

Corporate Tax Asymmetry and Market Power

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Abstract

This paper examines how asymmetric corporate taxation interacts with product market power. Since losses are not immediately refunded, average tax rates decline as profitability rises. In a simple dynamic model featuring firms of varying markups making quantity and investment decisions, lower markup firms ex ante face a higher penalty on firm value and can experience more downward pressure on investment relative to a system with immediate offset than high markup firms. This can lead to even higher relative market share for already advantaged firms. Previously realized losses, however, can shift these results as firms seek to extract the benefits of net operating losses. Firm financial data from Compustat provide support that the penalty decreases with market power, though scaling is modest. Higher markup firms are more profitable and use carryforwards quicker following loss events. Holding net present value of pre-tax income fixed, high markup firms still have lower loss exposure.

1 Introduction

All corporate tax systems are based on annual accounting: profits are taxed in the year they are earned, while tax losses are not immediately refunded. Instead, firms must carry forward (or back) their net operating losses against future (past) profits.¹ If carried forward, firms lose value on their delayed refund due to the time value of money or complete expiration. This can, for example, exacerbate liquidity constraints, incentivize exit, and distort investment. In the United States, carryforwards have an indefinite expiration since the Tax Cuts and Jobs Act of 2017 (TCJA), though they had a 20 year or lower expiry in years prior. Countries such as the UK, France, and Germany similarly have indefinite durations, while countries such as Japan and South Korea have more limited durations of 10 and 15 years.²

There are several reasons why governments still opt for an asymmetric system. One common pro argument is that tax asymmetry provides protection against fraud. During non-profitable years, firms in a symmetric system (immediate loss offset) would have an incentive to overstate losses to increase their tax refunds. The government could increase enforcement efforts to combat this, but this would only incur further administrative costs. Additionally, there is a political economy angle. Adopting tax symmetry may be publicly perceived as propping up failing or inefficient firms even if losses are temporary shocks.

This paper argues that asymmetric corporate taxes can indirectly benefit firms with market power. It develops a dynamic model of heterogeneous firms of varied markups making output and investment decisions under an asymmetric corporate tax system. The model highlights that the asymmetric penalty on firm value typically shrinks as market power rises due to higher expected profitability. Higher profitability reduces loss likelihood and therefore reduces expected time discounting on tax benefits. Impacts on marginal behavior, however, can depend strongly on past income realizations. Financial data from Compustat support that the magnitude of this penalty is negatively associated with market power, but the scaling in the sample is modest. Finally, a change in carryforward rules under TCJA is used to test differences in marginal investment incentives between high and low market power firms.

In an asymmetric system, the tax benefit (refund) of a loss can only be experienced in a profitable period. If this profitable period is never reached, this benefit is lost entirely. Even if the profitable period is reached, since loss carryforwards are not adjusted for inflation, the value of the tax benefit is discounted by the number of periods it takes to reach the profitable state. Thus, the disadvantage of tax asymmetry is directly scaled by to the expected duration, i.e., time before usage, of net operating losses.

For a given statutory tax rate, all firms thus expect higher average and in most situations marginal tax under an asymmetric system relative to a system with immediate loss offset. Firms

¹Prior to the TCJA 2017, firms were also allowed to carry any losses back to two years. TCJA eliminated loss carrybacks; however, the CARES Act in 2020 granted a special 5 year carryback allowance for taxable years beginning in 2018-2020.

²Table A1 in the Appendix describes the current net operating loss rules of several different countries.

with higher market power will be partially shielded from the asymmetry penalty, implying that they have a relative subsidy. This can work in at least two ways. First, higher markup generally implies higher mechanical profitability. By having a mechanically higher level of profitability, high markup firms are more likely to have positive taxable income in a given period. This makes them less likely to interact with the tax asymmetry in the first place. However, due to shocks or other uncertainties, these firms may still experience loss events. Conditional on having net operating losses in a given year, higher markup firms are still more likely to be profitable again in following periods. This allows them to use acquired tax loss carryforwards earlier and therefore experience less discounting on these benefits.

Second, firms with higher market power may have a stronger ability to smooth income intertemporally. Conditional on the same present value of pre-tax profits, a firm can still mitigate the negative effects of tax asymmetry by reducing the size of losses or reducing the average duration on carryforwards. For example, a low but persistently positive income stream would be preferred to a stream that alternates between larger gains and losses. Regardless of whether this choice is ex ante (project choice) or ex post (shifting), income smoothing can increase after-tax profits.

A lower average tax does not strictly lead to higher market power, as this can be accomplished by a pure redistribution in rents that does not affect relative market shares. However, a persistent decrease in after-tax profits will reduce a firm's (continuation) value. Thus, redistributing rents from low to high market power firms increases the likelihood of firm exit for low market power firms. By the same token, asymmetry can work as a barrier to entry into the market as less productive firms need a higher pre-tax value to overcome entry costs. As the market shrinks, the remaining firms in the market can capture an even higher sales share as they benefit from the newly available capacity.

These advantages for high market power firms, however, do not strictly translate monotonically to lower marginal tax rates. The marginal cost of investment weakly increases under asymmetry across the board for all firms due to the potential for discounting on the tax refund on the cost. This increase shrinks as markup increases, again due to higher expected current profitability. However, marginal benefits follow a somewhat opposite pattern. Return on investment, the additional profits from a productivity increase, is shielded if the firm is in a nontaxable state in the following period(s). Thus, a firm that is more likely to be persistently nontaxable operates similar to if they were untaxed, conditional on not exiting. This description is more apt for lower markup firms.

One situation where a market power favoring relationship is more likely to hold occurs when the current stock of carryforwards is very low. In this situation, expected persistent nontaxability is more likely to result in exit rather than a firm staying in the market and operating on a tax-neutral margin. Thus, the relevant comparison is more likely to be between firms who are switching from nontaxable to taxable status versus those who are persistently taxable. In this situation, the latter typically experiences a lower marginal tax. As higher markup firms are more likely to be the latter, this situation would lead to higher relative investment and an increase in market share compared to a symmetric counterfactual.

The relationships between market power, profitability, and tax losses are then empirically examined using Compustat financial data. Markups are constructed as the product of output elasticity and inverse revenue shares as in [De Loecker et al. \(2020\)](#). Tax loss or status variables are constructed in two manners. First, Compustat features a built in field for tax loss carryforwards. This is adjusted in accordance with the accounting literature to address the standard pitfalls of using this variable directly. As an alternative, measures of taxable status and carryforward stock are constructed using the process developed in [Edgerton \(2010\)](#). This process uses other fields in Compustat and real world tax rules in an attempt to deduce carryforward values.

The data support that firms with higher market power are less likely to enter loss states and have shorter average durations on their carryforwards and nontaxability status. A firm in the highest markup quintile is 20 to 30 percentage points less likely to be in a loss state compared to a firm in the lowest markup quintile. Conditional on a loss-event, the quicker usage of the newly acquired carryforward implies a roughly 2 percentage point lower asymmetric tax penalty. The combination of these two results imply an expected difference in the penalty (in average tax rate terms) of between 0.34 to 0.51 percentage points.

For firms with similar NPV, firms with higher markup have lower loss ratios: total losses to total loss and gains, all in absolute value. This implies lower loss exposure beyond higher pre-tax profitability. All of these results imply that high markup firms face lower time value losses due to asymmetry. While the scaling of estimates with respect to market power are modest, implying a modest scaling on the penalty, it should be noted that this is a highly selected sample of large firms. While there is a dispersion in markups, even lower markup firms in this sample are not truly the lowest level players in a market.

As a supplementary analysis, this paper exploits changes in tax asymmetry due to the TCJA. TCJA immediately reduced the value of carryforwards by simultaneously capping yearly usage to 80% of taxable income and reducing the statutory rate from 35% to 21%.³ Triple difference regressions are set up around the implementation of TCJA, with groupings due to whether the firm had higher pre-TCJA average markup and whether the firm had positive carryforward stock immediately prior to the enactment of TCJA.

Of importance for investment behavior is the capped usage. For firms that are more likely to remain in *traditionally* nontaxable states, this policy change may significantly alter the marginal tax on investment. The probability of remaining in nontaxable state is no longer the probability that current carryforwards exceed taxable income, but instead the probability that taxable income falls below 0. Thus, firms whose choices were near this margin, which are firms closer to the lower end of markups, may have faced a sudden increase in their marginal tax on investment. Higher markup firms with carryforwards may have expected to return to a taxable state soon regardless

³As stated earlier, TCJA also extended the duration of carryforwards from 20 years to indefinite. While this should work in the opposite direction to increase the value of carryforwards, there are two reasons why this impact is minimal. First, as I later show, very few firms in the sample actually hold carryforwards longer than 10-15 years. Second, after 20 years of discounting, the additional value of years beyond this point have minimal impact on the expected value of a carryforward.

of the policy change and are thus less affected.

The results imply that investment, controlling for lagged Tobin’s q , falls more for low markup firms with carryforwards compared to high markup firms with carryforwards. There is also evidence for increased acquisition spending, both on the intensive and extensive margins. Taken at face value, these estimates would support the previous prediction about a larger increase in the expected marginal tax for the lower markup firms.

The effects of corporate tax system asymmetry on firm incentives have been extensively analyzed (Auerbach, 1986; Mayer, 1986; Shevlin, 1990; Devereaux et al., 1994; Edgerton, 2010). This paper combines these models of tax asymmetry with elements of firm decision making and entry/exit decisions in models such as Jovanovic (1982), Hopenhayn (1992), and Ericson and Pakes (1995).⁴ As is central in Ericson and Pakes (1995), the model here features both a static quantity game and a dynamic investment game. Firm productivities are stochastically affected by per-period investment decisions by all firms in a given industry.

The discussions in this paper strongly mirror the distinction in Auerbach (1986) about how tax asymmetry need not push average effective tax rate and marginal effective tax rates in the same direction. A separate body of work documents the rise in concentration in the past half century and its aggregate implications. De Loecker et al. (2020) and Gutiérrez and Philippon (2017) document this rise in publicly traded firms covered by Compustat. The prior emphasizes that this increase in market power has been primarily driven by top percentile firms further increasing their markup. The latter connects this increase in concentration with a decrease in investment. This paper provides at least one way to link tax asymmetry to implications about market power, or at the very least, the distributional impacts of tax asymmetry across these firm types.

Past empirical work on tax asymmetry has shown a high fraction of net operating losses are never used or with significant delay, and that this usage can differ substantially across firms and industries (Altshuler and Auerbach, 1990; Cooper and Knittel, 2006, 2010; Edgerton, 2010; Goodman et al., 2023). The ideas here are similar. For example, these papers and common rhetoric often point to younger firms or startups as being particularly punished by tax asymmetry. Younger firms typically have lower market power, though this may not necessarily translate to the lower markup measure used here, as they may need to cover higher initial costs. This raises the importance of interpreting direct results of this paper as conditional on market, rather than explicitly comparing firms across different markets with different demands, fixed costs, and shocks. Some implications are of course transferable to between market comparisons, but still an “all else equal” qualifier is usually required.

Financial statement data from Compustat are widely used but present challenges for measuring tax outcomes. First, there is no direct indicator of taxable status. This paper employs similar or exactly the proxies used by Graham (1996) and Edgerton (2010), which have been shown to perform well relative to using actual tax status from firm returns (Graham and Mills, 2008). An

⁴Auerbach (1986) conducts simulations in which fixed costs are varied. This can be viewed as a sort of precursor to the more explicit modeling in this paper of market power, as differential fixed costs can be responsible for varying profitability.

important empirical finding is that a substantial portion of tax loss benefits remain before expiring (Edgerton, 2010; Cooper and Knittel, 2006). The results of this paper relate this to firm market power, and suggests how if this trend is systematically associated with lower market power firms, then this sustains a relative advantage for high market power firms.

Along the same lines, considerable work has been done in the accounting literature on measurements of tax planning and tax loss. Max et al. (2023) try to directly fix issues in the Compustat measures, while Heitzman and Lester (2021) establish an alternative measure to Compustat's tax loss carryforward variable that improves on the predictive power in the amount of tax benefits firms actually use. The former method is adopted here, along with those previously mentioned in Edgerton (2010) in a catch-all approach to measuring tax loss and taxable status.

Finally, measurements of investment has also been a tricky endeavor. Traditionally, measurements of capital has often only included data on property, plant, and equipment (PP&E). However, over the last several decades, the share of intangible capital has been increasing and not included in these physical assets. Tobin's Q, the ratio of market value of assets to replacement costs, has been the standard proxy for investment opportunities. This paper uses the modification of Peters and Taylor (2017) Tobin's Q to better capture intangible investments.

The paper proceeds as follows. Section 2 develops and discusses a model of heterogenous firms under an asymmetric corporate tax system. Section 3 provides a short treatment of the profit smoothing mechanism. Section 4 discusses the financial data and empirical findings. Section 5 concludes.

2 A Model of Tax System Asymmetry

Consider a set of risk-neutral firms indexed by i , at a point in time t , of varying degrees of markup $\mu_t^i \equiv p_t^i(X^t) - c(\phi_t^i)$ in equilibrium, where p_t^i is product price, $c_t^i \equiv c(\phi_t^i)$ are the (constant) marginal costs of production, X_t is aggregate demand, and ϕ_t^i is a productivity parameter.

