-Import Bank obligations .....	1,211	1,587
Trade receivables .....	14,897	17,522
Export property .....	1,588	2,256
Producer's loans .....	3,484	4,367
Nonqualified assets .....	56	56
Total liabilities .....	3,902	4,389
Net worth, total .....	20,259	24,340
Capital stock and paid-in or capital surplus .....	277	238
Previously taxed income .....	5,860	6,783
Accumulated DISC income .....	14,146	17,308

Producer's loans increased 25.3 percent to \$4.4 billion in 1980. In most cases, producer's loans were loans made by DISC's to their stockholders out of the DISC's accumulated, undistributed, untaxed profits. The practical effect to a stockholder of a DISC of borrowing these tax deferred profits was an interest-free loan. This occurred because the interest earned by the DISC from these producer's loans was not taxed to the DISC and the distributions out of this interest which were taxed to the stockholder were offset by the interest deduction taken by the stockholder.

In the aggregate, DISC net worth increased by over 20 percent in 1980. The largest single item was accumulated DISC income which amounted to \$17.3 billion. This amount represents the aggregate tax deferred profits retained by DISC's since 1972.

Income Statements

Income statement statistics for all DISC's are presented in Figure C. For 1980, total receipts [9] continued to increase rising by 21.1 percent from 1979 to \$52.8 billion. Qualified export receipts from the sale of export property accounted for over 96 percent of total DISC receipts. Most of these receipts were from direct foreign sales (either on a commission basis or noncommission basis) of U.S. merchandise to related and unrelated purchasers. Of the \$1.7 billion of other qualified receipts, over 64 percent consisted of, qualified interest other than that earned on producer's loans, an increase of 44.2 percent over 1979. This increase in qualified interest receipts reflects the favorable tax treatment of interest earned on trade receivables (the largest qualified export asset item) and other investments such as Export-Import Bank obligations and Private Export Funding Corporation notes.

While domestic profits for all corporations declined as a result of the downturn in the economy during 1980 [10], exports channeled through DISC's continued to be a profitable business. DISC net income in 1980 increased 17.1 percent compared to a 16.2 percent decline in profits for corporations in general. There were several possible reasons for this phenomenon. One is a corporation with excessive net operating losses (or excessive tax credits) which may have elected not to export goods and services through a DISC. In a similar manner another corporation which had overall profits (both domestic and foreign) may have chosen to channel only profitable exports through a DISC and directly absorb the losses on unprofitable exports. Finally, the special intercompany pricing rules applicable to DISC's allowed DISC's to maximize their own profits on export sales and minimize the profits allocated to their parent company.

PRODUCT HIGHLIGHTS

DISC's engaged primarily in the export of grain and selected manufactured products such as chemicals, machinery, and transportation equipment received most of the DISC tax benefits [11]. Those primarily exporting grain generated over 60 percent of the profits from all nonmanufactured products and services. DISC's primarily exporting chemicals, machinery and transportation equipment accounted for nearly 73 percent of the earnings and profits from all manufactured products.

Figures D and E show the percentage of total export gross receipts and net income accounted for by these significant major product groups. Although DISC's primarily exporting manufactured products accounted for 72.4 percent of all DISC export gross receipts, they derived 91.8 percent of all DISC net income.

Figure C -- Income Statements, 1979-1980  
(Millions of Dollars)

Selected Items	1979	1980
Total receipts .....	\$43,601	\$52,799
Qualified export receipts from the sale of export property .....	42,180	50,811
Other qualified export receipts, total .....	1,228	1,719
Leasing of export property .....	49	84
Engineering and architectural services .....	100	129
Interest on producer's loans .....	245	342
Other qualified interest ..	730	1,053
Nonqualified receipts .....	193	268
Total deductions .....	35,175	42,929
Cost of sales and operations.	32,920	40,248
Export promotion expenses ...	1,238	1,506
Net income (less deficit) .....	8,426	9,870

A comparison, for 1980, of DISC exports to total U.S. exports [12] for agricultural and nonagricultural products is shown below.

DISC Exports vs U.S. Exports, 1980  
(Billions of Dollars)

Product/Services	DISC Exports	U.S. Exports
Total	\$154.1	\$216.6
Agricultural products and services	40.4	41.3
Nonagricultural products and services	113.7	175.3

DISC exports in 1980 accounted for approximately 65 percent of all nonagricultural exports [13] of U.S. goods and services abroad. The remaining (non-DISC) exports generally included: (1) exports by corporations with excessive net operating losses or tax credits, (2) exports of products ultimately used in the United States, (3) exports of certain products (such as oil and natural gas) which were denied DISC benefits by law, and (4) exports of unprofitable product lines.

