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Skipping a BEAT: And the BEAT Goes On…

We started the "Skipping a BEAT" series to highlight the original proposed regulations under section 59A which were published December 21, 2018[1] ("2018 proposed regulations") and discuss some of the unexpected impacts of the base erosion anti-abuse tax ("BEAT"). Over the past year we have focused on a number of discrete issues with a series of short articles; but our series is coming to an end with the release of the final regulations[2] published by the IRS and Treasury Department on December 6, 2019. As we wrap-up our "Skipping a BEAT" series, we would like to take a

[1] Proposed Treasury Regulations under Section 59A, 83 Fed. Reg. 65956 (Dec. 21, 2018).
[2] Base Erosion and Anti-Abuse Tax, T.D. 9885 (Dec. 6, 2019). Note that the final regulations are generally retroactively effective to tax years ending on or after December 17, 2018. Treas. Reg. § 1.59A-10. Taxpayers also may apply the final regulations to tax years beginning after December 31, 2017 and ending before December 17, 2018.

closer look at the *new proposed regulations* ("2019 proposed regulations") published by the IRS and Treasury Department on December 6, 2019[3] alongside the final regulations.

But first, a few words on the changes in the final regulations over the 2018 proposed regulations which have been the subject of this series. The final regulations provide that a loss recognized on a transfer of property to a foreign related party does not itself cause the payment to the foreign related party to be treated as a base erosion payment.[4] This directly contradicts language in the preamble to the 2018 proposed regulations but may provide a more favorable result from a policy perspective, allowing taxpayers to utilize their tax basis in loss property.[5] The final regulations also provide that amounts transferred to or exchanged with a foreign related party in a transaction described in Section 332, 351, 355, and 368 (a "specified nonrecognition transaction") are not base erosion payments.[6] This change by the IRS and Treasury Department is largely in response to comments provided to the 2018 proposed regulations. However, a specified nonrecognition transaction is subject to a new anti-abuse rule (Treas. Reg. § 1.59A-9) and generally applicable judicial doctrines (*e.g.*, conduit, agency, assignment of income).

Now, let us turn to the 2019 proposed regulations. One of the most surprising changes in the BEAT package released on December 6, 2019 was within the 2019 proposed regulations, which provide taxpayers a mechanism to waive deductions such that they will not be treated as a base erosion tax benefit.[7] Section 59A(c)(2)(A) provides in part that a base erosion tax benefit ("BETB") is any specified deduction which is *allowed for the taxable year* with respect to a base erosion payment. The 2019 proposed regulations specify that all deductions that could be properly claimed by a taxpayer for the year, taking into account the taxpayer's method of accounting and any elections, are treated as "allowed" for purposes of determining the taxpayer's BETBs. However, the amount of "allowed" deductions is reduced by the amount of deductions which are properly waived under the Prop. Treas. Reg. § 1.59A-3(c)(6). Taxpayers' ability to waive deductions under the 2019 proposed regulations may allow them to reduce their BETBs so as to fall below the base erosion percentage threshold, such that they are no longer subject to the BEAT for a particular tax year.[8] While deductions can be waived for other reasons, taxpayers may be hard-pressed to find an economically advantageous argument for waiving deductions unless they are very close on the cusp of being an applicable taxpayer under the base erosion percentage test.

Any waiver under the 2019 proposed regulations, generally, must apply for all US federal income tax purposes.[9] However, the election to waive a deduction is disregarded for certain purposes specified in the 2019 proposed regulations:

1. For determining the taxpayer's overall method of accounting or method of accounting for an item;
2. For determining whether there is a change in their method of accounting under Section 446(e);
3. For determining the amount of "allowable" depreciation or amortization for purposes of Sections 167(c), 1016(a)(2), or 1016(a)(3) and basis adjustments under Section 1016(a);
4. For applying the Treas. Reg. § 1.861-17(b) exclusive apportionment rule;
5. For applying Section 482 and regulations thereunder;
6. For determining the amount of the taxpayer's earnings and profits; and
7. For any other item necessary to prevent the taxpayer from receiving the benefit of a waived deduction.[10]