Each period firm i produces output x_t^i and invests I_t^i to stochastically affect their markups in the following period by altering marginal costs. The firm incurs fixed cost F and realizes an idiosyncratic profit shock ε_t^i prior to tax remittance.⁵ Therefore, the firm obtain pre-tax profits

$$\Pi_t^{i,P} = \mu_t^i x_t^i - I_t^i - F + \varepsilon_t^i \quad (1)$$

and the evolution of productivity, which will implicitly determine the evolution of markups, is guided by

$$\phi_{t+1}^i = G(\phi_t^i, I_t^i, \xi_{t+1}^i) \quad (2)$$

where G is increasing in ϕ_t^i and I_t^i , and $c(G(\cdot))$ is concave decreasing in I .⁶ ξ_{t+1}^i represents invest-

⁵Fixed costs can equivalently be modeled as time varying if ε_t^i is shifted by the difference between F and F_t , where F_t is this time varying version of fixed costs.

⁶This last condition is to ensure that investment has decreasing marginal returns. Increasing investment increases productivity, but productivity has decreasing returns in reducing marginal cost.

ment uncertainty or a productivity shock. The shock is realized at the start of period $t + 1$. The model ignores interest rates related to debt based financing (which can otherwise be included by multiplying I_t by $1 +$ the user cost of capital). Both shocks, ε_t^i and ξ_{t+1}^i , are assumed to be drawn from continuous distributions.

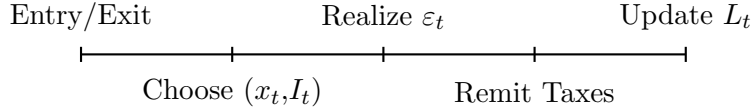
Profits are subject to a corporate tax rate τ . All non-capital production costs are assumed deductible, while a share $\theta \in [0, 1]$ of investment expenditures is deductible. Losses, however, are not immediately taxed (refunded). Instead, firms may carry forward these net operating losses and use them against profits in future years. Let L_t^i represent a firm's stock of tax loss carryforwards (TLCF) at the beginning of period t .⁷ Each period, the firm can (1) build upon TLCF if they have losses, (2) reduce the amount of TLCF if profits are less than the current TLCF stock, or (3) completely exhaust available TLCF. This can be summarized as follows:

$$L_{t+1}^i = \max(0, -B_t^i) \quad (3)$$

where $B_t^i = \Pi_t^{i,P} - L_t^i + (1 - \theta)I_t^i$ is the virtual tax base. If $B_t^i > 0$, this is the actual taxable income. If B_t^i is negative, this is a net operating loss, and the firm is untaxed. After-tax profits are therefore given by

$$\Pi_t^{i,A} = \Pi_t^{i,P} - \tau \max(B_t^i, 0) \quad (4)$$

A firm that newly enters a market at time t will have L_t^i set to zero. In summary, the timing in each period follows the timeline below:



2.1 Value Function and States

The productivity and carryforward tuple $\omega_t^i \equiv (\phi_t^i, L_t^i) \in \Omega$ defines the private state of a firm. Let the market state be $\omega_t \in \{\omega_t^1, \dots, \omega_t^N \mid \omega_t^i \in \Omega, N < \bar{N}\}$. The value function of a firm at time t is

$$\begin{aligned} V(\omega_t^i, \omega_t^{-i}) &= \max\{\mathbb{E}_t[\Pi_t^A + \beta V(\omega_{t+1}^i, \omega_{t+1}^{-i}) \mid \omega_t^i, \omega_t^{-i}, x_t^i, I_t^i], V_{Exit}\} \\ \text{s.t. } \phi_{t+1}^i &= G(\phi_t^i, I_t^i, \xi_{t+1}^i) \\ L_{t+1} &= \max(0, -B_t) \end{aligned} \quad (5)$$

where β represents the firm's discount factor, which is assumed to be the same for all firms, and the expectation is taken over the distribution of ε_t and ξ_{t+1} . Though not explicitly written out each time, the value of V is bounded below by the exit (scrap) value which is assumed independent of the tax system. For simplicity, this will be assumed to be constant for all firms at a value \bar{V} . This outside option provides an important distinction between economic and accounting profits. As

⁷While many countries have (limited) tax loss carryback systems, including the United States prior to 2018, a brief discussion of carrybacks is relegated to the Appendix.

economic profits are weakly lower than accounting profits, it should be that firms must generally expect positive accounting profits to remain in the market. Additionally there is a real world distinction between accounting income and tax income for the tax authority and the creation of carryforwards. In the model, accounting income and “tax income” overlap due to a lack of credits and other deductions, but this distinction will be important when using data from financial statements like Compustat.

2.2 Symmetric System Benchmark

As a point of comparison, consider an alternative symmetric corporate tax system with the same tax rate τ . In this system, tax losses are immediately refunded, and thus there is no carryforward system. After tax profits are given by

$$\Pi_t^{i,A} = \Pi_t^{i,P} - \tau \left[\Pi_t^{i,P} + (1 - \theta)I_t^i \right] = (1 - \tau)\Pi_t^{i,P} - \tau(1 - \theta)I_t^i \quad (6)$$

The value function can be written as

$$\begin{aligned} V^i(\omega_t^i, \omega_t^{-i}) &= \max_{x_t, I_t} E_t \left[(1 - \tau)\Pi_t^{i,P} - \tau(1 - \theta)I_t^i + \beta V_{t+1}(\omega_t) \right] \\ \text{s.t. } \phi_{t+1}^i &= G(\phi_t^i, I_t^i, \xi_{t+1}^i) \end{aligned} \quad (7)$$

If investment were also fully deductible, then the retention rate $(1 - \tau)$ can be factored out of the value function. Firm behavior in both output and investment would be equivalent to behavior absent a corporate income tax, and the only difference would be that value of the firm would be scaled by the retention rate.

This paper will make two types of comparisons: (1) “zero start” comparisons, and (2) general equal markup comparisons. The thought experiment for (1) is to compare firms that starts with zero TLCF stock, whether because the market just started or all firms had been fully taxable in the previous period. While idealized, this is a completely neutral starting point as already obtaining carryforwards would grant the asymmetric system an advantage moving forward.

The second type of comparison is for firms that currently have a stock of carryforwards. The issue in trying to compare a “like” firm in this scenario is that the symmetric system does not have carryforwards. So even if the markup matches in both systems, the firm in the asymmetric system with TLCF stock is advantaged *conditional on the history already being realized*. In other words, the firm in the symmetric system has already realized any potential benefits in the past, while the firm in the asymmetric is actively holding onto these potential benefits. Still, this type of comparison has important implications for relative firm behavior moving forward.

2.3 Entry and Exit

Firms will exit the market when their continuation value falls below the outside option \bar{V} . Since this outside option is assumed neutral to the tax system, there is a simple relationship with exit

and productivity.

Lemma 1. *Let*

$$\mathcal{C}_t^R(\omega_t^i, \omega_t^{-i}) \equiv \mathbb{E}_t[\Pi_t^A + \beta V(\omega_{t+1}, \omega_{t+1}^{-i})] \quad (8)$$

be the continuation value under regime $R \in \{A, S\}$ (asymmetric or symmetric), and define the exit cutoff productivity for firm i as

$$\phi^{*,R}(L_t^i) \equiv \inf\{\phi_t^i : \mathcal{C}_t^R(\omega_t^i, \omega_t^{-i}) \geq \bar{V}\}. \quad (9)$$

Assume (i) for each fixed L_t^i , $\mathcal{C}_t^R(\omega_t^i, \omega_t^{-i})$ is continuous and strictly increasing in ϕ ; and (ii) for each fixed ϕ_t^i , $\partial \mathcal{C}_t^A(\omega_t^i, \omega_t^{-i}) / \partial L_t^i \geq 0$, i.e., increased productivity increases firm value, and carryforwards are weakly beneficial. Then

$$\phi^{*,A}(0) \geq \phi^{*,S}(0), \quad (10)$$

and, for the asymmetric regime,

$$\frac{d\phi^{*,A}(L)}{dL} \leq 0. \quad (11)$$

Lemma 1 makes two perhaps obvious points. First, the exit threshold is higher under the asymmetric system. This is a simple consequence of the present value of tax remittance being higher for any stream of profits in a symmetric system. Second, conditional on a loss being realized, having TLCFs is weakly value increasing. For given firm characteristics, increasing the amount of carryforwards the firm has makes it more likely that they stay in the market so that they can actually extract these benefits.

This latter behavior can thus actually keep competition higher for more periods than in a counterfactually symmetric system. If current carryforwards are high enough, then a firm that would otherwise exit (perhaps due to downward shifted expectations on future profit shocks) may instead remain in the market. This highlights the importance of distinguishing between early ex ante incentives and post loss realization incentives.

For the same reason that makes exit at $L = 0$ more likely, asymmetry also deters entry. For any given productivity, tax asymmetry reduces the expected net present value conditional on entry. These conditions relate to past work that has discussed how asymmetry can be harmful to new firms. The point here goes further. Not only are new firms that are already in the market hit harder (provided that they start at low markup), tax asymmetry also deters these types of firms from entering the market in the first place. Thus, corporate tax asymmetry acts as a built-in barrier to entry.

2.4 No Investment

Suppose first that there are no investment opportunities, and firms simply play the output game each period. Consider the “zero start” setting where there is a distribution of firms with various productivities, and all firms have zero carryforwards. The symmetric first order condition is just a

pure profit tax and thus implies the same output choice as in an untaxed setting. The FOC for the asymmetric case is

$$(1 - \tau\beta P(B_t < 0))(p'(X_t)x_t^i + p(X_t) - c^i) + \beta P(B_t < 0)\rho_{t+1}(p'(X_t)x_t^i + p(X_t) - c^i) = 0 \quad (12)$$

where ρ_{t+1} is the expected time usage of an incremental loss (equals 1 if the firm knew for certain it would be taxable in the following period). The first order condition combines the concurrent expected payoffs with the value of tax loss carryforward created in the case where the firm experiences losses. Again, the untaxed first order condition can be factored out, implying the firm chooses the untaxed optimal quantity. Under full deductibility of costs, the quantity that maximizes firm value in the profit state is equal to the one that maximizes value in the loss state. The firm experiences either a nondistortive profit tax or no tax at all on the marginal income created in the current period.

The above implies that market power, at least as defined by markups or market share, is exactly the same in the symmetric and asymmetric systems if there is no exit. What is not the same, however, is the distribution of after-tax profits. The value of a firm under the symmetric system is

$$V_0 = (1 - \tau)\mathbb{E}_t [\Pi_0^P + \beta v] \quad (13)$$

where v is the untaxed value function (equal to the expected sum of pre-tax profits). The value of a firm under an asymmetric system is

$$V_0 = \mathbb{E}_t [\Pi_0^P - \tau \mathbb{1}[\Pi_0^P > 0]\Pi_0^P - \tau\beta\rho_{t+1}\mathbb{1}[\Pi_0^P < 0]\Pi_0^P + \beta V_{t+1}] \quad (14)$$

The per-period difference in the value of the firm is equal to

$$\tau(1 - \beta\rho^{t+1})\mathbb{E}_t[\Pi_t^P \mid \Pi_t^P < 0]P(\Pi_t^P < 0) \quad (15)$$

i.e., the expected asymmetric penalty on any newly accrued carryforwards. Thus, the asymmetric penalty scales with the tax rate, (inversely of) the degree of discounting, the size of the loss, and the expected duration before using these carryforwards. The latter three factors all diminish as markups increase, leading to a shift in the distribution of after-tax profits shares. As the tax collections are now higher (as pre-tax profits are the same, while firms are now remitting more taxes), the government could then adjust the statutory tax downward in the asymmetric system in order to match collections in the counterfactual symmetric system. Thus, in this setting, asymmetric taxes simply redistributes rents from the lowest markup firms to the highest markup firms and leave the

market undistorted.^{8,9}

However, there is a caveat in the interpretation of undistorted. While the intensive margin remains undistorted, since firms experience zero effective marginal tax on production, the extensive margin may be distorted. The required value of pre-tax profits to stay in the market is higher under asymmetry for all firms, and especially for firms whose penalty is higher. As the penalty increases with declining productivity or markup, firms previously on the margin can be driven out of the market.

This then *does* have efficiency implications, and it does alter market power and market-shares. As low productivity firms exit the market, there is room for quantity expansion for the remaining firms. As (pre-exit) markup rises, so too does the ability to expand production. This also implies that it is possible for high market power firms to be better off in absolute terms under an asymmetric system regardless of the penalty if the monopolization gain exceeds the expected penalty value. All of the preceding arguments are summarized in the following proposition.

Proposition 1. *Suppose a zero carryforward neutral start for all firms. If production costs are fully deductible, then interior output decisions are equivalent under an asymmetric and symmetric system. If no firm is induced to exit by asymmetry, then the distribution of pre-tax profits (and markups and market share) remains the same. The distribution of after-tax profits will be shifted in favor of high markup firms.*

If however, firms are induced to exit, then quantities do change in comparison to the symmetric system. Probability of exit decreases with markup due to the reduced expected penalty on value. All firms remaining in the market obtain higher markups and market shares.