DISTRIBUTIONS TO STOCKHOLDERS

Over 64 percent of DISC earnings and profits were considered to be taxable to their stockholders in 1980 compared to only 51 percent in 1975. This was a direct result of the Tax Reform Act of 1976 which allowed DISC tax benefits to be accrued only on profits arising from increases in exports over a base period amount.

Under the 1976 provisions, DISC benefits have been limited to earnings and profits attributable to export gross receipts in excess of 67 percent of the average export gross receipts of the DISC in a four-year base period. For taxable years beginning in 1976 through 1979 the base period years were 1972 through 1975. Starting with taxable years beginning in 1980, the

Figure D  
Percent of Total Export Gross Receipts of DISC's by Selected Major Product or Service Group, 1980

1980 Total Export Gross Receipts = \$154.1 billion

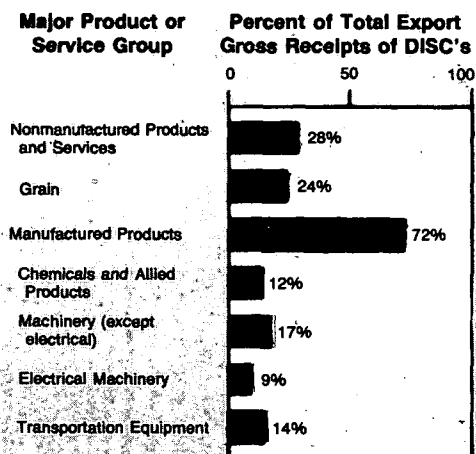
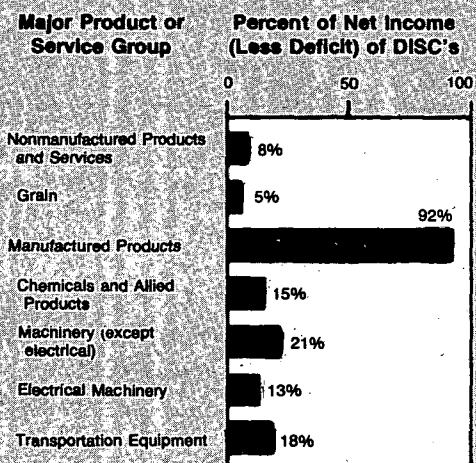


Figure E  
Percent of Net Income (Less Deficit) of DISC's by Selected Major Product or Service Group, 1980

1980 Net Income (Less Deficit) = \$9.9 billion



base period advanced each year. For DISC's which were members of the same controlled group (i.e., owned by one stockholder) the export gross receipts for both the current and base period years were aggregated. Small DISC's with adjusted taxable income of \$100,000 or less were exempted from these provisions.

The total amounts of DISC taxable income and amounts deemed distributed for Income Years 1975 through 1980 are compared in Figure F. The difference shown between the amount of DISC taxable income and the amounts deemed distributed represents the amount of the DISC's

income that can be deferred indefinitely from U.S. income taxation. As noted before, the amounts deemed to be distributed and fully taxable to DISC stockholders amounted to 50.7 percent of the total DISC taxable income in 1975. While the ratio of deemed distributions to DISC taxable income increased to approximately 70 percent for 1976 and 1977, it decreased slightly in the following two years. For 1980, however, the ratio (63.5 percent) remained constant to the previous year, reflecting the shift of the base period year for those DISC's with taxable years beginning in 1980.

#### INTERCOMPANY PRICING PRACTICES

A series of special intercompany pricing methods (the "4 percent gross receipts method" and the "50-50 combined taxable income method") have been provided for in cases where the DISC either purchases its inventory of export property from a related supplier or acts as a commission agent for a related supplier. A related supplier is the DISC's parent corporation or any other related person that controls the DISC.

Regardless of the actual price charged, the selling price is considered to be the smallest of the following:

(1) A price that will result in the DISC having taxable income of 4 percent of the qualified export receipts derived from the sale of export property plus 10 percent of the export promotion expenses allocable to those receipts,

(2) A price that will result in the DISC having taxable income of 50 percent of the combined taxable income derived by both the DISC and its related supplier from the sales of export property which is attributable to the qualified export receipts plus 10 percent of the export promotion expenses allocable to those receipts, or

(3) the competitive market price subject to the "arms length" pricing rules of the Internal Revenue Code.