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[3] Additional Rules Regarding Base Erosion and Anti-Abuse Tax, 84 Fed. Reg. 67046 (Dec. 6, 2019). The 2019 proposed regulations generally apply prospectively to tax years beginning on or after the date they are finalized (however, 2019 proposed regulations on partnerships are proposed to apply to tax years ending on or after December 6, 2019).
[4] Treas. Reg. § 1.59A-3(b)(2)(ix).
[5] "…a base erosion payment also includes a payment to a foreign related party resulting in a recognized loss; for example, a loss recognized on the transfer of property to a foreign related party." Preamble to Proposed Regulations under Section 59A, Part III.A.1., 83 Fed. Reg. 65956 (Dec. 21, 2018).
[6] Treas. Reg. § 1.59A-3(b)(3)(viii).
[7] Prop. Treas. Reg. §§ 1.59A-3(c)(5) and -3(c)(6), 84 Fed. Reg. 67046 (Dec. 6, 2019).
[8] For purposes of the BEAT, an "applicable taxpayer" for a taxable year must in part have a base erosion percentage which is 3% or higher (2% or higher if the taxpayer is a member of an affiliated group which includes a bank or registered securities dealer). Section 59A(e)(1)(C). The "base erosion percentage" for the taxable year is the aggregate amount of BETBs divided by the sum of the aggregate amount of allowable deductions and allowable BETBs for the year. Section 59A(c)(4)(A).
[9] Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(A)(1), 84 Fed. Reg. 67046 (Dec. 6, 2019).
[10] Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(B), 84 Fed. Reg. 67046 (Dec. 6, 2019).

In particular, the preamble to the 2019 proposed regulations provide that "The Treasury Department and the IRS are concerned that in adopting this approach, absent certain procedural rules, taxpayers that waive a deduction pursuant to the proposed regulations to reduce their amount of base erosion tax benefits could benefit by using some or all of the foregone deductions in a subsequent year, while still benefiting from the reduction of base erosion tax benefits made in the prior year." To address this concern, the last item on the list11 provides a very broad rule which appears to lack specificity and certainty for taxpayers.

The waiver generally is treated as occurring before the allocation and apportionment of deductions under Treas. Reg. §§ 1.861-8 through -14T and -17 (*e.g.*, purposes of Section 904).12 Further, if there is a change in the method of accounting for a waived deduction, any resulting Section 481(a)(2) adjustment is determined without taking into account the waiver so as to ensure that a taxpayer is not able to reduce the amount of its BETBs via a waiver of deductions in a prior year and then recover the waived deductions in a subsequent year by making an accounting method change.[13]

The election is not an accounting method and IRS Commissioner consent is not required if the taxpayer chooses not to elect to waive deductions in a subsequent year.[14] Under the 2019 proposed regulations, a taxpayer elects to waive deductions on an annual basis on its original filed federal income tax return, or on an amended return filed within 3 years from the date the original return was filed.[15] However, taxpayers can increase the amount waived on an amended return, but may not decrease the amount waived on an amended return or in the course of an IRS examination.

A taxpayer must provide on Form 8991 information related to each deduction waived, including a description of the item or property to which the deduction relates, the date the deduction was paid or accrued, the provision of the Code which provides for the deduction, the amount of the deduction being claimed and waived, where the deduction is reflected in the federal income tax return, and the name, EIN, and country of organization of the foreign related party that receives the payment generating the deduction.[16]

Taxpayers' ability to waive deductions under the 2019 proposed regulations may allow them to reduce their BETBs so as to fall below the base erosion percentage threshold, such that they are no longer subject to the BEAT for a particular tax year.[17] If a taxpayer's base erosion percentage (calculated without a waiver of any deduction) is close to the threshold, the taxpayer may elect to waive enough deductions to fall below the threshold and outside of the BEAT for the tax year, avoiding the so-called BEAT cliff effect. However, since the election to waive a deduction is generally applicable for all US federal income tax purposes, a taxpayer would not benefit from waiving more deductions than the amount required to fall below the threshold or deductions which do not get the taxpayer below the applicable threshold, since waived deductions would increase the taxpayer's taxable income for the year.