This impact on the exit margin can have broader implications for firm behavior. For example, this uneven distribution of the penalty can make predatory behavior a more appealing strategy, as it pushes lower end firms closer to the margin of exit. An in-power firm that previously would not find predatory behavior worth it may be induced to do so due to asymmetry. A simple two period, two firm model illustrating this point can be found in the Appendix.

Of course, the previous statements are made from the “zero start” ex ante point of view. As previously discussed, once history is already realized behavior becomes more ambiguous as weaker firms may persist in the market to use their net operating losses.

⁸While this paper does not explicitly speak to welfare, these two systems are not necessarily welfare neutral. If, for example, there is positive correlation between firm market power and the income of firm owners, then asymmetry could lead to a regressive redistribution in profits.

⁹If the government were unconstrained, at this point they would simply opt for a symmetric tax of 100%. It would then be important to consider downsides of symmetry such as potential for fraud. The point of this analysis is descriptive and not to find the optimal tax system.

2.5 Investment

Now consider a firm's marginal investment incentives. The first order condition of the value function with respect to current investment is

$$\frac{dV^i}{dI_t^i} = \mathbb{E}_t \left[\underbrace{-1 + \theta\tau \mathbb{1}_{B_t > 0}}_{\text{Current Marginal Costs}} + \beta \left(\underbrace{\frac{\partial V^i}{\partial \phi_{t+1}^i} \frac{\partial \phi_{t+1}^i}{\partial I_t^i}}_{\text{Future Markup Value}} + \underbrace{\frac{\partial V^i}{\partial \omega_{t+1}^{-i}} \frac{\partial \omega_{t+1}^{-i}}{\partial I_t^i}}_{\text{Future TLCF Value}} + \frac{\partial V^i}{\partial L_{t+1}^i} \frac{\partial L_{t+1}^i}{\partial I_t^i} \right) \right] = 0 \quad (16)$$

where

$$\frac{\partial \phi_{t+1}^i}{\partial I_t^i} = \frac{\partial G}{\partial I_t^i}, \quad \frac{\partial L_{t+1}^i}{\partial I_t^i} = \theta \mathbb{1}_{B_t < 0} \quad (17)$$

and

$$\mathbb{E}_t \left[\frac{\partial V^i}{\partial L_{t+1}^i} \frac{\partial L_{t+1}^i}{\partial I_t^i} \right] = \mathbb{E}_t \left[\frac{\partial V^i}{\partial L_{t+1}^i} \middle| B_t < 0 \right] P(B_t < 0) \quad (18)$$

Notation will be omitted, but all probabilities are conditional on the market state and choices of investment and output. Continuity of the profit shock term allows the conversion of expectations into a probability function.¹⁰ The combination of current marginal costs and expected (discounted) TLCF value can be described as the expected marginal cost. For any given period with positive taxable income, the benefit of another dollar of TLCF is equal to the tax savings in reducing taxable income by a dollar, which is just equal to the tax rate $\theta\tau$. Thus,

$$\beta \mathbb{E}_t \left[\frac{\partial V^i}{\partial L_{t+1}^i} \middle| B_t < 0 \right] = \beta \theta \tau \rho_{t+1} \quad (19)$$

If the firm were 100% confident the extra dollar of TLCF is used immediately in the next period, then $\rho_{t+1} = 1$. The firm would receive the full value of $\beta\theta\tau$. If the firm believes it will never use the TLCF, i.e., $\rho_{t+1} \rightarrow 0$, then the firm receives no value from the TLCF. Thus, the value of this term is bounded between 0 and $\beta\theta\tau$.

Finally, there are two effects of increasing investment on markup value. First, there is the direct effect on increasing productivity, which may increase profitability in the next period (and beyond). This return on investment will be scaled by $(1 - \tau)$ in taxable states and unscaled in nontaxable states. However, this investment will also affect the equilibrium prices if the market structure is endogenous. In other words, it can have an effect on the state of the market in period $t + 1$, and this effect can differ across tax systems.

The full investment FOC can be rewritten as

$$1 - \theta\tau P(B_t > 0) - \beta\theta\tau\rho_{t+1}P(B_t < 0) = \beta\mathbb{E}_t \left[\frac{\partial V^i}{\partial \phi_{t+1}^i} \frac{\partial G}{\partial I_t^i} + \frac{\partial V^i}{\partial \omega_{t+1}^{-i}} \frac{\partial \omega_{t+1}^{-i}}{\partial I_t^i} \right] \quad (20)$$

¹⁰ $P(B_t < 0)$ is equal to the integral over the probability distribution of ε up to the point where, for a given level of investment and output and conditional on the market state, $B_t = 0$. This is equal to $\varepsilon^* = \theta I_t + L_t - F - \mu_t x_t$.

where the LHS is the expected marginal cost of investment, and the RHS is the expected marginal benefit.

In the symmetric system, the equivalent FOC is

$$1 - \theta\tau = \beta\mathbb{E}_t \left[\frac{\partial V^i}{\partial \phi_{t+1}^i} \frac{\partial G}{\partial I_t^i} + \frac{\partial V^i}{\partial \omega_{t+1}^{-i}} \frac{\partial \omega_{t+1}^{-i}}{\partial I_t^i} \right] \quad (21)$$

Notice that the RHS of equation (21) has the same form as the RHS of equation (20). However, these two expressions are not equivalent. First, the returns to investment in the asymmetric system are only taxed if $B_{t+1} > 0$. Second, as previously stated, the asymmetric system has different implications for the overall market state, e.g., through raising the required productivity to remain in the market. If this market impact is negligible, then differences in the investment decision stems from solely from returns from reducing expected marginal cost.

Under full deductibility of investment, the symmetric value function can be rewritten as

$$V^i = \mathbb{E}_t \left[(1 - \tau)\Pi_t^{i,P} + (1 - \tau) \sum_{s=t+1} \beta^{s-t} \Pi_s^{i,P} \right] \quad (22)$$

The investment FOC then becomes

$$1 = \beta\mathbb{E}_t \left[\frac{\partial v_{t+1}^i}{\partial \phi_{t+1}^i} \frac{\partial G}{\partial I_t^i} + \frac{\partial v_{t+1}^i}{\partial \omega_{t+1}^{-i}} \frac{\partial \omega_{t+1}^{-i}}{\partial I_t^i} \right] \quad (23)$$

where $v_t = \frac{V}{1-\tau}$, which is entirely independent of the tax rate. Thus, under an symmetric system with full deductibility, the investment decision is invariant to the tax rate, and this is true regardless of the firm's markup. Note that this is *not* true in the asymmetric system due to the expected mismatch on the tax rate on costs and benefits.

2.6 Tax Asymmetry and Markup on Incentives

The different FOCs imply that firms behave differently under the two systems, and the extent of which may interact with market power. To formalize this, directly compare the FOCs for a firm with the same expected markup and TLCF (set to 0) entering the period. For a firm under a symmetric system, marginal cost of investment is simply equal to $1 - \theta\tau$, and this is for certain. For a firm under an asymmetric system, this is equal to

$$MC^A = 1 - \theta\tau P(B_t > 0) - \beta\theta\tau\rho_{t+1}P(B_t < 0) \quad (24)$$

where again $\rho_{t+1} \in [0, 1]$ as before is expected discounted usage of the TLCF. Since ρ_{t+1} is bounded above by 1, then

$$MC^A \geq 1 - \theta\tau P(B_t > 0) - \beta\theta\tau P(B_t < 0) \quad (25)$$

The right hand side of this expression is bounded between $1 - \beta\theta\tau$ (when $P(B_t > 0) = 0$) and $1 - \theta\tau$ (when $P(B_t > 0) = 1$). Thus, since $\beta \in [0, 1]$, the marginal cost in the asymmetric system is always weakly smaller than the marginal cost in the symmetric system. There are two instances where the equality holds: (1) there is no time discounting ($\beta = 1$), or (2) investment is fully non-deductible ($\theta = 0$). In the prior, so long as there are no cash flow constraints, there is no explicit disadvantage of tax asymmetry as money retains its value across time. In the latter, there is no disadvantage of tax asymmetry on investment since investment is never taxed (subsidized) and firms will always bear the full cost.

Outside of those two edge cases of equality, the difference in marginal cost across systems shrinks as market power (markup) rises. All else equal, a higher markup will imply higher profits in a given period. This implies both that $\frac{dP(B_t > 0)}{d\mu} > 0$ and that $\frac{d\rho_{t+1}}{d\mu} > 0$. The combination of these effects pushes toward an unambiguous decrease in the marginal cost in the asymmetric system, trending toward the level of marginal cost in the symmetric system.

If this were the only side of things, it would be unambiguous that firms with higher markup (within a given market) are less distorted relative to the symmetric system to low markup firms. However, this is not strictly the case and because of the returns to investment. Since returns on investment are taxed at the statutory rate in taxable states, but face no tax in nontaxable states, the relative direction on the benefits side is reversed. Firms that don't anticipate being taxable soon, predict lower marginal tax on returns, which drives their investment up. Conditional on the stock of carryforwards, it is the *low markup* firms that are more likely to be non-taxable due to their lower profitability. Thus, there exists ambiguity on how market power affects the marginal investment decision.

2.7 Two-Period Horizon

While an infinite time horizon is closer to reality, the relevant insight can be derived in simpler terms in a finite two-period model. The FOC with respect to investment simplifies to

$$1 - \theta\tau P(B_t > 0) - \beta\theta\tau P(B_{t+1} > 0)P(B_t < 0) = \beta\mathbb{E}_t \left[\frac{\Pi_{t+1}}{\partial\phi_{t+1}} \frac{\partial G}{\partial I_t} \right] \quad (26)$$

where future value is just the expectation on the next period's profits (the market structure term has been temporarily ignored), or

$$1 - \theta\tau P(B_t > 0) - \beta\theta\tau P(B_{t+1} > 0)P(B_t < 0) = \beta\mathbb{E}_t \left[\frac{\Pi_{t+1}^P}{\partial\phi_{t+1}} \frac{\partial G}{\partial I_t} \right] (1 - \tau P(B_{t+1} > 0)) \quad (27)$$

This mirrors the infinite horizon problem on a smaller scale. The net cost of investment is one minus the expected time on profitability. If the firm is immediately taxable this period, then the firm obtains the full refund. If the firm is not taxable this period, the refund is time discounted and scales with the probability of being profitable in the following (terminal) period. The marginal return on investment is how after-tax profits change in the second period with an increase in

investment, which follows from the mapping of productivity onto marginal cost. This is multiplied by the expected retention rate.

2.7.1 Deterministic Cases

Consider two extremes in a deterministic setting. Suppose there exists a firm that knew for certain that its current productivity is not enough to cover fixed costs plus a known shock, and therefore $B_t < 0$, and no matter their investment $B_{t+1} < 0$. In this case, there is no effective marginal cost on investment as neither investment costs nor investment returns are tax. The interior solution of investment is undistorted (of course, however, this firm would choose to shut down). On the other extreme, suppose there existed an extraordinarily powerful firm that could virtually guarantee that it would be profitable in both periods. Then investment cost is $1 - \theta\tau$ while investment return is taxed at τ . There is no additional distortion relative to the symmetric system.

These two tent poles further illustrate the potential nonmonotonicity in relative investment behavior due to asymmetry, and this becomes even more true when in the middle of an already realized history. For a low markup firm that already has accumulated a large stock of loss carryforwards, potential past unprofitability is no longer important. Looking forward into the future, this high stock of carryforwards grants them likely nontaxable status for the foreseeable future, shielding investment returns. Therefore, investment is relatively undistorted. A high markup firm, however, with a high stock of carryforwards faces a reverse issue. Additional investment is not refunded, but this firm is much more likely to be profitable again in the near future. Thus, there is a higher expectation of marginal investment returns being taxed, and therefore this lowers the incentive to invest. In this situation, the high markup firm is distorted more so than the low markup firm, and the gap between their two markups will shrink.

Now consider a slightly more general example, with two firms i and j , that take on two of the three productivity values in {Low, Med, High}. Assume investment costs are also fully deductible, as non-deductible costs are not needed to make the following points. Suppose that the profit shock ε is known. As illustrated previously, both firm's will choose the profit maximizing quantity in both periods, conditional on the market state, as they would if they were untaxed. For all cases and all firms, the interior first order condition for investment in the symmetric system is

$$-1 + \tau + (1 - \tau)\beta \frac{\partial \Pi_1}{\partial \phi_1} \frac{\partial \phi_1}{\partial I_0} \quad (28)$$

and the tax rate can be factored out. Suppose that a Low type firm is in a region such it will be taxed in $t = 0$ and will not be taxed in $t = 1$. Then it's first order condition will be

$$-1 + \beta \frac{\partial \Pi_1}{\partial \phi_1} \frac{\partial \phi_1}{\partial I_0} = 0 \quad (29)$$

Suppose that a Med type firm is in a region such it will not be taxed in $t = 0$, but it can invest such that it will be taxed in $t = 1$ (e.g. if the shock barely pushed the firm to nontaxability in time

0). Then it's first order condition will be

$$-1 + (1 - \tau)\beta \frac{\partial \Pi_1}{\partial \phi_1} \frac{\partial \phi_1}{\partial I_0} = 0 \quad (30)$$

Finally, suppose that the High type firm figured it will be taxed in both periods. Then it's first order condition will be

$$-1 + \tau + (1 - \tau)\beta \frac{\partial \Pi_1}{\partial \phi_1} \frac{\partial \phi_1}{\partial I_0} = 0 \quad (31)$$

and again the tax rate can be factored out.