If the 4 percent gross receipts method or the 50-50 combined taxable income method are used, the transfer price from the related supplier to the DISC is computed only after the DISC sold the goods to a customer. The DISC and its supplier can make adjustments following the close of the taxable year in which the DISC sold the goods in order to maximize the DISC's allocation of earnings and profits [14]. However, neither of these methods permits the related supplier to allocate income to the DISC to the extent that it results in a loss to the supplier.

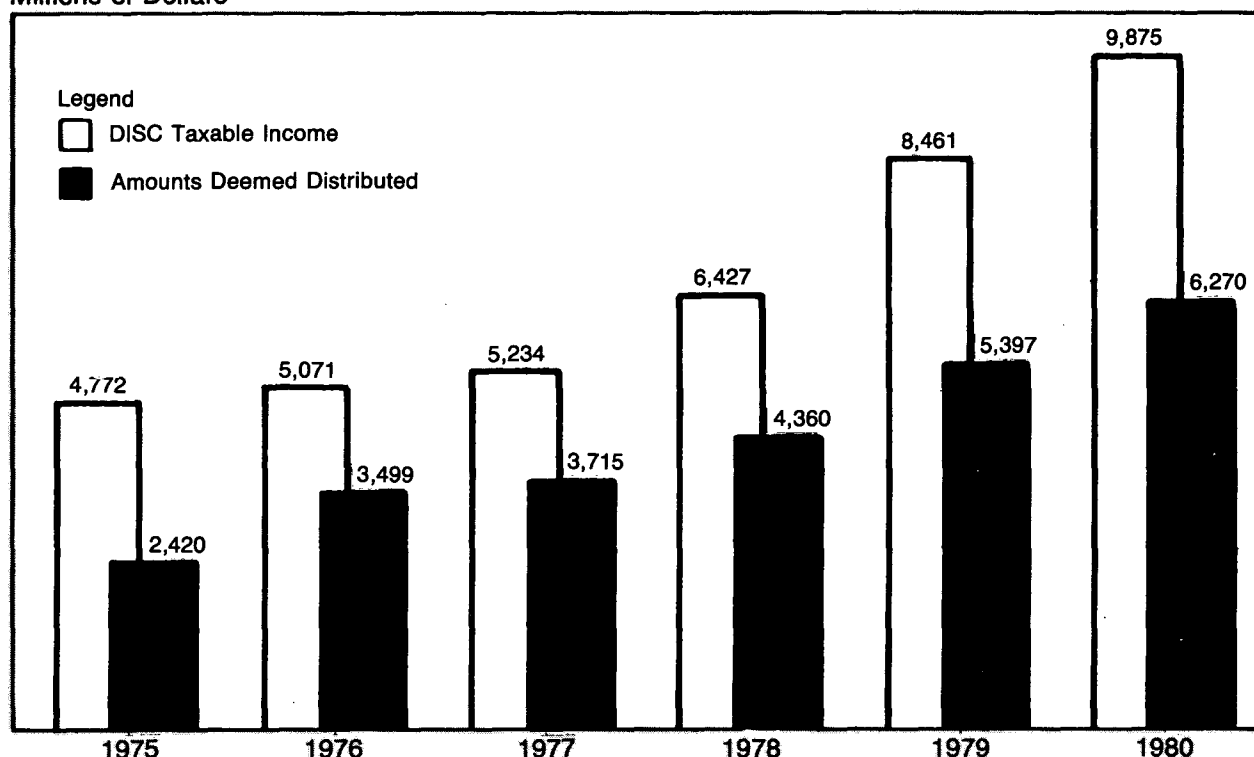
The importance of these special intercompany pricing rules is presented in Figure G. Over 35 percent of DISC export gross receipts were subject to the 50-50 combined taxable income method, nearly 34 percent to the 4 percent gross receipts method, and almost 20 percent to a combination of both the 50-50 method and the 4 percent method. Only 4 percent of DISC export gross receipts were subject to the arms length, or fair market price, method. The ratio of net income to export gross receipts indicates that DISC's and related suppliers with high profit margins tend to use the 50-50 combined taxable income method while DISC's and related suppliers with a combined profit margin of less than 8 percent tend to use the 4 percent gross receipts method [15].