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[11] Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(B)(7).
[12] Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(A)(2), 84 Fed. Reg. 67046 (Dec. 6, 2019). However, if a taxpayer waives a deduction for interest expense that would have been directly allocated to income produced by a particular asset under Treas. Reg. §§ 1.861-10 or -10T and would have resulted in the reduction of value of an asset for purposes of allocating other interest expense under Treas. Reg. §§ 1.861-9 and -9T, the value of the asset is reduced to the same extent as if the deduction was not waived. Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(A)(3), 84 Fed. Reg. 67046 (Dec. 6, 2019).
[13] Prop. Treas. Reg. § 1.59A-3(c)(6)(ii)(D), 84 Fed. Reg. 67046 (Dec. 6, 2019). *See* Preamble to Additional Rules Regarding Base Erosion and Anti-Abuse Tax, Part III, 84 Fed. Reg. 67046 (Dec. 6, 2019).
[14] *See Prop. Treas. Reg.* § 1.59A-3(c)(6)(ii)(C), 84 Fed. Reg. 67046 (Dec. 6, 2019).
[15] Prop. Treas. Reg. § 1.59A-3(c)(6)(iii), 84 Fed. Reg. 67046 (Dec. 6, 2019).

[16] Prop. Treas. Reg. § 1.59A-3(c)(6)(i), 84 Fed. Reg. 67046 (Dec. 6, 2019). The Preamble to the 2019 proposed regulations indicates that until they are finalized, a taxpayer choosing to rely on the proposed regulations can attach a statement to Form 8991 including the information listed in Prop. Treas. Reg. § 1.59A-3(c)(6)(i) to make the election. Preamble to Additional Rules Regarding Base Erosion and Anti-Abuse Tax, Part III, 84 Fed. Reg. 67046 (Dec. 6, 2019).
[17] For purposes of the BEAT, an "applicable taxpayer" for a taxable year must in part have a base erosion percentage which is 3% or higher (2% or higher if the taxpayer is a member of an affiliated group which includes a bank or registered securities dealer). Section 59A(e)(1)(C). The "base erosion percentage" for the taxable year is the aggregate amount of BETBs divided by the sum of the aggregate amount of allowable deductions and allowable BETBs for the year. Section 59A(c)(4)(A).

For example, in a prior article in this series, we considered a scenario where a Foreign Parent owns USCo1 and USCo2, which on an aggregate basis meet the threshold requirements to be subject to BEAT under Section 59A(e) (imagine that their base erosion percentage is 3.01% – just over the threshold). USCo1 has certain BETBs related to payments to Foreign Parent and USCo2 has no BETBs. Assuming that USCo2 has $50 net US source income and $100 of net global intangible low-taxed income against which it can claim a $21 foreign tax credit, its $31.5 regular tax liability on its $150 of taxable income would be offset by the foreign tax credit to a residual $10.5. For BEAT purposes, USCo2's modified taxable income is $150 (as it does not have any BETBs) resulting in BEAT of $15 based on the 10% rate. Since foreign tax credits are included in determining the base erosion minimum tax amount, USCo2's regular tax liability is $10.5, resulting in a $4.5 base erosion minimum tax amount, even though it does not have a single BETB. If instead USCo1 elects to waive certain deductions such that on an aggregate basis USCo1 and USCo2 fall below the 3% base erosion percentage threshold, USCo2 would not incur the $4.5 base erosion minimum tax amount.

The 2019 proposed regulations providing rules for an election to waive deductions apply to taxable years beginning on or after the date that such regulations are finalized. However, taxpayers may rely on the 2019 proposed regulations for a taxable year beginning after December 31, 2017, so long as they rely on the applicable rules in their entirety.[18]