First consider the zero start comparison. If the starting point of carryforwards are 0, then the Low firm will exit the market. If the firm does not have greater profits in the second period than the loss experienced in the first, which nontaxability in period 1 implies, then the net present value of income is strictly lower than 0. Thus, even though the interior solutions may imply that the low markup firm invests relatively more than the Med firm, the actual investment by the Low firm is zero.

Instead suppose the two firms are the Med firm and the High firm. In this situation, the medium markup firm invests less than they would in the asymmetric system, while the high markup firm invests more. Thus, the ratio of markups increases more than it would have in the symmetric case. The high firm obtains a higher share of the market.

Now consider the "history realized" comparison. In this case, suppose that the profit shock is smaller, but all firms start with a decently size stock of carryforwards. Now, it is possible that the Low markup firm makes enough total profit to stay in the market but remain nontaxable in both periods. Similarly, if the carryforward is not too large, it is possible for the medium markup firm to still be untaxed in the current period while becoming taxable in the next. In this situation, the low markup firm invests the same as it would in a symmetric system, while the medium markup firm invests less. Thus, the ratio of markups decreases more than it would have in the symmetric case, and the low markup firm gains relative to the medium markup firm.

This then implies that, at least in intermediate period-to-period transitions, it is possible for low markup firms to have higher relative investments and close the gap in relative market shares. Although these firms have less value on the actual usage of carryforwards, having carryforwards increases their marginal incentive to invest due to more persistent nontaxability. Again this highlights that the distinction between average taxation and marginal taxation, and already realized history can have different implications for market power.

In the more general model, the uncertainty of shocks, number of competitors and market states, and infinite time horizon make it difficult to pin down exact conditions for when asymmetric taxes may decrease or increase markups in the following periods. However, the same general intuition applies, where certainties are replaced with probabilistic expectations, durations, and more extensive discounting.

3 Profit Smoothing

While higher markups will mechanically provide an advantage in the corporate tax system, so too would the ability to smooth profits temporally. This can be thought of in at least two different manners. First is an ex ante “projects” based mechanism, where higher market power allows weakly greater access to projects of different income profiles. This is related to the discourse that asymmetry discourages risky investment (Auerbach, 1986; Majd and Myers, 1987; Goodman et al., 2023; Ferguson et al., 2025). Second is an ex post profit shifting mechanism, where higher market power implies more access to clever accounting that can redistribute profits over time for taxation purposes. In reality, both of these mechanisms may also be connected to firm size or a combination of both, rather than solely pricing power. Within a given market, however, these two characteristics largely overlap. A brief treatment of these ideas follows.

3.1 A Simple Example

Consider two pre-tax profits streams $S^m = \{\Pi_t^m\}_{t=0}^\infty$ and $S^n = \{\Pi_t^n\}_{t=0}^\infty$ such that $V(S^m) = V(S^n)$, i.e., the net present value of the two profit streams are equal. Suppose that $\forall t, \Pi_t^m = C$. And suppose that $\Pi_0^n = -\bar{L}$, while $\forall t \geq 1, \Pi_t^n = \frac{C + \bar{L}(1-\beta)}{\beta}$. Then $V(S^m) = V(S^n) = \frac{C}{1-\beta}$.

Under a symmetric tax system, the value of both of these profit streams is scaled down by $1 - \tau$. Under an asymmetric system, the value of stream S^m is likewise scaled down by $1 - \tau$. However, the after-tax present value of stream S^n is

$$V(S^n) = -\bar{L} + \tau\beta\bar{L} + \frac{C + L(1 - \beta)}{\beta} = \frac{C}{1 - \beta} - \tau\beta\bar{L} \quad (32)$$

In this case, the firm faces a one period penalty on the initial loss equal to $\tau\beta\bar{L}$. Thus, while a firm would be indifferent between these two profit streams under a symmetric tax system, they would strictly prefer stream S^m over stream S^n . As \bar{L} grows larger, which implicitly increases the variance of the stream m , so too does this penalty.

3.2 Generalized Example

Consider a profit stream $S \in \mathcal{S}$, the set of all potential futures with the same expected net present value of income, i.e., $\forall S \in \mathcal{S}$,

$$V(S) \equiv \sum_{t=0}^{\infty} \beta^t \Pi_t = C \quad (33)$$

Under a symmetric system, $\forall S \in \mathcal{S}$, the after-tax present value is

$$V^S(S) = \sum_{t=0}^{\infty} \beta^t (1 - \tau) \Pi_t = (1 - \tau)C \quad (34)$$

Under an asymmetric system, the after-tax present value is

$$V^A(S) = \sum_{t=0}^{\infty} \beta^t (\Pi_t - \tau \max(B_t, 0)) = C - \tau \sum_{t=0}^{\infty} \beta^t \max(B_t, 0) \quad (35)$$

where $B_t = \Pi_t - L_t$ is again the tax base, and TLCFs evolve as $L_{t+1} = \max(0, -B_t)$. Then the difference in value of the streams between systems is

$$\Delta(S) = V^S(S) - V^A(S) = -\tau \sum_{t=0}^{\infty} \beta^t (\Pi_t - \max(0, \Pi_t, -L_t)) \leq 0 \quad (36)$$

Conditional on the same NPV and the same carryforward utilization pattern, having a greater present value of losses (which would also imply a greater present value of profits) implies a higher loss due to asymmetry. Similarly, conditional on the same NPV and the same present value of losses, having a slower carryforward utilization pattern implies a higher loss due to asymmetry. This is formalized in the following lemma.

Lemma 2. *Let $S = \{\Pi_t\}$ be a profit stream of present value C with discounted losses and gains*

$$Q \equiv -\sum_{t=0}^{\infty} \beta^t \min\{\Pi_t, 0\}, \quad G \equiv \sum_{t=0}^{\infty} \beta^t \max\{\Pi_t, 0\} \quad (37)$$

and define the present-value loss ratio $R \equiv \frac{L}{L+G} \in [0, 1)$. Let $U_{t,s}$ be the fraction of a loss at time t that is deducted at time s , and the loss-weighted average utilization be

$$\bar{\rho} \equiv \frac{\sum_{t=0}^{\infty} \beta^t \rho_t Q_t}{\sum_{t=0}^{\infty} \beta^t Q_t}, \quad \rho_t \equiv \sum_{s \geq t} \beta^{s-t} U_{t,s} \in [0, 1]. \quad (38)$$

Then the value loss from tax asymmetry can be written as

$$\Delta(S) = \tau(1 - \bar{\rho}) Q = \tau(1 - \bar{\rho}) \frac{R}{1 - 2R} C, \quad (39)$$

implying that the penalty is increasing in the loss ratio and decreasing in the average utilization.

Lemma 2 makes it clear that the importance of profit stream “variance” is variance across 0 rather than just profit variance. If a firm has extremely high markup, then having higher general variance matters less. The loss ratio R captures the fraction of the value of absolute income outlays that are below this zero threshold. If income swings below 0 are larger, this loss ratio will increase and there will be a higher penalty. This thus motivate the use of loss ratio and carryforward durations in the data as a measure of profit smoothing when conditioning on pre-tax profitability. The more that markup is associated with lower durations and lower loss ratios, the more the penalty falls with increasing market power.

4 An Empirical Inspection

This section empirically examines the relationship between market power and the extent of the asymmetric penalty. First, higher markup is associated with a lower probability of a loss event and quicker utilization of carryforwards conditional on having a loss. These two factors imply a lower penalty on firm value. A related spell analysis helps to quantify longer term expectations on taxable and nontaxable status. Second, conditional on similar net present value of income over a given time horizon, higher markup firms have lower exposure to loss. This provides suggestive evidence on either the ex ante or ex post ability to manipulate profit streams to minimize loss due to asymmetry. The combination of these estimates can provide some information on how the magnitude of the asymmetric penalty scales with market power. The implied scaling from the estimates found here is fairly small.

The final subsection describes a policy change (TCJA) that substantially affected carryforwards. TCJA both directly reduced the value of carryforwards, and it differentially altered the marginal tax on investment for lower markup firms. The results suggest that this change is associated with higher relative investment and expanded operations by high market power firms with carryforwards over low market power firms with carryforwards.

4.1 Data

Data on yearly firm financials come from Compustat and include all available firms across all years from 1950 to 2024, though certain exercises will focus on smaller subsamples. The long panel and detailed coverage are positives, but standard issues for answering tax-related questions still apply. Reported information is generally on an “accounting” basis rather than an economic or tax basis, adding noise to the analysis.

One concern may be that publicly traded firms, which represent the majority of Compustat firms, are a strongly selected sample of firms. These firms are likely to be on the higher end of the market power distribution and less likely to experience tax losses. Basic summary stats are provided in Table A2. However, the purposes of these empirical exercises is not to map out firm dynamics across the entire market power distribution, but rather to just show evidence of differences across markup levels. Therefore, all that is needed is sufficient variation in markups within the sample. Moreover, the sample selection may imply that the modest differentials found here are underestimating the scaling that would be found across a more representative set of firms.

Several sample restrictions and data adjustments are applied. As is standard, utility (SIC 4900-4999), real estate (SIC 5300-5399), and financial (SIC 6000-6999) firms are dropped due to their substantially different treatment by the tax authority. All firm-year observations that are missing key variables such as sales and cost of goods sold, where a missing is highly unlikely to translate to a zero, are dropped. All relevant dollar based variables are deflated using the GDP Deflator with a base year of 2010. A more detailed description of the sample restrictions, cleaning, and imputation processes can be found in the Data Appendix.

4.2 Measures of Market Power and Profitability

Firm markups are used as a proxy for market power. The measure of markups follows the [De Loecker et al. \(2020\)](#) “production approach,” which derives markups from the cost minimization of variable inputs of production and capital.¹¹ Markup is defined as the price to marginal cost ratio and is equal to the product of the output elasticity and the (inverse of) revenue share of a variable input:

$$\mu_t^i = \eta_t^i \frac{p_t^i x_t^i}{p_t^{i,V} V_t^i} \quad (40)$$

where V represents the variable input, and η_t is the output elasticity. Compustat’s cost of goods sold (*cogs*) field is used as a measure of total variable costs, and total sales (*sale*) is used as the revenue. Estimates for output elasticities are retrieved from [De Loecker et al. \(2020\)](#) and applied to the sample here. Nearly all following analysis will stratify firms into markup quintiles, redefined each year. This level of differentiation is preferred to the continuous variable in case there are nonlinear relationships in the data. Versions of select results using markup as continuous independent variable can be found in the Appendix.

Profits are defined as $\Pi_t^i = S_t^i - P_t^V V_t^i - r_t K_t^i - F_t^i$, where S_t is sales, r_t is the user cost of capital, K_t is capital, and F_t are fixed costs. The user cost of capital is set to the difference between the federal funds rate and the inflation rate, plus a fixed depreciation rate and risk premium of 12%. Fixed costs and other nonvariable costs are proxied by Compustat’s field *xsga*, which are labeled as selling, general, and administrative expenses. Dividing through by sales gives the profit rate:

$$\pi_t^i = 1 - \frac{\eta_t^s}{\mu_t^i} - \frac{r_t K_t^i}{S_t^i} - \frac{F_t^i}{S_t^i} \quad (41)$$

Key figures from [De Loecker et al. \(2020\)](#) are replicated in the Appendix to ensure a close match.

4.3 NOLs and Tax Status

Carryforward stock is measured in two ways. First is the direct use of the *tlcf* field in Compustat. A frequently cited issue with this variable is that there are a substantial number of missing values. While it is common in the literature to assume that missings are equivalent to zeroes, this has been shown to be misleading as firms with missing values often have positive reported values in actual filings ([Kinney and Swanson, 1993](#); [Heitzman and Lester, 2021](#)). To address this shortcoming, imputed values of TLCF from [Max et al. \(2023\)](#) are applied. For firms with missing TLCF values, they estimate expected TLCF based on other Compustat data on firm pre-tax book income and deferred tax liabilities and, if they exist, surrounding year data on TLCF.

As an alternative to this measure, and as a broader measure of taxable status (which can incorporate carryback usage), an indicator for taxable status and for stocks of carryforward and carryback are constructed using the process of [Edgerton \(2010\)](#). This process uses other fields of

¹¹This approach assumes the following: (1) variable inputs adjust frictionlessly, while capital has frictions and adjustment costs. (2) Firms are price takers on inputs.