#### SUMMARY

Exports of U.S. goods and services through DISC's have increased steadily since 1972. The use of the

Figure F  
**DISC Taxable Income and Amounts Deemed Distributed,  
 1975-1980**

Millions of Dollars



DISC provisions have increased the profitability of exporting, by lowering the effective U.S. tax rate on export profits. Large U.S. corporations with DISC subsidiaries are the primary beneficiaries of the DISC provisions accounting for nearly 70 percent of all tax deferred profits in 1980. Most DISC's and their parent companies take advantage of the special intercompany pricing rules in order to maximize the DISC's profits on exports sales and minimize the profits allocated to the parent company.

The DISC provisions have been a point of contention between the United States and other signatory countries of the General Agreement on Tariffs and Trade (GATT) for the last several years. GATT rules generally accept territorial systems of taxation in which income earned within a given country is taxed while income earned outside the home country is tax exempt. As a result, legislation has been introduced to replace the DISC provisions with a tax alternative. This proposal would require U.S. companies to establish foreign sales corporations through which export sales of U.S. goods would be made. A portion of the earnings and profits of these corporations which are attributable to foreign economic processes would be exempt from U.S. income taxation [16].

#### DATA SOURCES AND LIMITATIONS

The statistics in this article were estimated from a stratified probability sample of Domestic International Sales Corporation returns selected after revenue

processing but before audit. All returns were manually designated and selected on the basis of randomly selected digits using the eighth position of the Employer Identification Number. The sample was stratified based upon size of net income or deficit of the DISC and total assets of DISC majority stockholders that were corporations, and selected at three rates ranging from 20 percent to 100 percent. There were 3,265 returns in the sample for 1980 drawn from a population of 9,782.

The estimates are intended to represent Form 1120-DISC returns with accounting periods ended July 1980 through June 1981. However, returns for prior years processed by the Internal Revenue Service during the same period as current year returns were included, in the statistics to compensate for current year returns filed after the cutoff date for 1980 sampling. This exception was for prior year returns of large DISC's. Inclusion of returns for large DISC's was manually verified insofar as possible on a name basis because of their impact on the statistics. Therefore, prior year returns of large DISC's were excluded from the statistics, because the 1980 returns for the same DISC's were included.

Because the data presented in this article are estimates based upon a sample, they are subject to sampling error. To use the data properly, the magnitude of the sampling error should be known. Coefficients of variation (CV's) are used to measure that magnitude.

## Domestic International Sales Corporation Returns, 1980

Figure G.--RETURNS OF ACTIVE DISC's: Export Gross Receipts, Export Promotion Expenses, Net Income (Less Deficit), and Tax Deferred Income by Major Product and Service Division and by Intercompany Pricing Method

[All figures are estimates--money amounts are in millions]

Major product and service division and intercompany pricing method	Number of returns	Total export gross receipts of the DISC	Export promotion expenses	Net income (less deficit)		Tax deferred income
				Amount	Percent of export gross receipts	
	(1)	(2)	(3)	(4)	(5)	(6)
<b>All Products and Services</b>						
All returns.....	8,665	154,078	1,506	9,870	6.4	3,606
Returns reporting pricing method.....	7,202	143,896	1,244	9,554	6.6	3,484
50-50 method only.....	3,579	54,372	680	5,766	10.6	2,153
4 percent method only.....	2,053	48,436	149	1,133	2.3	410
Arm's-length method only.....	1,137	6,787	310	483	7.1	181
50-50 and 4 percent methods.....	409	30,562	88	1,994	6.5	674
All other combinations.....	25	3,739	17	178	4.7	66
Pricing method not determinable.....	1,463	10,182	24	316	3.1	122
<b>Nonmanufactured Products and Services</b>						
All returns.....	1,052	42,517	75	805	1.9	285
Returns reporting pricing method.....	673	38,191	58	736	1.9	261
50-50 method only.....	233	1,251	25	149	11.9	56
4 percent method only.....	258	28,279	17	370	1.3	125
Arm's-length method only.....	157	1,748	12	50	2.8	20
50-50 and 4 percent methods.....	22	4,297	( <sup>1</sup> )	86	2.0	28
All other combinations.....	3	2,616	4	81	3.1	32
Pricing method not determinable.....	379	4,326	16	69	1.6	24
<b>Manufactured Products</b>						
All returns.....	7,613	111,561	1,431	9,065	8.1	3,321
Returns reporting pricing method.....	6,529	105,705	1,186	8,818	8.3	3,223
50-50 method only.....	3,345	53,122	655	5,617	10.6	2,097
4 percent method only.....	1,795	20,156	132	763	3.8	285
Arm's-length method only.....	980	5,040	298	433	8.6	161
50-50 and 4 percent methods.....	386	26,264	88	1,908	7.3	646
All other combinations.....	23	1,123	13	97	8.7	34
Pricing method not determinable.....	1,084	5,856	245	257	4.4	98

<sup>1</sup>Less than \$500,000.