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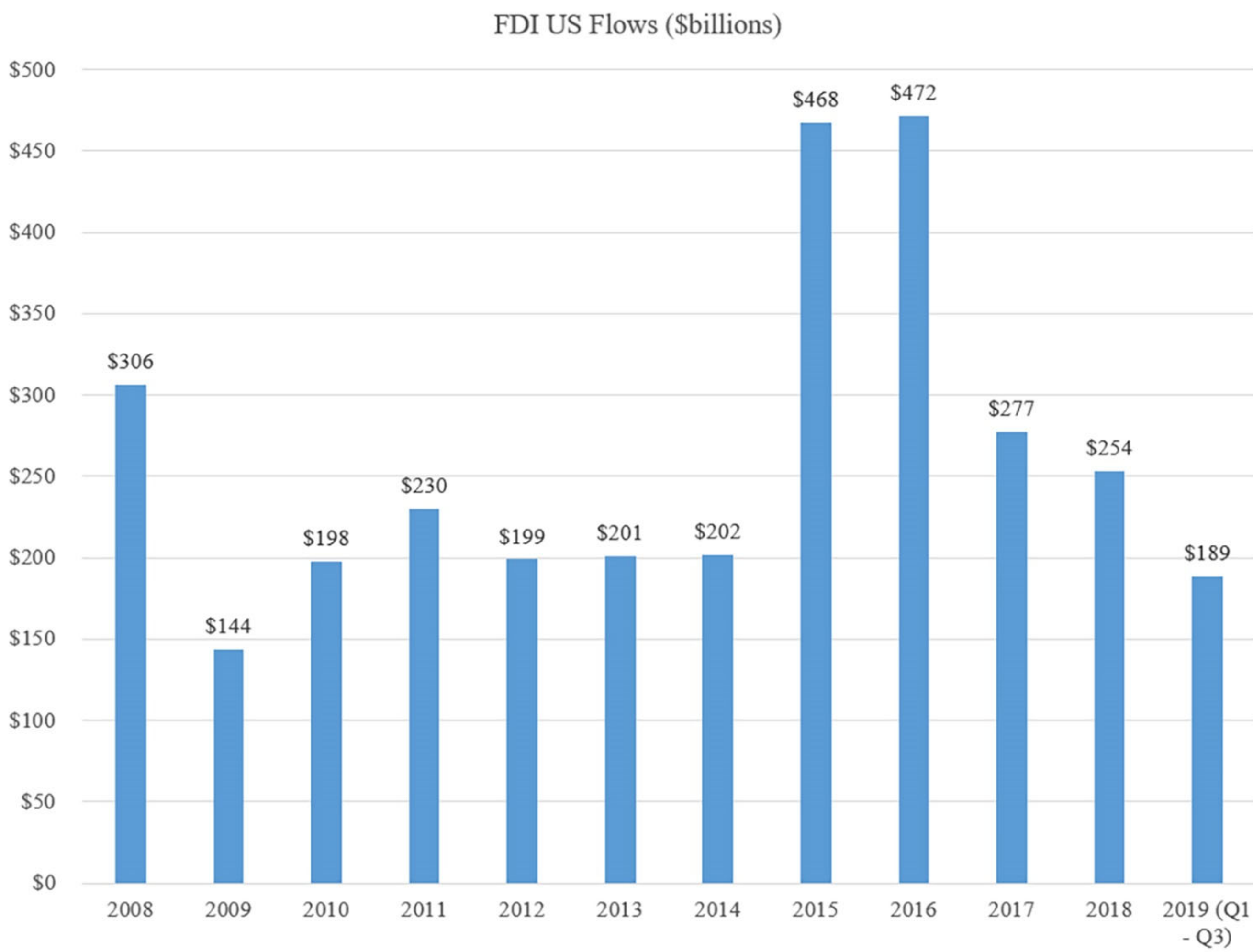
State & Local Credits and Incentives Consideration for Inbound US Companies

The inbound investment activity in the United States is robust and dynamic. Chart 1 (based on data from the United States Department of Commerce, Bureau of Economic Analysis) demonstrates the relative measurement of the nominal amount of foreign direct investment into the United States, and Chart 2 (also based on data from the United States Department of Commerce, Bureau of Economic Analysis) demonstrates the countries initiating investment into the US.