Compustat and tax rules over time to engineer estimates of net operating losses and taxable status. A more detailed description of this process, as well as a comparison table between carryforward measures, can be found in the Data Appendix. Table A3 demonstrates the internal consistency of this constructed measure as well as simple correlations between the direct and constructed measures. While actual values can differ substantially, the two correlate well (56%) as indicators for positive carryforward stock.

Figure A2 shows the distribution of markups by carryforward status (positive or not) across all firm-years. While the mean markup is higher for firm-years for which there is no carryforward stock, there is clearly a wide range of markups for either case. In fact, both tails are thicker for the firm-years with a carryforward stock. The left tail is expected: the lower price margins suggest a higher probability of experiencing losses. The right tail is less clear. However, these could be firms that are using high markups to cover high overhead costs. If this were a systematic, widespread reason for high markups, this would hurt the use of markups as a proxy for overall profitability and market power.

4.3.1 Markups, Profits, and Losses

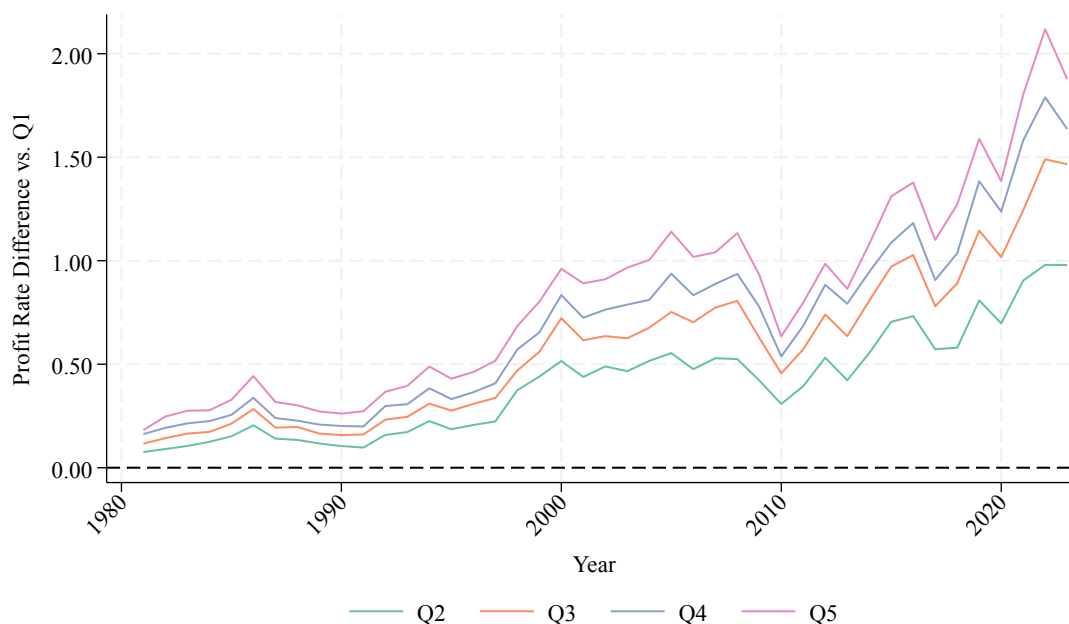


Figure 1: Profitability by Markup Quintile

Notes: Profit rate is defined as the ratio of profits to sales. Each line plots the difference in average profit rate for that markup quintile in comparison to lowest quintile (Q1). Difference values exceeding 1 can exist since profit rate can be negative. Group averages are unweighted.

Figure 1 illustrates the difference in the profit to sales rate of higher markup quintiles compared

to the baseline lowest quintile (Q1).¹² As expected, throughout history higher markup has been associated with higher economic profit rates. These differentials have increased since the 1980s as markups have diverged, a trend analyzed in more detail by [De Loecker et al. \(2020\)](#). While this may seem straightforward, it validates that high markups typically imply higher overall profitability and not that firms are solely covering large fixed or overhead costs.

Figure 2 provides a similar story in the differences in the probability of loss. It plots the difference in fraction of firms in each markup quintile that have a (reported) loss year compared to the fraction in the lowest quintile. Across most of the historical sample, the average loss likelihood is lower for firms with higher markup. Figure A5 constructs the same figure using positive changes of carryforward stock as an alternative indicator for a loss.¹³ Results are similar.

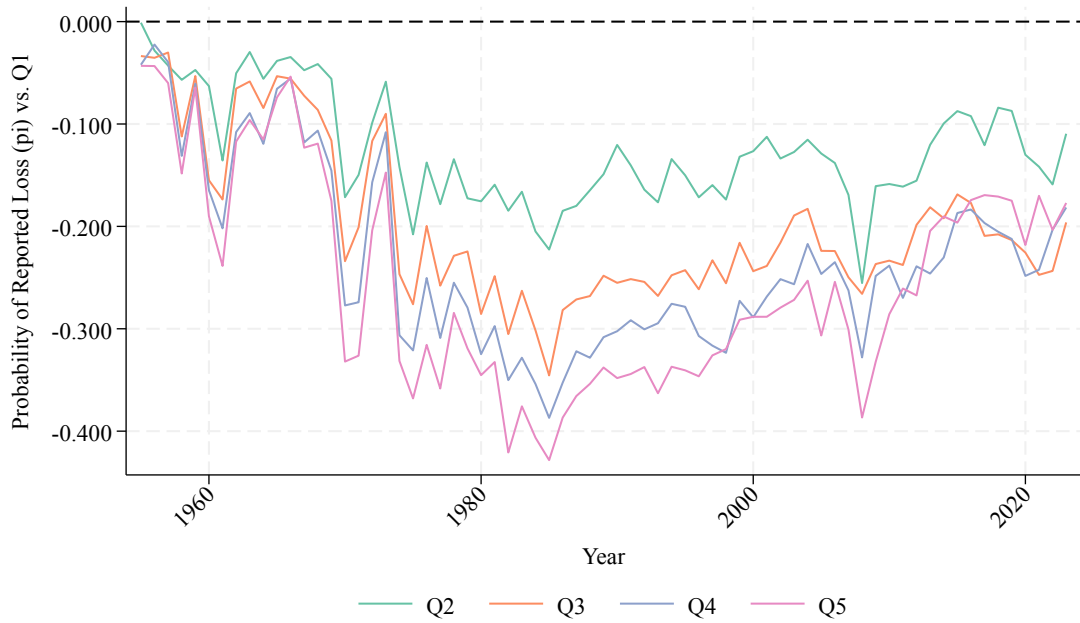


Figure 2: Likelihood of Loss by Markup Quintile

Notes: This figure plots the difference in average fraction of loss firms for firms in upper quintiles in comparison to lowest quintile (Q1). Loss years here are proxied by accounting losses (reported pre-tax income below 0). Group averages are unweighted.

The simple importance of these results in relation to the theory is to provide a general magnitude for the modeling assumption that $\frac{\partial P(B_t > 0)}{\partial \mu_t} > 0$. The stronger the connection between profitability and markup, or the inverse relationship between loss likelihood and markup, the less likely it is to

¹²While profit rate is bounded above by 1, it is not bounded below by 0 as negative profit rates are possible. This is why it is possible for the differentials to exceed 1.

¹³These two measures differ for several reasons. The first is superficial, as reporting differences by firms for pre-tax income and carryforward stocks may lead to mismeasurement. However, the second and third are real differences. A firm that has a loss may not necessarily have an increase in carryforwards if they can fully carry back against past profits. Additionally, reported income is not a straightforward proxy for actual taxable income (and correspondingly actual tax losses)

be the case that a high markup firm interacts with the asymmetric penalty.

Firms of differing markups can have very different characteristics. To address this, Table 1 pools all firm-years in two-way fixed effects regressions to control for underlying firm characteristics and common macroeconomic trends. A steady gradient appears in all three columns. The relationship between profit rates and markups still holds. Most importantly, both columns (2) and (3) demonstrate the strength of the relationship between markup and loss probability. These estimates imply that the highest markup firms are 20 to 30 percentage points less likely to incur a loss than the lowest markup firms.

Table 1: Profit Rate and Loss Probability

	(1) Profit Rate	(2) Loss ($\pi < 0$)	(3) Loss ($\Delta tlc f > 0$)
Q2	0.214*** (0.008)	-0.145*** (0.005)	-0.108*** (0.005)
Q3	0.339*** (0.011)	-0.233*** (0.005)	-0.157*** (0.005)
Q4	0.467*** (0.015)	-0.271*** (0.005)	-0.184*** (0.005)
Q5 (highest)	0.625*** (0.018)	-0.297*** (0.005)	-0.200*** (0.005)
Outcome Mean	-0.127	0.343	0.311
Observations	200,419	221,074	204,490

Notes: This table provides the difference in each outcome relative to the lowest markup quintile (Q1). Profit rate is defined as profits over sales. Probability of loss is the share of firms in the group with a loss year. Loss years in (2) are proxied using negative reported income. Loss years in (3) are defined as instances when $tlcf$ changes are positive. All regressions control for log sales, log assets, and include firm ($gvkey$) and year fixed effects. Standard errors are clustered at the firm level. Quintile 1 (lowest markup) is the omitted category. Profit rate regression limited to firms with 5 million in sales to prevent overinfluence of firms with very high cost to sales ratios.

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

4.3.2 Taxable Status and Carryforward Duration

While the probability of a loss event is important in a given year, so too are long-term outlooks on carryforward usage and taxable status. This is especially important for marginal behavior as status expectations impact expected marginal tax rates. Past research often presents, for example, second order transition matrices to gauge these outlooks. As the purpose of this paper is to infer the strength of these transition relationships with market power, the analyses here instead opt for a spell analysis approach that can control for other characteristics. Spell starts are identified as the first year of transition between one state to another. If a firm remains in the same state for multiple periods in a row, these later periods are not double counted as their own spells.

Table 2 presents the results of two way fixed effects regressions on duration variables related to tax status and carryforward usage. Estimates again are relative to firms in the lowest markup quintile (Q1). The outcome variables in order are (1) the length of time of TLCF being positive, (2) the same as (1) using the alternative constructed measure, (3) the length of a taxable spell, (4) the length of a non-taxable spell. The variables in (2), (3), and (4) are from the imputation method of [Edgerton \(2010\)](#), while column (1) directly uses Compustat’s tlcfc variable. All regressions control for initial (log) assets, operating cash flow, and for the two carryforward regressions, the size of the initial carryforward stock.

Table 2: Spell Duration and Initial Markup Quintiles

	CF (Direct)	CF(Constructed)	Taxable Duration	Nontaxable Duration
Q2	-0.645** (0.317)	-0.484** (0.192)	0.488*** (0.184)	-0.164 (0.168)
Q3	-0.533 (0.356)	-0.402* (0.220)	0.788*** (0.192)	-0.298 (0.203)
Q4	-0.799** (0.381)	-0.431* (0.243)	1.257*** (0.201)	-0.293 (0.224)
Q5 (highest)	-0.856** (0.424)	-0.522** (0.247)	1.367*** (0.204)	-0.730*** (0.254)
Outcome Mean	5.59		5.93	4.31
Observations	4,695	5,921	12,334	8,397

Notes: This table shows the difference in duration of each markup group relative to the lowest quintile (Q1). Duration is defined as the number of years of a spell. Spell starts are defined as the first year in which the firm transitions from one state to another. Initial markup is defined in the year of the spell start. Spells due to gaps in data are ignored. CF (Direct) uses the carryforward measure from Compustat’s tlcfc with adjustments. CF (Constructed) uses the carryforward measure using the process of Edgerton (2010). Firm fixed effects and for year of the spell start are included.

* p<0.10, ** p<0.05, *** p<0.01

In all 4 columns, the relationship with markup is as expected. Higher markup firms are more likely to have longer taxable spells, shorter nontaxable spells, and similarly less time before using up carryforwards after a loss event. This has implications for the experienced marginal tax rate, particularly as these durations relate to expectation on how returns are taxed. In both taxable and nontaxable states, these results imply that higher markup firms have a higher probability of returning (or maintaining) taxable status. When in taxable status, returns to investment are taxed at the normal statutory rate. Thus, higher markup firms expect a relatively higher tax on returns.

On the other hand, durations also impact the penalty on the expected cost of investment. The quicker a firm returns to taxable status, the quicker they can use the marginal carryforward incurred if in a loss state. This reduces the time penalty on the marginal cost. The next section will provide more quantification on how differences in recovery rates relate to this aspect of the penalty.

The observed scaling across the markup range are moderate. At the extreme, a firm in the highest markup quintile is expected to retain taxable status for 1.4 years longer than a the lowest

markup firms. Following a loss event, these highest markup firms are expected to fully use up carryforwards less than a year quicker than low markup firms.

Raw value Kaplan-Meier survival curves for taxable and non-taxable status can be found in the Appendix (see Figure A6). Mirroring the table, these figures show that when comparing low to higher markup firms, high markup firms “survive” in taxable status at each successive point in time, and to exit nontaxable periods quicker. The highest markup quintile firms, however, do trend closer to the rates of the lowest markup firms. This could either indicate that the highest markup firms are engaging in more tax planning or that these are representative of firms using high markups to try to combat initial periods of high fixed costs, etc. When adjusted for firm characteristics, the survival rates become more monotonic with respect to markup quintiles (see Figure A7).