NOTE: Detail may not add to total because of rounding.

The table below presents approximated coefficients of variation for frequency estimates. The approximate CV's shown here are intended only as a general indication of the reliability of the data. For a number other than those shown below, the corresponding CV's can be estimated by interpolation. The reliability of estimates based on samples and the use of coefficients of variation for evaluating the precision of sample estimates are discussed in the Appendix.

Estimated Number of Returns	Approximated Coefficient of Variation	Estimated Number of Returns	Approximated Coefficient of Variation
200	.21	1,400	.08
300	.17	1,800	.07
400	.15	2,500	.06
600	.12	4,000	.05
800	.10	7,000	.04
1,000	.09	10,000	.03

## DEFINITIONS

Brief definitions of the terms used throughout this article are shown below.

**Accumulated DISC Income** -- This balance sheet amount represented the portion of the DISC's earnings and profits, derived during taxable years for which the

corporation qualified as a DISC, that was deferred from U.S. income taxation.

**Amounts Deemed Distributed** -- This amount represented that portion of the DISC's earnings and profits which were fully taxable as dividends to the DISC's stockholders. For taxable years beginning before January 1, 1976, amounts deemed distributed were the sum of: (1) gross interest on producer's loans; (2) certain gains from the sale or exchange of assets; (3) one-half of the excess DISC taxable income over the sum of (1) and (2); and (4) the foreign investment attributable to producer's loans for the taxable year. For taxable years beginning after December 31, 1975, amounts deemed distributed were the sum of: (1) gross interest on producer's loans; (2) certain gains from the sale or exchange of assets; (3) one-half of DISC taxable income attributable to military property; (4) DISC taxable income attributable to base period export gross receipts; (5) one-half of the excess DISC taxable income over the sum of (1), (2), (3), and (4); (6) international boycott income; (7) the amount of illegal bribes and kickbacks paid to foreign governments; and (8) the foreign investment attributable to producer's loans for the taxable year. The sum of the amounts described in (1) through (3) for taxable years beginning before January 1, 1976, and the sum of the amounts described in (1) through (7) for taxable years beginning after December 31, 1975 were limited to the DISC's earnings and profits for the current taxable

year. Amounts deemed distributed from foreign investment attributable to producer's loans were limited to the lower of either the accumulated DISC income or the DISC's accumulated earnings and profits for the current and all preceding years.

DISC Taxable Income -- This amount represented the DISC's net income minus the statutory special deductions (net operating loss deduction and dividends-received deduction). This sum of the DISC's tax deferred income and income taxable to stockholders was used in determining the amount of the DISC's earnings and profits that was considered to be deemed distributed to the stockholder of the DISC for the current taxable year.

Export Gross Receipts -- Export gross receipts of the DISC included qualified export receipts from: (1) the sale, lease, or rental of export property; (2) services related and subsidiary to any qualified sale, lease, or rental of export property; (3) engineering or architectural services for construction projects located outside the United States; and (4) export management services provided unrelated DISC's to aid them in deriving qualified export receipts. For DISC's that acted as commission agents, export gross receipts included the total receipts on which the commission was earned.

Export Promotion Expenses -- These were expenses (excluding income taxes) incurred by a DISC to advance the sale, lease, or other distribution of export property for use, consumption, or distribution outside the United States. A DISC was allowed to increase its profit by an amount equal to 10 percent of the export promotion expenses attributable to sales of export property through use of the special DISC intercompany pricing rules.

Export Property -- This amount represented the DISC's inventory and property held for sale or lease which: (1) had been manufactured, produced, grown, or extracted in the United States by a person other than a DISC; (2) was held primarily for sale or lease in the ordinary course of business for direct use, consumption, or disposition outside the United States; and (3) had at the time of sale or lease by the DISC, not more than 50 percent of its fair market value attributable to imported articles.

Previously Taxed Income -- This balance sheet amount represented the portion of the DISC's earnings and profits derived during taxable years for which the corporation qualified as a DISC that was fully taxable as dividends to the DISC's stockholders. Excluded from this amount were amounts actually distributed to DISC's stockholders during each taxable year.