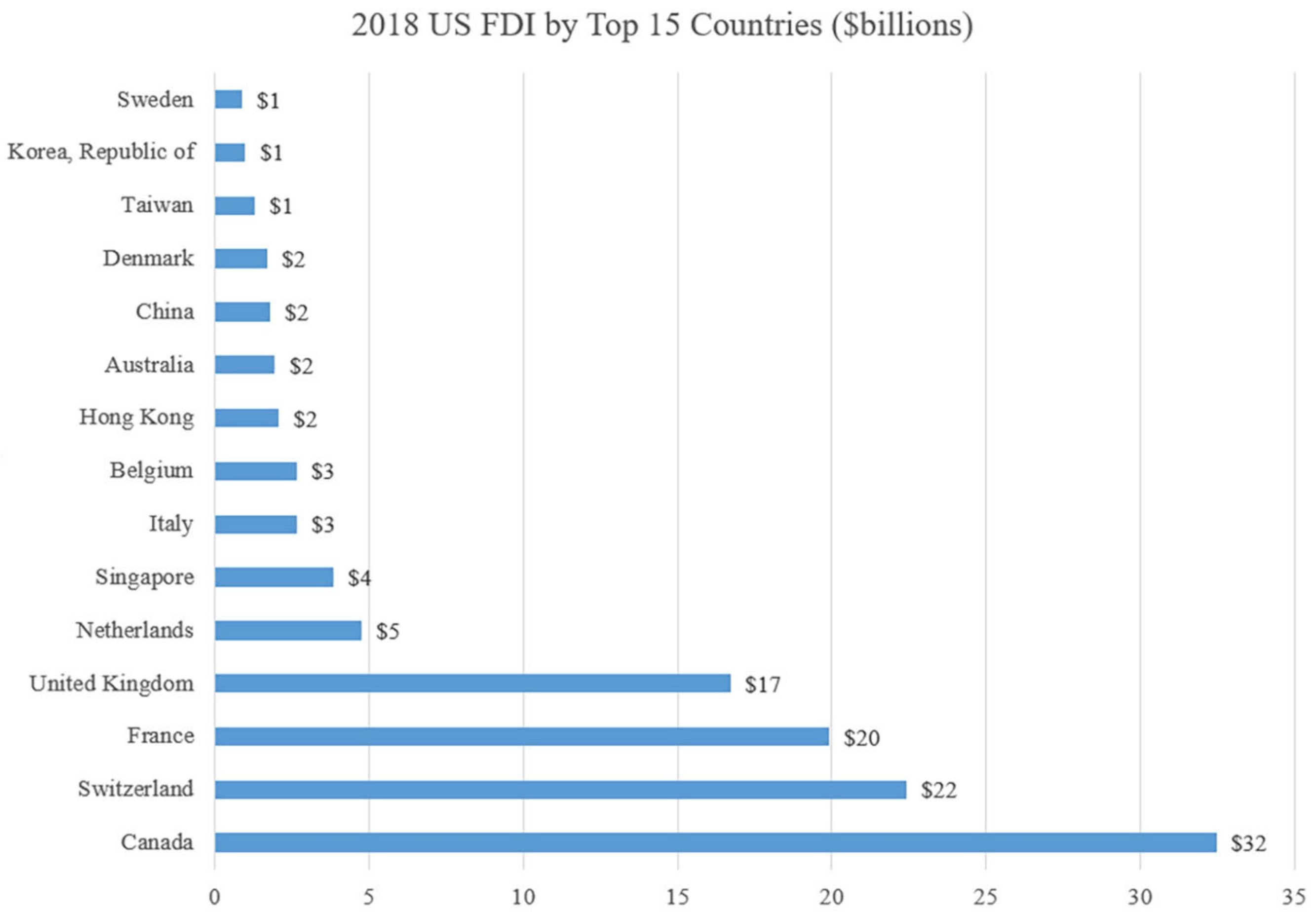
[18] Preamble to Additional Rules Regarding Base Erosion and Anti-Abuse Tax, 84 Fed. Reg. 67046 (Dec. 6, 2019).

Chart 1[19]



[19] Bureau of Economic Analysis, "Foreign Direct Investment in the US: Balance of Payments and Direct Investment Position Data," https://www.bea.gov/international/di1fdibal, accessed December 19, 2019.

Chart 2[20]



Navigating the complexity of investing in the US

A growing number of inbound multi-national companies have been seeking credits and incentives (C&I or collectively incentives) in the United States. Many of these companies have been successful in securing C&I for investments in non-US locations and are seeking advice for potential acquisitions or new expansions into the US Whether inbound investors are new to the US or have existing operations and are seeking to grow, navigating the complexity of investing in the US and seeking support through C&I can be challenging.

US C&I landscape for inbound investors

The United States has consistently been among the top countries for foreign direct investment ("FDI") since the World Bank began tracking the metric in 1970.[21] According to the Bureau of Economic Analysis (BEA), a division of the US Federal Government's Department of Commerce, an estimated 7.4 million US workers are employed by international

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[20] Bureau of Economic Analysis, "New Investment in the United States by Foreign Direct Investors," https://www.bea.gov/international/di1fdinew, accessed December 19, 2019.
[21] World Bank Group, "Foreign direct investment, net inflows (BoP, current US$)," https://data.worldbank.org/indicator/BX.KLT.DINV.CD.WD?view=map, accessed December 19, 2019.