4.4 Average Loss Recovery: Quantification of Loss Penalty

The previous analysis presents the general patterns between market power and factors of the asymmetric penalty. This section more formally quantifies how the loss penalty scales with market power in the case when a loss is incurred.

Goodman et al. (2023) provide the structure of such a quantification exercise.¹⁴ The average tax rate (ATR) on a loss is calculated as the ratio of the present value of tax liability reductions over a following time horizon, divided by the initial size of the loss. A counterfactual is simulated as follows: The initial loss is instead treated as an initial gain (positive taxable income), and the present value of tax liability is recalculated over the same horizon. This counterfactual simulates treatment of the loss under a symmetric system.¹⁵ The difference between the two average tax rates is the implied penalty on a loss moving forward.

As actual taxable income is not observed in the data, tax savings (or increased liability in the counterfactual) are deduced from carryforward usage behavior. In the instance of a loss year (carryforward stock increases), previous carryforward stock is recorded. Carryforwards are then assumed to follow a first-in-first-out mechanism. That is, if a firm already has an existing stock of carryforwards when they have another loss year, the calculated tax benefits will only start once cumulative usage has exceeded the initial size of the stock.

The exercise uses a 10-year horizon, and the discount rate is assumed to be a constant 0.05 ($\beta \approx 0.952$) for all companies and years. There are two samples. The full sample includes all loss-year events regardless of whether the firm remains in the sample for the entire horizon. The second, restricted sample includes only loss events that have all 10 years of future outlays available in the data.

Table 3 provides the results of a regression of these average tax rates on markup quintiles, controlling for time and firm fixed effects.¹⁶ The average tax rate penalty across loss events is

¹⁴See Section III.C and Table 2 in Goodman et al. (2023).

¹⁵Previous carryforwards are still applied, however. This is done by differencing out the results of a third counterfactual where there is no loss or gain at the start. This exercise isolates the impact of asymmetry on only the current loss.

¹⁶Table A4 provides the raw rates across markup quintiles in both samples.

Table 3: ATR Differences by Markup Quintiles

	(1) All Firms	(2) Full Horizon
Q2	-0.011*** (0.002)	-0.011*** (0.003)
Q3	-0.015*** (0.002)	-0.015*** (0.003)
Q4	-0.019*** (0.003)	-0.019*** (0.003)
Q5 (highest)	-0.017*** (0.003)	-0.017*** (0.004)
Outcome Mean	0.076	0.051
Observations	39,088	12,870

Notes: Estimates are relative to the lowest markup quintile (Q1). ATR difference is between (a) ratio of discounted tax benefit of actual loss to loss size and (b) ratio of additional tax liability if loss had been a counterfactual gain relative to counterfactual of zero gain to loss size. Markup quintiles calculated at loss year. Controls include log assets, log sales, firm and year fixed effects.

* p<0.10, ** p<0.05, *** p<0.01

in the neighborhood of 5% and 8%. This is similar in magnitude to the 6.6% difference found [Goodman et al. \(2023\)](#) in the context of loss rates for S corporation owners. At the extremes, a lowest markup firm is expected to have an additional penalty of 2 percentage points on the ATR of a loss relative to a gain over the 10 year horizon.

A simple multiplicative calculation between the differential in the probability of a loss event and this differential in the realized loss penalty would imply a 0.34 to 0.51 percentage point lower expected average tax rate in a given period for the highest quintile markup firm relative to the lowest.¹⁷

4.5 Loss Shares Conditional on NPV

As previously discussed, the loss penalty can be avoided through not just a sheer increase in pre-tax profitability, but also through minimizing loss exposure even conditional on profitability. [Table 4](#) compares firms of similar pre-tax income over a given time horizon and displays the the loss values and taxability durations.¹⁸ If the presumption that high market power aids in intertemporal profit smoothing holds, higher markup firms to have lower loss values and lower average nontaxability durations. This too would curtail the effects of the asymmetry penalty.

¹⁷This range is calculated as the 1.7 percentage point ATR differential multiplied by the low and high end of loss probability differential estimates of 20 and 30 percentage points

¹⁸[Figure A8](#) provides some evidence that there is sufficient variation by markup for different NPV levels.

Table 4: Loss and Duration Conditional on NPV (10 Years)

	(1)	(2)	(3)
	Loss Ratio	Share Loss Years	Share Nontaxable Years
Q1 (lowest)			
Q2	-0.0610*** (0.00648)	-0.0499*** (0.00525)	-0.0545*** (0.00764)
Q3	-0.0764*** (0.00749)	-0.0638*** (0.00607)	-0.0769*** (0.00889)
Q4	-0.0838*** (0.00785)	-0.0729*** (0.00629)	-0.0880*** (0.00932)
Q5 (highest)	-0.101*** (0.00882)	-0.0861*** (0.00710)	-0.105*** (0.0103)
Outcome Mean	0.24	0.18	0.52
Observations	97,216	97,216	97,216

Standard errors in parentheses

Notes: This table provides the differences in each outcome relative to the lowest markup quintile (Q1). Outcomes are calculated over a 10 year window. Loss ratio is defined the sum of discounted absolute losses over the sum of discounted absolute losses and gains. Share loss years is the fraction of the horizon with negative reported income. Share nontaxable years is the same but with the constructed nontaxable measure. All regressions control for NPV of income over a 10 year window. Year and Industry FE are included, as well as controls for log assets, and initial carryforwards.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Net present value of income is calculated over a 10 year horizon starting at each firm-year observation with inflation adjusted pre-tax income and again an assumed real discount factor of 0.05.¹⁹ As in Section 3, the Loss Ratio is defined as the ratio of the sum of the absolute value of losses to the sum of the absolute value of all income outlays. Share Loss Years is calculated as the fraction of years where the firm had a loss. Share Nontaxable Years is the fraction of years where the firm was deemed nontaxable according to the constructed measure.

All regressions in the table control for net present value of income, in addition to controls for log assets, initial carryforward stock, and year and industry. Estimates across all columns increase in magnitude as the markup quintile rises. The loss ratio in particular indicates that as markup increases, a smaller fraction of total income outlays are losses, implying lower value of loss exposure. The share of loss or nontaxable years being lower further support this story. Combined with the previous analysis on quicker carryforward usage by higher markup firms, these results imply a lower realized penalty.

Since this exercise controls for pre-tax income NPV, this is not directly a story of mechanically higher profitability. Instead this provides some evidence that higher market power firms have a stronger degree of control over the volatility of their profits across the zero threshold. This control allows them to better navigate the negatives of tax asymmetry.

4.6 Tax Cuts and Jobs Act

This final section examines how changes to the corporate tax system in the Tax Cuts and Jobs Act of 2017 (TCJA) impacted firm incentives. There were several major changes introduced by this law that interacted with the asymmetry of the corporate tax system. These include

1. The statutory corporate tax rate decreased from 35% to 21%.
2. NOL carryforward deductions were limited to 80% of taxable income.
3. Loss carryforwards no longer expired.
4. Loss carrybacks were completely eliminated.

These changes reduced the value of holding onto carryforwards. More importantly, they also affected the usage of carryforwards on marginal investment. Since carryforwards can only cover 80% of taxable income, having enough carryforward stock is no longer enough to maintain nontaxable status. If a firm has positive taxable income prior to applying carryforwards, then it will be taxed on the margin. Thus, firms who were driven to invest relatively more due to expected nontaxable status experienced a discrete jump in their effective marginal tax on investment.

To test for a differential change in marginal incentives, the following analysis runs triple difference regressions of the form

$$Outcome_{it} = \beta \text{ Post TCJA} \times \text{High Markup} \times \text{TLCF2017} + \vec{B}X_{it} + \alpha_i + \gamma_t + \varepsilon_{it} \quad (42)$$

¹⁹Alternative time horizons and discount factors are tested in the Appendix and leads to very similar results.

where High Markup is an indicator for whether the firm’s pre-TCJA average markup is above the median average, and TLCHF2017 is an indicator for if the firm has positive TLCHF stock in fiscal year 2017. X is a set of controls that include log assets, cash flow (extraordinary income + depreciation and amortization, scaled by capital). As is standard (lagged) Tobin’s q , defined in more detail in the following section, is included to account for differences in investment opportunities. α_i and γ_t are firm and year fixed effects, respectively.

The core idea of this regression is that all firms that had (in the transition from 2017 to 2018) a stock of TLCHFs were hurt by the new rules. However, high markup firms are presumed to have already expected to returned to taxable status. Thus the cap is less likely to have impacted their expected marginal tax. On the other hand, firms that had expected their stock of carryforwards to allowed them to maintain nontaxable status were less likely to have this shield. Lower markup firms are more likely to be in this position.

4.6.1 Investment

Measures of investment here adopt the q -theory of investment standard in the corporate finance literature (Hayashi, 1982). Tobin’s q , defined as the ratio of market value to replacement cost of capital, is assumed to represent a firm’s investment opportunities, where $q > 1$ indicates potential for positive investment growth. For many reasons, firms with different markups may face differing opportunities for growth. Regressions with investment as the outcome variable thus include lagged q as a control for differences in assumed opportunities.

While past literature has traditionally focused on physical investment, a larger and larger share of recent investment has been into intangible capital. To accommodate this trend, Peters and Taylor (2017) develop a “total q ” approach that includes intangible capital. Intangible capital is taken as a combination of externally purchased intangible capital (Compustat item *intan*) and internal tangible capital constructed using the perpetual inventory method using measures of R&D and Selling, General, and Administrative expense. The preferred measure of investment used here is thus physical plus intangible investment, scaled by total (lagged) capital, and q is replaced by total q .

4.6.2 Results

Table 5 presents the results where total investment is the outcome variable. The first column is where carryforward status is created with the direct measure of carryforwards (*tlcf*), while the second is with the constructed measure. The sign of the estimate of the triple coefficient in the first column indicates that the “harm” of TCJA on firms with TLCHFs is in fact smaller for high markup firms vs low markup firms. Taken at face value, the point estimate implies that high markup firms increased their investment by 1.7 percentage points relative to low markup firms (or, alternatively stated, decreased by 1.7 percentage points less). This qualitatively aligns with the theoretical prediction that the previously lower markup firms experienced an increase in their

Table 5: Differential Impacts on Investment

	CF (Direct)	CF (Constructed)
High Markup \times CF2017 \times PostTCJA	0.017* (0.010)	-0.007 (0.009)
High Markup \times PostTCJA	-0.028*** (0.010)	-0.013*** (0.003)
CF2017 \times PostTCJA	-0.007* (0.004)	-0.005 (0.005)
Lagged Q	0.032*** (0.002)	0.032*** (0.002)
Observations	17511	17511
Outcome Mean	0.143	0.143

Notes: This table provides estimates from a triple difference regression with dependent variable of investment (total investment over lagged capital). High Markup is defined as a firm with pre-TCJA average markup above the median average. CF2017 is an indicator if the firm had positive carryforwards in fiscal year 2017. PostTCJA is a dummy for years after TCJA (2018-2019). CF(Direct) defines carryforward status using the Compustat measure, while CF(Constructed) uses the constructed method. Both regressions include firm and year FE, as well as controls for Tobin’s q (lagged), cash flow, and leverage.*** p<0.01, ** p<0.05, * p<0.10. Standard errors clustered by firm.

expected marginal tax rates compared to high markup firms. The estimate with the constructed measure gives a statistically null result, and a slightly negative point estimate.

Figure 3 provides the year-by-year estimates. While the investment measure is overall noisy, this plot provides some evidence that there were not systematically strong differences in investment trends by the two comparison groups prior to 2017. The figure also highlights a potential point of ambiguity in what is deemed as the “start” of the policy. TCJA was signed into law at the end of 2017 and enacted for tax year 2018. What is important however, are when the *returns* from investment are taxed. Thus, if there were sufficient runup and prediction to the actual signing of the bill, firms may have already altered their investment behavior in 2017 in anticipation of differential tax treatment on future returns on investment. The figure here thus illustratively uses 2016 as the baseline zero year, but the average estimates in Table 5 more conservatively identify the post period as just 2018-2019.

Acquisitions can be thought of as an alternative method of investment. Thus Table 6 presents results using outcomes of (asset scaled) acquisition spending and an indicator for positive spending. Figures A9 and A10 show the corresponding year-by-year estimates. Similar to previous table, the first two columns represent the results using a more direct application of *tlcf* from Compustat, while the third and fourth use the constructed measures.