Producer's Loans -- This qualified asset generally consisted of loans made out of the DISC's tax deferred accumulated DISC income to its parent company or any other U.S. person engaged in manufacturing, producing, growing, or extracting export property. A producer's loan must have been designated as such, have been evidenced by a note, have had a stated maturity not to exceed 5 years and have been attributed to assets used in export production. If a producer's loan was renewed, it had to requalify at the time of renewal. A producer's loan did not have to be traced to a specific investment by the domestic borrower, but was subject to certain limitations to assure that it did not exceed the investment in assets which could have been attributable to production for export.

Related U.S. Persons -- Related U.S. persons were: (1) individuals who were citizens or residents of the

United States and who controlled the DISC; (2) domestic partnerships, estates or trusts that controlled the DISC; (3) domestic corporations that controlled the DISC; and (4) domestic corporations that were controlled by the same person or persons that controlled the DISC. Control meant direct or indirect ownership of more than 50 percent of the voting power of the stock entitled to vote in a DISC or other domestic corporation.

#### NOTES AND REFERENCES

- [1] See U.S. Department of the Treasury, The Operation and Effect of the Domestic International Sales Corporation Legislation, 1981 Annual Report, page 17.
- [2] Ibid., pages 8-16. A more detailed analysis of the effect of the DISC provisions on the level and structure of U.S. trade is presented there.
- [3] The U.S. export and import totals are based upon foreign trade statistics for merchandise for calendar years 1973 through 1980 as shown in U.S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1982-83, page 833. The amounts for U.S. exports exclude U.S. Department Defense Military Assistance Program Grant-Aid Shipments.
- [4] Ibid., page 842.
- [5] The \$4.4 billion deferral of U.S. income taxes by corporations with total assets of \$250 million or more since 1975 is based upon the assumption that DISC income would be taxed to the parent corporation in the year earned by the DISC. This estimate understates the deferral of income taxes in cases where the DISC's accounting period ends one month later than its parent corporation's accounting period. This, in effect, postponed by one year the inclusion of the DISC deemed distribution as a taxable dividend in its parent corporation's gross income because the timing of the taxability of DISC income to its parent corporation was based on DISC accounting periods that end with or within the parent's accounting period. It can be roughly estimated that approximately 60 percent of all DISC's owned by U.S. corporations have accounting periods lagging slightly behind their parents' accounting period. The \$4.4 billion estimate overstates the deferral of income taxes in cases where the DISC has made actual distributions out of its accumulated tax deferred profits (accumulated DISC income).
- [6] U.S. Department of the Treasury, op. cit., page 24.
- [7] Hobbs James R., "Corporation Returns, 1980," Statistics of Income Bulletin, Volume 2. Number 3, page 12.
- [8] U.S. Department of Commerce, Bureau of Economic Analysis, Survey of Current Business, June 1981, Volume 61, Number 6, page 15.
- [9] For DISC's which operated on a commission basis, receipts figures included only the commissions earned and not the gross receipts on which the commissions arose.
- [10] For a more detailed discussion on the decline in profits for U.S. corporations in 1980, see Hobbs, op. cit., pp. 11-16.

- [11] Since most DISC's, by their very nature, would have been classified in the "wholesale trade" industry (selling export property aboard) and to a much lesser extent, in the "services" industry, the statistics presented in this article are classified by the major product sold, leased, or rented, or the qualified service provided abroad. The most significant difference between the classification by major product or service and the classification by industry (which is used for the presentation of statistical data for corporations in general) was that the industrial classification made distinctions based upon type of business activity while the major product or service classification was based on the kind of property being sold, leased, or rented, or the service being provided. Both classification systems were derived from the Enterprise Standard Industrial Classification authorized by the Office of Information and Regulatory Affairs in the Office of Management and Budget.
- [12] U.S. Department of Commerce, Bureau of the Census, Highlights of U.S. Export and Import Trade, Report FT990, December 1981, page 31.
- [13] A comparison of DISC exports to total U.S. exports for agricultural products and services is not meaningful because of inter-DISC sales. Sales of export property between unrelated DISC's are qualified export receipts as long as the property sold is ultimately for direct use, consumption, or sale outside the United States. Inter-DISC sales also occur to a much lesser extent for sales of nonagricultural products. However, these sales are not considered to be a limitation of the comparison shown.
- [14] The intercompany pricing methods allowed DISC's are not mutually exclusive. Any one may be applied to a particular product or product line or group of transactions without exclusion of other methods for other products, product lines or transactions in the same taxable year.
- [15] This information can be used to estimate the combined profit margins of DISC's and their related suppliers. See U.S. Department of the Treasury, The Operation and Effect of the Domestic International Sales Corporation Legislation, 1976 Annual Report; pp. 35-36.
- [16] U.S. Department of the Treasury, op.cit., pp. 6-7.