companies earning an average of $84,000 annually per employee.[22] FDI into the US was $253 billion in 2018 and approximately $188 billion in the three quarters of 2019, including expenditures on acquisitions, investments in new US businesses, and expansions of existing foreign-owned business operations.[23] The 2018 FDI alone translated into the creation and/or retention of over 430,000 jobs, of which manufacturing (209,000) and retail (62,500) had the largest representation.[24]

While the federal government offers a number of C&I programs to support research and development, job creation, and investment, significant US C&I programs are available through state and local governments. Additionally, such programs offered by the government (state or local) include competitive incentives. This is a different structure than that often found in many other parts of the world, where the incentive process is generally more centralized.

Generally, the fifty states and thousands of local jurisdictions (within said states) may offer incentives which could change from year to year. Incentive benefits are often in the form of a cash grant, a tax credit, sales tax incentives, property tax incentives, infrastructure funding, and utility incentives, as well as in-kind incentives such as free land or workforce development. While some jurisdictions may be limited to established incentive programs, in certain instances, incentives may be customized for a specific project.

To an inbound US investor, the array of incentive programs and the process both to secure initial approvals for participation in a program, as well as the compliance required to monetize the related benefits can be daunting. Accordingly, when considering location options, it is important for the foreign investor to understand US incentives.

In order for a foreign investor to determine which US incentives have potential benefit, the first step is to prioritize what is of value to the investor's contemplated US operation. Is the company a manufacturing, distribution, or service orientated operation? If it is a manufacturing operation, is it an industrial process (*i.e.*, extensive use of raw materials, high utility usage) or a light manufacturing process (basic assembly)? Clearly defining operational priorities and functional attributes may help identify which incentives are likely to have an impact on your location decision.

Most companies are interested in cash-equivalent incentives that lower up-front capital outlays or ongoing operating costs. Examples include cash grants, subsidized real estate, and property tax abatements and exemptions.

Another type of incentive that inbound investors may want to be aware of is the opportunity and value of targeted local incentives programs, such as fast-track permitting, waiver of planning or permit fees, and employee recruiting support, which can be part of a broad-based incentives package. These indirect incentives can increase speed to market and can be available in conjunction with traditional direct cash and cash-equivalent incentives.

State statutory benefits may also be considered, such as income tax credits to reduce tax liability. Statutory tax credits can also include job credits for new employment, investment tax credits for qualified capital investments, training credits for employees, and others. In addition, state statutory sales tax credits, exemptions and other benefits may be available.

The devil is in the details

With the amount of investment involved in expanding in the US, it is not surprising that site selection, infrastructure assessments, and labor studies require significant effort. Therefore, understanding and evaluating incentives should be no less significant. The variety of state, county, and local incentives vary dramatically from state to state. Companies must understand the performance requirements, application deadlines, and the potential impacts.

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[22] Bureau of Economic Analysis, "Activities of US Affiliates of Foreign Multinational Enterprises, 2017," https://www.bea.gov/news/2019/activities-us-affiliates-foreign-multinational-enterprises-2017, accessed December 19, 2019.
[23] Bureau of Economic Analysis, "Foreign Direct Investment in the US: Balance of Payments and Direct Investment Position Data,"
[24] Bureau of Economic Analysis, "New Foreign Direct Investment in the United States, 2018," https://www.bea.gov/index.php/news/2019/new-foreign-direct-investment-united-states-2018l, accessed December 19, 2019.

To illustrate the importance of utilization, consider an inbound company acquiring a target with tax credit carryforwards. During due diligence the acquiring company should confirm the incentives were certified, obtained and in compliance. In addition, the company should project the tax liability in order to monetize the credits.

In addition, many states require there to be a competitive element to the project, most commonly referred to as the "but for" requirements. An inbound company may be deemed ineligible for tax incentives if they publicly announce expansion plans before securing an incentive agreement from the state and local jurisdictions.

Moreover, an understanding of a company's obligations and commitments is just as important as the benefits themselves. In Minnesota, for example, two primary incentive programs measure commitments for qualified jobs differently even for the same project. The Job Creation Fund (JCF) considers a full-time job as a single employee working 2,080 hours.[25] The state also offers the Minnesota Investment Fund (MIF) where it measures a full-time equivalent job as one or more people working a combined 2,080 hours.[26]

Opportunities, large and small

Regardless of the size of a project, incentive opportunities should be assessed. Below are a few illustrative examples of potential incentives for inbound investments across the US. Available incentives for inbound investment may vary by state and local community, as well as the level of job creation, wages and investment.