While only the estimates on scaled acquisitions are significant, the positive triple interaction terms across the board indicate that the relative change in acquisition activity by high markup firms with TLCFs is greater than those for low markup firms with TLCF. This would support the

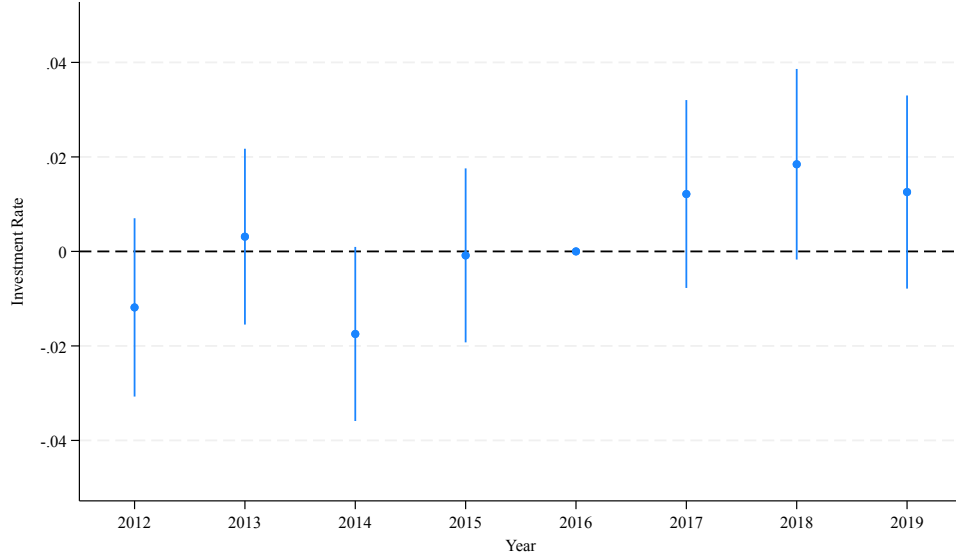


Figure 3: Investment Year-by-Year Coefficients

Notes: This figure plots estimates on the interaction of an indicator for high markup (in the pre-TCJA era) and an indicator for positive carryforwards in 2017, prior to the passing of TCJA. Investment rate is defined as the ratio of total investment (physical + intangible) to total lagged capital.

previous story about firms with high markups being mostly shielded from the negative impact of TCJA on carryforwards on marginal incentives, and potentially helping high markup firms attempt to further increase their reach.

The magnitude of all of the estimates here are economically large but noisy, owing to both the source data and difficulty in measuring investment. Thus caution is important in direct interpretation of the point estimates. However, nearly all estimates qualitatively support the hypothesized direction due to differential changes in marginal tax rates by markup.

Table 6: Differential Impact on Acquisition Expenditures

	CF (Direct)		CF (Constructed)	
	Scaled ACQ	Positive ACQ	Scaled ACQ	Positive ACQ
High Markup \times CF2017 \times PostTCJA	0.032 ** (0.013)	0.058 (0.036)	0.040 ** (0.018)	0.037 (0.035)
High Markup \times PostTCJA	-0.021* (0.011)	-0.027 (0.031)	-0.005 (0.006)	0.010 (0.018)
CF2017 \times PostTCJA	-0.012 (0.008)	-0.029 (0.026)	-0.014 (0.010)	-0.045* (0.025)
Observations	17446	17511	17446	17511
Outcome Mean	0.041	0.386	0.041	0.386

Notes: This table provides estimates from a triple difference regression with dependent variable of acquisition expenditures (scaled by assets) or an indicator for positive expenditures. High Markup is defined as a firm with pre-TCJA average markup above the median average. CF2017 is an indicator if the firm had positive carryforwards in fiscal year 2017. PostTCJA is a dummy for years after TCJA (2018-2019). CF(Direct) defines carryforward status using the Compustat measure, while CF(Constructed) uses the constructed method. Both regressions include firm and year FE, as well as controls for Tobin's q (lagged), cash flow, and leverage.*** p<0.01, ** p<0.05, * p<0.10. Standard errors clustered by firm.

5 Conclusion

Every corporate tax system features some degree of asymmetry in how profits and losses are treated. While there are many reasons for doing so, this paper highlights one potential side effect of this feature: a system that can provide lower average and marginal tax rates to firms with market power. Highly and persistently profitable firms, which high markup implies, are less likely to (unintentionally) interact with the downsides of tax asymmetry, thereby giving them an absolute advantage over their competitors.²⁰ While the mapping to marginal investment incentives is not as clear cut, even there it is possible that asymmetry can relatively subsidize higher markup firms and an increased market advantage. Examining firms in Compustat lends support to this penalty being negatively related to market power, though the implied magnitude of the penalty in this sample is modest.

This, however, need not imply that the penalty is modest across the entire market power distribution. Compustat firms are significantly larger, likely more profitable, and more stable than the average firm. Even if they do not have significant product market power, they may have market power in the input market or other parts of the supply chain. A more extensive examination of the penalty and market power across the entire firm distribution may suggest larger scaling. If limited scaling holds across a wider distribution of firms, the policy implication would be more

²⁰Though not treated in this paper, firms may plausibly choose to purposefully acquire carryforwards if a tax hike is anticipated.

favorable toward the asymmetric system. Distortions related to market power would be of less concern relative to the pros of fraud prevention and reducing refunds to perpetually loss making firms.

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A Table and Figures

A.1 Descriptives

Table A1: Comparison of NOL Carryforward and Carryback Rules by Country (2025)

Country	Carryforward	Carryback	Limitations / Notes
Australia	Unlimited	0 yrs	No carryback allowed
Belgium	Unlimited	0 yrs	Carryforward capped at 70% above €1M
Canada	20 yrs	3 yrs	No significant limitations
China	10 yrs	0 yrs	Extended from 5 yrs; SMEs/high-tech firms benefit most
Estonia	Indefinite	Indefinite	Cash-flow tax system (no traditional loss rules)
France	Unlimited	1 yr	Carryback max €1M; carryforward capped at 50% above €1M
Germany	Unlimited	2 yrs	Carryback limited; carryforward capped at 70% above €1M
Japan	10 yrs	1 yr	Carryforward capped at 50%; carryback mainly for SMEs
Latvia	Indefinite	Indefinite	Cash-flow tax system (no traditional loss rules)
Luxembourg	17 yrs	0 yrs	Fixed period
Poland	5 yrs	0 yrs	Carryforward limited to 50% of loss per year
Romania	5 yrs	0 yrs	Restricted from 7 → 5 yrs; 70% cap
Singapore	Unlimited	1 yr	Generous provisions
Slovenia	5 yrs	0 yrs	Changed from unlimited to 5 yrs (2025)
South Korea	15 yrs	0 yrs	No carryback (except SMEs); carryforward capped at 60% for large firms
UK	Unlimited	1 yr	Carryforward capped at £5M, then 50%
USA	Unlimited	0 yrs	Carryforward capped at 80%; no carryback

Table A3 provides the same consistency checks with the constructed carryforward measure and the Compustat built in measure. Finally, while correlation between actual levels of these two variables is small, there is strong correlation in signage. All in all, I think including both measures throughout the analysis is valuable.

Table A2: Summary Statistics (Overall)

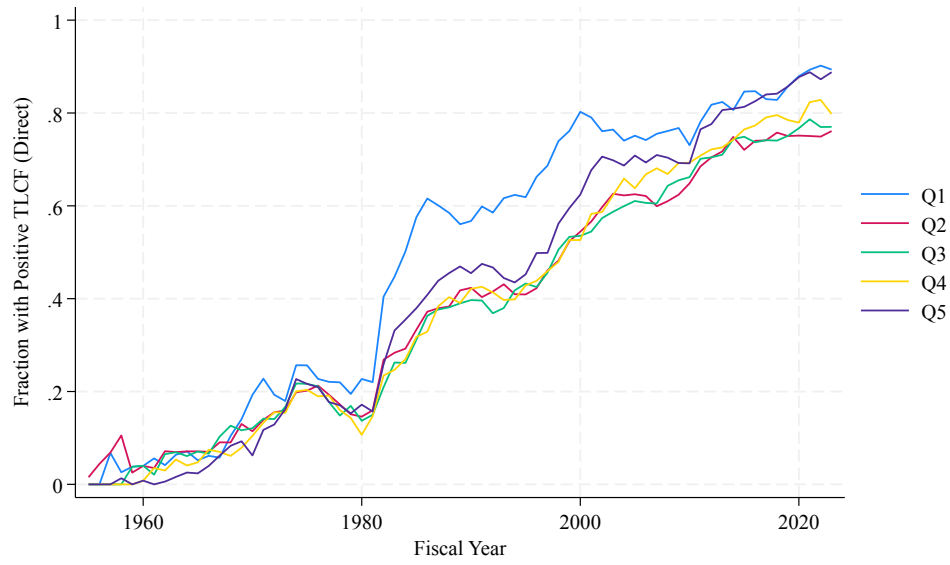
	Mean	Median	SD
Markup	1.50	1.25	0.96
Total Assets	2,197.39	155.06	13,136.88
Sales	1,958.23	165.18	10,134.57
Pre-tax Income	153.68	4.18	1,339.83
Market Value	2,701.93	141.31	21,693.98
Employment	8.26	0.89	38.46
Observations	221081		

Notes: Variables are scaled by a thousand.

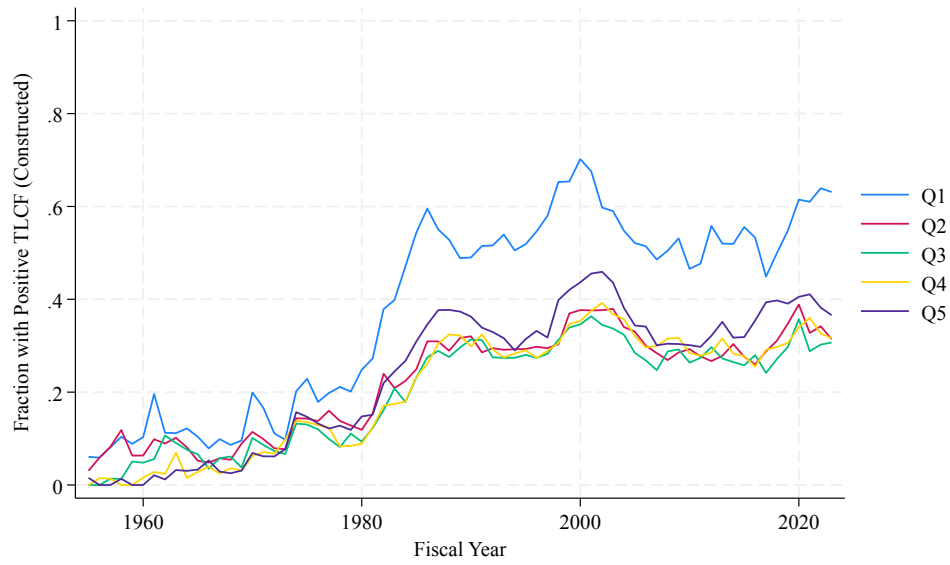
Table A3: Loss Carryforward Consistency Checks

Consistency Check	Rate (%)	Observations
Panel A: CF-Based Checks		
$P(NT = 0 \mid CF > 0)$	0.53	61690
$P(CF > 0 \mid NT = 0)$	0.33	98775
$P(CB > 0 \mid CF > 0)$	4.66	53862
$P(CF > 0 \mid CB > 0)$	2.59	96998
Panel B: TLCF-Based Checks		
$P(NT = 0 \mid tlc f > 0)$	28.61	95425
$P(tlc f > 0 \mid NT = 0)$	27.64	98775
$P(CB > 0 \mid tlc f > 0)$	32.09	84349
$P(tlc f > 0 \mid CB > 0)$	27.90	96998
Panel C: Correlations		
$Corr(CF, tlc f)$	0.0669	203834
$Corr(CF > 0, tlc f > 0)$	0.5598	203834

Notes: Panel A reports checks using CF (constructed carryforward measure), Panel B uses TLCF (Compustat item tlc f). In Panels A and B, lower percentages imply better internal consistency.