Domestic International Sales Corporation Returns, 1980

ALL RETURNS OF ACTIVE DOMESTIC INTERNATIONAL SALES CORPORATIONS

Table 1 — Assets, Receipts, Deductions, Income, and Distributions of DISC, and Total Export Gross Receipts of DISC and Related U.S. Persons for Current and First-Preceding Years, by Major Product and Service Division and by Type of Majority Stockholder and Size of Total Assets of Majority Corporate Stockholder

[All figures are estimates based on samples — money amounts are in thousands of dollars]

Major product and service division, type of stockholder and size of assets of majority corporate stockholder	Number of returns	Net income (less deficit)	Net income	Deficit	DISC taxable income	Taxable income attributable to base period export gross receipts	Adjusted DISC income subject to deferral computation	Total amount deemed distributed	Tax deferred income
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
<b>All Products and Services</b>									
All returns .....	<b>8,665</b>	<b>9,870,247</b>	<b>9,888,125</b>	<b>17,878</b>	<b>9,875,286</b>	<b>2,191,919</b>	<b>7,213,891</b>	<b>6,269,797</b>	<b>3,606,064</b>
Returns with majority stockholder, total .....	8,270	9,824,497	9,841,993	17,496	9,829,297	2,186,824	7,173,842	6,243,832	3,586,041
Corporate stockholders, total .....	7,194	9,747,320	9,755,596	8,276	9,743,314	2,180,111	7,095,978	6,196,773	3,547,110
Assets zero or not available .....	529	132,354	133,123	769	132,040	26,478	100,305	81,882	50,158
\$1 under \$100,000 .....	134	14,173	14,313	140	14,313	2,050	12,167	8,226	6,087
\$100,000 under \$1,000,000 .....	801	62,526	63,465	940	60,515	6,057	53,940	33,545	26,969
\$1,000,000 under \$5,000,000 .....	2,018	237,256	240,170	2,914	239,999	23,940	210,033	135,396	104,777
\$5,000,000 under \$10,000,000 .....	873	208,614	211,414	2,800	211,411	29,271	174,125	123,650	87,761
\$10,000,000 under \$50,000,000 .....	1,491	839,601	839,917	317	839,878	145,175	670,746	504,765	335,116
\$50,000,000 under \$100,000,000 .....	390	408,555	409,604	48	409,604	85,738	307,736	255,808	153,865
\$100,000,000 under \$250,000,000 .....	303	705,206	705,211	4	701,021	159,947	526,023	438,178	262,843
\$250,000,000 or more, total .....	654	7,138,035	7,138,379	344	7,134,533	1,701,454	5,040,905	4,615,323	2,519,535
\$250,000,000 under \$500,000,000 .....	187	610,288	610,289	1	610,289	151,139	438,627	391,086	219,203
\$500,000,000 under \$1,000,000,000 .....	188	995,044	995,044	( <sup>1</sup> )	995,044	256,557	713,313	638,817	356,552
\$1,000,000,000 or more .....	279	5,532,703	5,533,046	343	5,529,199	1,293,758	3,888,964	3,585,419	1,943,780
Noncorporate stockholders .....	1,047	73,657	82,808	9,151	82,395	6,713	74,275	45,264	37,136
Type of stockholder not known .....	*30	*3,520	*3,589	*69	*3,589	—	*3,589	*1,794	*1,794
Returns with no majority stockholder .....	394	45,750	46,132	382	45,989	5,095	40,049	25,965	20,023
<b>Nonmanufactured Products and Services</b>									
All returns .....	<b>1,052</b>	<b>805,195</b>	<b>809,127</b>	<b>3,933</b>	<b>804,090</b>	<b>191,239</b>	<b>569,944</b>	<b>519,520</b>	<b>284,900</b>
Returns with majority stockholder, total .....	950	800,937	804,852	3,915	799,898	190,557	566,584	517,007	283,220
Corporate stockholders, total .....	819	791,969	795,316	3,347	790,361	189,966	557,848	511,834	278,852