- **Georgia:** Inbound investments may be eligible for a variety of incentives ranging from state grants and credits to local property tax abatements and infrastructure improvements. For example, an inbound project may be eligible for $2,500 – $5,000 per job, annually for five years. The project would need to create at least 50 new qualified jobs paying 110% of the average county wage.[27]
- **Texas:** The state offers cash grants and sales and use tax rebates with local cash grants and other property tax grants available. Under the "Texas Enterprise Fund" (TEF), an inbound project may be eligible to receive a "deal-closing" grant for projects with significant capital investment, job creation and out-of-state competition.[28]
- **New York:** The state of New York offers various incentives to targeted industries such as, but not limited to pharmaceutical, high-tech, clean-technology, and manufacturing. For example, under the "Excelsior Jobs Program" an inbound project can potentially qualify for four fully refundable tax credits. Such credits include:
  - **Jobs tax credit:** Credit of 6.85 percent of wages per new job;
  - **Investment tax credit:** Credit of two percent of qualified investments;
  - **Research and development credit:** Credit of 50 percent of the Federal Research and Development credit up to three percent of research expenditures in NYS; and
  - **Property tax credit:** Credit for projects locating in certain distressed areas and to firms in targeted industries that meet higher employment and investment thresholds.[29]

Eyes on the prize

Incentives may provide significant value for inbound investment. C&I is one of many factors when making site selection decisions, such as talent cost and availability, supply chain, and energy costs, among others. Having the right team supporting various aspects of the project is key to a successful C&I project.

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[25] Minnesota Office of the Revisor of Statutes, "§116J.8748 MINNESOTA JOB CREATION FUND."
[26] Minnesota Office of the Revisor of Statutes, "§116J.8731 MINNESOTA INVESTMENT FUND."
[27] Official Code of Georgia Annotated, "§48-7-40.17 QUALITY JOBS CREDIT."
[28] Texas Government Code, "§481.078 TEXAS ENTERPRISE FUND."
[29] Empire State Development, "Article 17 of the Economic Development Law," §355 EXCELSIOR JOBS PROGRAM CREDIT.

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IRS's Functional Cost Diagnostic Model: Consideration for Inbound Multinational Enterprises

On March 1, 2019, the IRS's Advance Pricing and Mutual Agreement Program ("APMA") made publicly available the excel-based Functional Cost Diagnostic Model ("FCDM"), along with a memorandum explaining the model and its application ("FCDM Memo").[30]

The FCDM is meant to be a tool that APMA may request taxpayers to fill out in certain APA cases, where two or more controlled taxpayers make significant non-routine (*i.e.* non-benchmarkable) contributions to the intercompany arrangement. After its release, IRS officials have indicated that the FCDM may be used by the Service beyond the advance pricing agreement ("APA") program.[31]

In this article, we first briefly describe the FCDM; then we highlight some key considerations applicable to foreign-based multinational enterprises ("MNE").

Functional Cost Diagnostic Model – Brief description

The FCDM is a template for the application of a residual profit split method ("RPSM") for a transaction or group of interrelated transactions entered into by entities in an MNE group. In the FCDM, costs incurred by the entities are categorized by functional categories ("functional costs"), and after a determination of the routine profit, the capitalized non-routine functional cost contributions are used as a split factor for the allocation of residual profits.

The FCDM Memo describes these non-routine functional costs as, "functional costs having an economic value that would not be measured reliably by referring to benchmarks obtained from comparable uncontrolled transactions and that are expected, ex ante, to last beyond a single accounting period." Further, the FCDM Memo provides reference to the 2017 OECD Transfer Pricing Guidelines (*i.e.*, Chapter I, Chapter II, and Chapter VI) in respect of the factors that taxpayers should consider when engaging in the exercise of assessing and classifying the functional costs. The determination of the cost categories and the parameters used for the capitalization of the functional costs are items that the taxpayer should determine themselves; however, the taxpayer must also justify the selection of these parameters to the tax authorities based on the specific facts of the transaction (*e.g.* during the APA due diligence process).