Assets zero or not available .....	91	12,337	12,453	116	11,457	2,373	9,084	6,915	4,542
\$1 under \$100,000 .....	*32	*164	*190	*25	*190	—	*190	*95	*95
\$100,000 under \$1,000,000 .....	139	5,698	6,030	331	6,030	292	5,673	3,194	2,836
\$1,000,000 under \$5,000,000 .....	234	23,580	23,603	23	23,491	3,122	19,293	13,844	9,647
\$5,000,000 under \$10,000,000 .....	78	11,768	14,568	2,799	14,567	1,874	11,998	8,568	5,999
\$10,000,000 under \$50,000,000 .....	119	57,250	57,253	4	57,253	11,605	43,362	35,572	21,681
\$50,000,000 under \$100,000,000 .....	34	55,532	55,580	47	55,580	10,374	44,066	33,547	22,033
\$100,000,000 under \$250,000,000 .....	15	179,539	179,539	( <sup>1</sup> )	179,539	51,172	127,085	116,009	63,530
\$250,000,000 or more, total .....	75	446,098	446,100	1	442,254	109,155	297,096	294,089	148,490
\$250,000,000 under \$500,000,000 .....	18	27,884	27,884	1	27,884	4,179	23,511	16,129	11,755
\$500,000,000 under \$1,000,000,000 .....	23	141,410	141,410	—	141,410	56,162	78,954	102,317	39,418
\$1,000,000,000 or more .....	34	276,806	276,806	( <sup>1</sup> )	272,959	48,813	194,632	175,644	97,316
Noncorporate stockholders .....	125	8,968	9,537	568	9,537	591	8,736	5,174	4,368
Type of stockholder not known .....	*5	( <sup>1</sup> )	—	( <sup>1</sup> )	—	—	—	—	—
Returns with no majority stockholder .....	102	4,258	4,275	17	4,192	682	3,360	2,512	1,680
<b>Manufactured Products</b>									
All returns .....	<b>7,613</b>	<b>9,065,052</b>	<b>9,078,998</b>	<b>13,946</b>	<b>9,071,196</b>	<b>2,000,680</b>	<b>6,643,947</b>	<b>5,750,277</b>	<b>3,321,164</b>
Returns with majority stockholder, total .....	7,321	9,023,560	9,037,141	13,581	9,029,400	1,996,267	6,607,257	5,726,824	3,302,821
Corporate stockholders, total .....	6,375	8,955,351	8,960,280	4,929	8,952,953	1,990,145	6,538,129	5,684,940	3,268,258
Assets zero or not available .....	437	120,017	120,669	653	120,583	24,105	91,220	74,967	45,616
\$1 under \$100,000 .....	102	14,009	14,123	114	14,123	2,050	11,977	8,131	5,992
\$100,000 under \$1,000,000 .....	662	56,827	57,435	608	54,484	5,765	48,267	30,351	24,133
\$1,000,000 under \$5,000,000 .....	1,784	213,676	216,567	2,891	216,508	20,818	190,739	121,551	95,130
\$5,000,000 under \$10,000,000 .....	795	196,846	196,846	1	196,844	27,398	162,127	115,082	81,762
\$10,000,000 under \$50,000,000 .....	1,371	782,351	782,664	313	782,625	133,570	627,384	469,193	313,435
\$50,000,000 under \$100,000,000 .....	356	354,023	354,024	1	354,024	75,364	263,669	222,262	131,831
\$100,000,000 under \$250,000,000 .....	288	525,668	525,672	4	521,482	108,775	398,937	322,169	199,314
\$250,000,000 or more, total .....	579	6,691,936	6,692,279	344	6,692,279	1,592,299	4,743,809	4,321,234	2,371,045
\$250,000,000 under \$500,000,000 .....	169	582,405	582,405	( <sup>1</sup> )	582,405	146,959	415,116	374,957	207,448
\$500,000,000 under \$1,000,000,000 .....	165	853,634	853,634	( <sup>1</sup> )	853,634	200,394	634,359	536,501	317,133
\$1,000,000,000 or more .....	245	5,255,897	5,256,240	343	5,256,240	1,244,945	3,694,333	3,409,776	1,846,464
Noncorporate stockholders .....	922	64,689	73,272	8,582	72,582	6,123	65,539	40,090	32,768
Type of stockholder not known .....	*24	*3,520	*3,589	*69	*3,589	—	*3,589	*1,794	*1,794
Returns with no majority stockholder .....	292	41,492	41,857	365	41,796	4,413	36,690	23,453	18,343

Footnotes at end of table.