The economic principles underlying the FCDM are: split any non-routine profit earned by the MNE based on the investments made by the different entities after adjusting for the investment lifecycle (that is, how long it will take until the investments start generating revenue/benefits, and for how long are these investments expected to generate benefits). It should be noted that the FCDM may not provide reliable results for fact patterns of all companies.

Commentary

Here we discuss certain items relevant for the inbound MNEs.

Inbound MNEs and APA: The APAs that have already been concluded by the IRS and relevant tax authorities will not be impacted by the IRS APMA program. The renewal of already concluded APAs and any new APA applications could be impacted by the FCDM.

[30] An updated version of the FCDM is expected to be released by the IRS.
[31] IRS's New Data Tool Could Help Beyond Advance Tax Deals. Bloomberg Tax, April 2, 2019

The FCDM is expected to be used:

1. In more complex intercompany transactions across various industries to assess if the profit split method can be more reliably applied rather than the one-sided comparable profit method (“CPM”) or the transactional net margin method (“TNMM”); or
2. As a tool to facilitate the APA due diligence process and discussions with competent authorities when negotiating bilateral APAs.

The fact that not all taxpayers in the APA process have been requested the submission of the FCDM may be indicative that the IRS is concentrating on selected taxpayers and that the CPM/TNMM will continue to be the most common transfer pricing method used in an APA. According to the 2019 Announcement and Report Concerning Advance Pricing Agreements, which covers calendar year 2018, the CPM/TNMM was used for 86% of transfers of tangible and intangible property, while all other methods combined accounted for the other 14% of such transactions. Most services transactions (86%) also used the CPM/TNMM.

Taxpayers submitting renewal APAs, for similar intercompany transactions, may face delays if APMA switches a previously used one-sided method, such as a CPM /TNMM to a residual profit split as the due diligence process may be longer and the foreign competent authority may challenge the method change.

Reliance on Transfer Pricing Documentation: Although the FCDM has been released by the APMA program, it has potential to be used by the IRS during transfer pricing audits pursuant to recent IRS guidance requiring coordination between the APMA and IRS regarding examinations with potential to generate transfer pricing adjustments involving a country with which the United States has a bilateral tax treaty.

It is advisable for taxpayers, even though relying on transfer pricing documentation to manage tax compliance, to assess the impact of the 2017 OECD Transfer Pricing Guidelines and the FCDM. The FCDM is flexible so that taxpayers have the ability to use the FCDM in a way that is consistent with how people in the organization think about the business in terms of the different value generating activities and where these costs reside. Should there be significant gaps in results between the application of the one-sided CPM/TNMM approach and the profit split method based on the FCDM, the inbound MNEs should consider a fresh examination of the existing operating model.

Conclusion

The foreign-based MNEs with US subsidiaries should consider proactively analyzing the impact of the FCDM both for filing APAs as well as assessing the impact in transfer pricing audits. Should there be significant differences in results between the application of the one-sided CPM/TNMM approach and the profit split method based on the FCDM, the inbound MNEs should consider revaluating their transfer pricing policies.

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Calendars to watch

Each edition, be sure to mark your calendars for some of the more important events (recent and upcoming) as well as tax developments making in impact on businesses investing into the United States.

Upcoming activities

February 11
11:00 a.m. ET

Dbriefs archive: Special Edition | Life after Brexit: Insights for multinational private companies
Watch
URL: https://www2.deloitte.com/us/en/pages/dbriefs-webcasts/events/february/2020/dbriefs-life-after-brexit-for-multinational-private-companies.html

February 12
1:00 p.m. ET

Dbriefs archive: Special Edition | Global tax management: Insights for delivering more value
Watch
URL: https://www2.deloitte.com/us/en/pages/dbriefs-webcasts/events/february/2020/dbriefs-global-tax-management-insight-for-delivering-more-value.html

March 3
1:00 p.m. ET

Dbriefs: Documentation and country-by-country reporting: Emerging trends
Register
URL: https://www2.deloitte.com/us/en/pages/dbriefs-webcasts/events/march/2020/dbriefs-documentation-country-by-country-reporting-emerging-trends.html

March 25
1:00 p.m. ET

Dbriefs: Financial accounting and reporting for income taxes: Important updates
Register
URL: https://www2.deloitte.com/us/en/pages/dbriefs-webcasts/events/march/2020/dbriefs-financial-accounting-reporting-for-income-taxes-important-updates.html