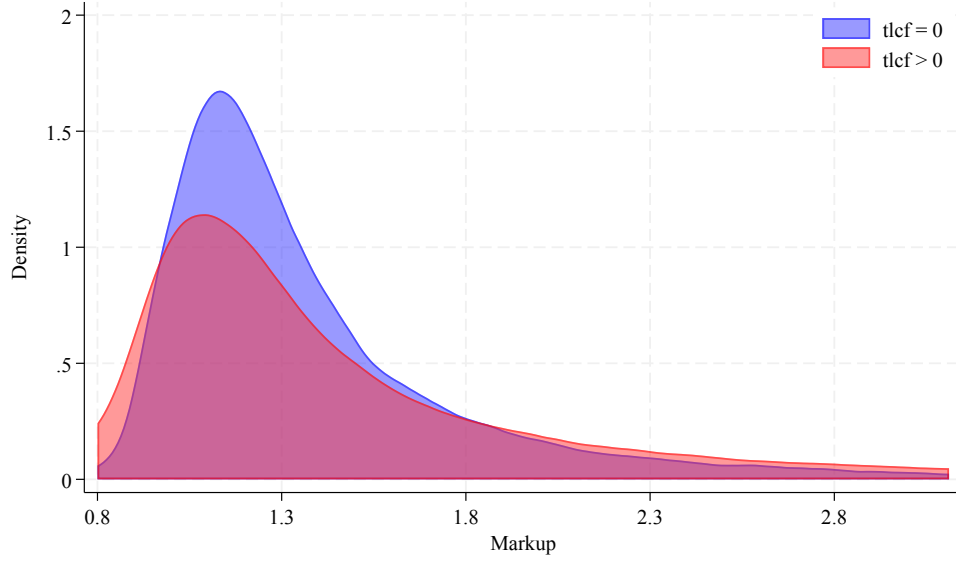


(a) Fraction of Firms with TLCF (Direct) by Markup Group

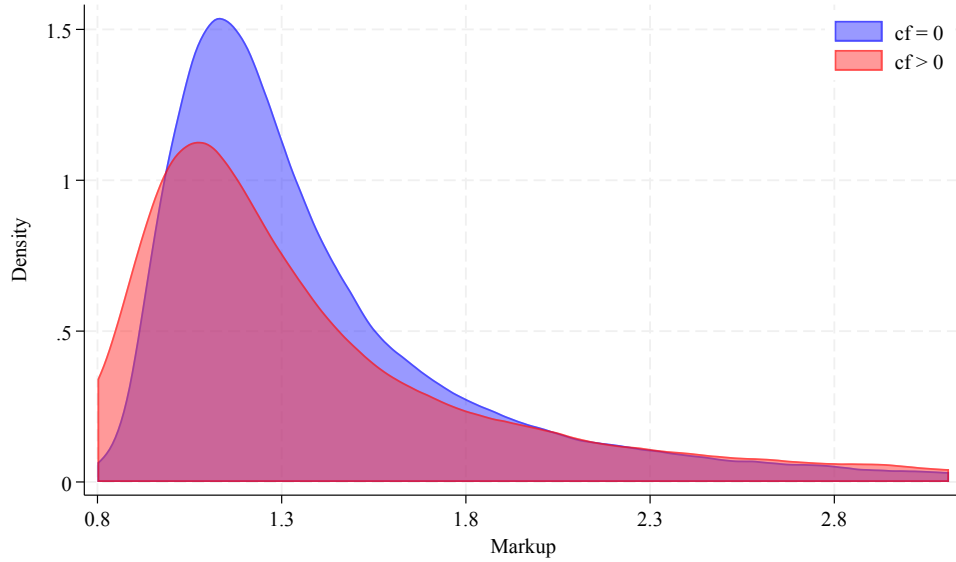


(b) Fraction of Firms with TLCF (Constructed) by Markup Group

Figure A1: Markup Distribution by Carryforward Status



(a) Using Compustat tlcf



(b) Using constructed carryforwards

Figure A2: Markup Distribution by Carryforward Status

Potentially intriguing in both panels of Figure A2 is that in the right tail the density of firms with carryforwards is (mildly) higher. There are at least two explanations of this pattern. First, it may be the case that these are firms that are forcing high markups to cover high fixed costs or high volatility rather than being indicative of higher profitability. Thus, despite the high markups, these firms are still frequently incurring losses. An alternative explanation is that these highest markup firms are in fact especially powerful players who have especially careful tax planning schedules and are purposefully retaining their NOLs.

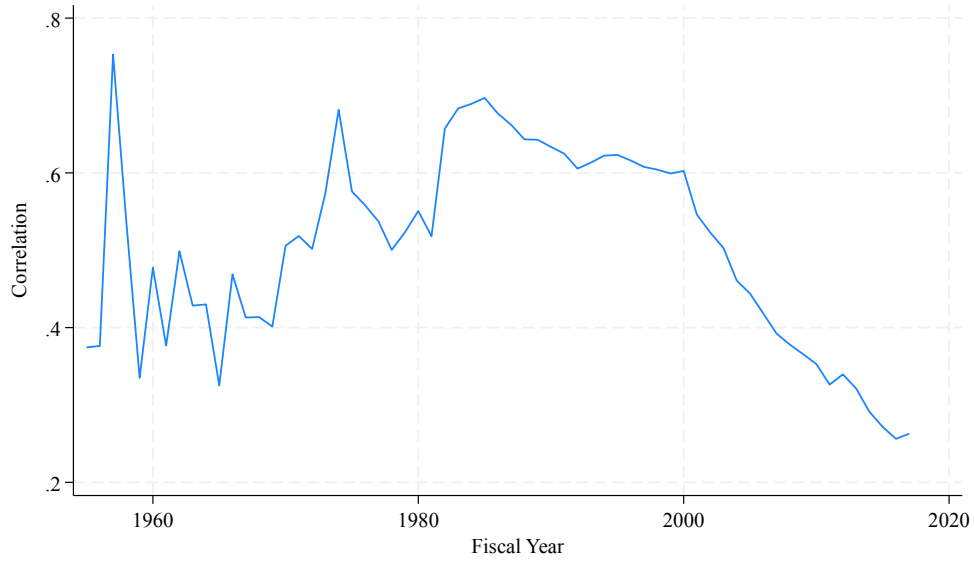
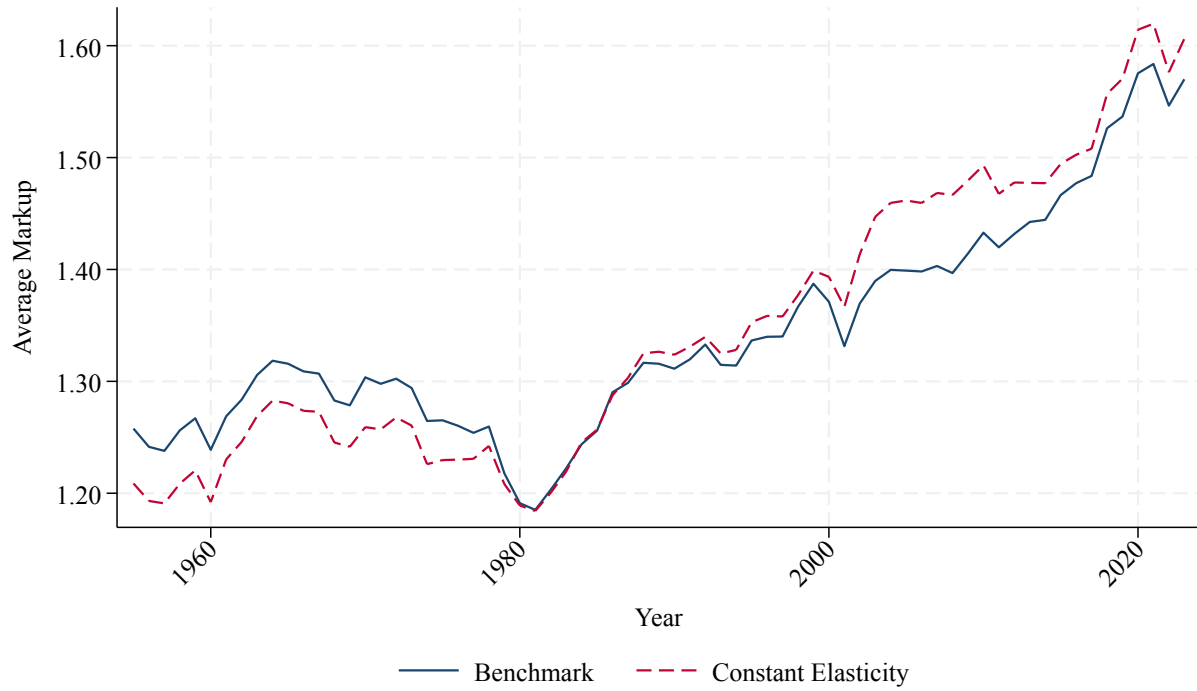


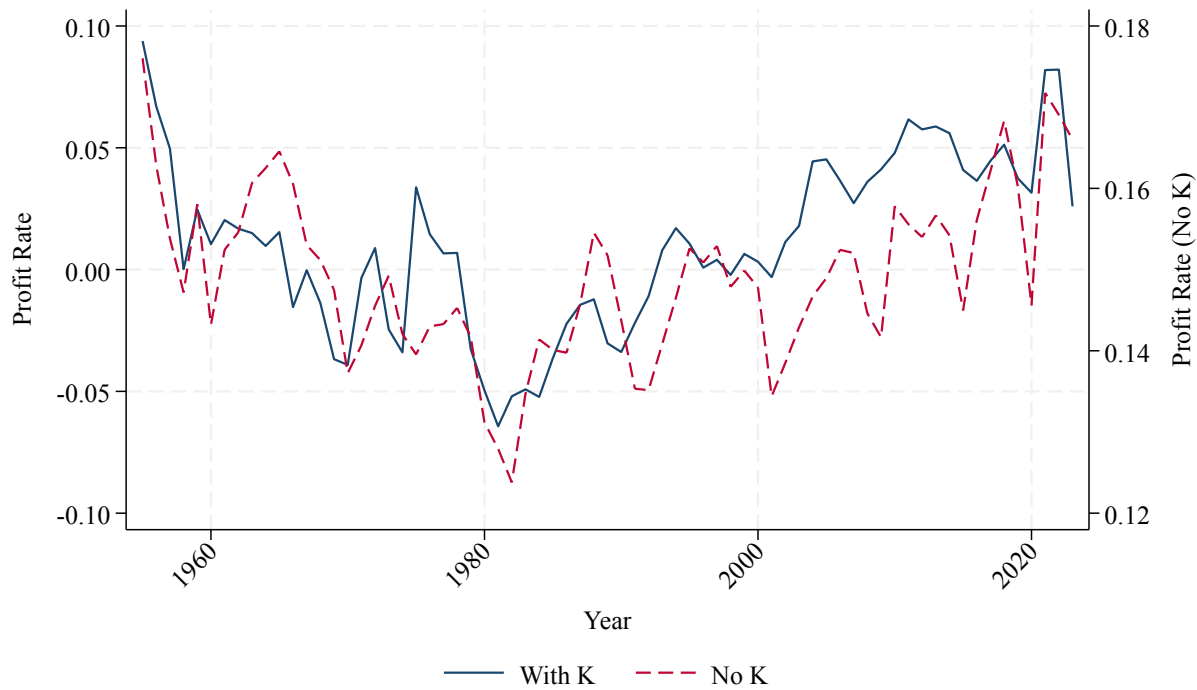
Figure A3: Carryforward Measure Correlations by Year

A.1.1 De Loecker et al. (2020) Replication

Here I reproduce figures IIb and VIII in [De Loecker et al. \(2020\)](#) as a way to test that I am correctly capturing close to the same measure of market power and profitability as they are. The prior illustrates the aggregate trends in markup for both a constant elasticity specification and the preferred input weighted specification. The latter illustrates aggregate trends in profit rates.



(a) Aggregate Markups Over Time



(b) Aggregate Profit Rates Over Time

Figure A4: Sales Weighted Markup and Profit Rates (De Loecker et al., 2020)

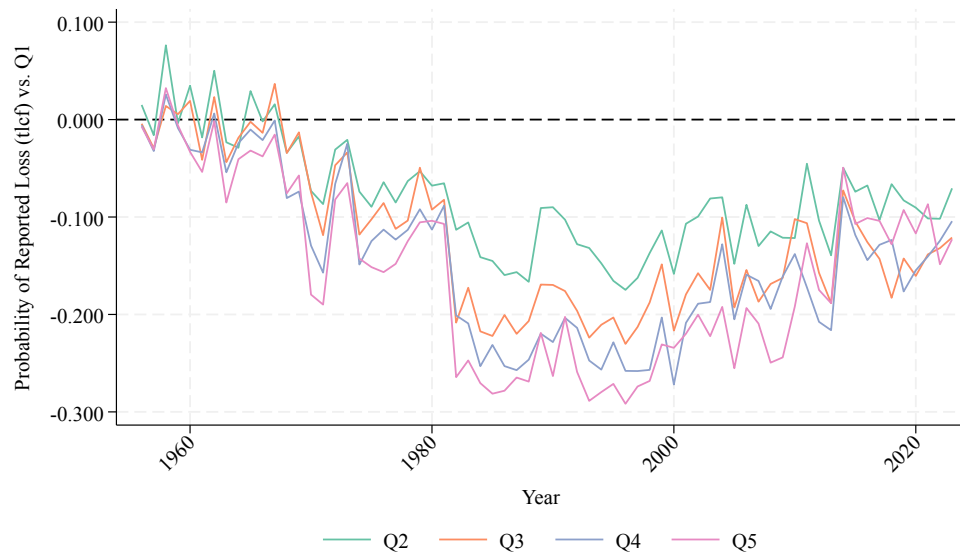


Figure A5: Likelihood of Loss by Markup Quintile

A.2 Average Loss Recovery

A.3 Duration Analysis

Table A4: Loss Recovery Rates by Markup Quintile

Quintile	Mean	Median	% Zero	N
<i>Panel A: Full Sample</i>				
Q1 (lowest)	0.119	0.000	56.1%	12,030
Q2	0.157	0.147	44.6%	7,532
Q3	0.157	0.145	44.2%	7,054
Q4	0.150	0.108	46.2%	7,019
Q5 (highest)	0.136	0.004	49.9%	7,524
<i>Panel B: Full Horizon (11 years)</i>				
Q1 (lowest)	0.231	0.266	20.7%	3,470
Q2	0.257	0.288	14.2%	2,749
Q3	0.256	0.285	14.0%	2,654
Q4	0.243	0.275	17.2%	2,570
Q5 (highest)	0.229	0.270	20.1%	2,338

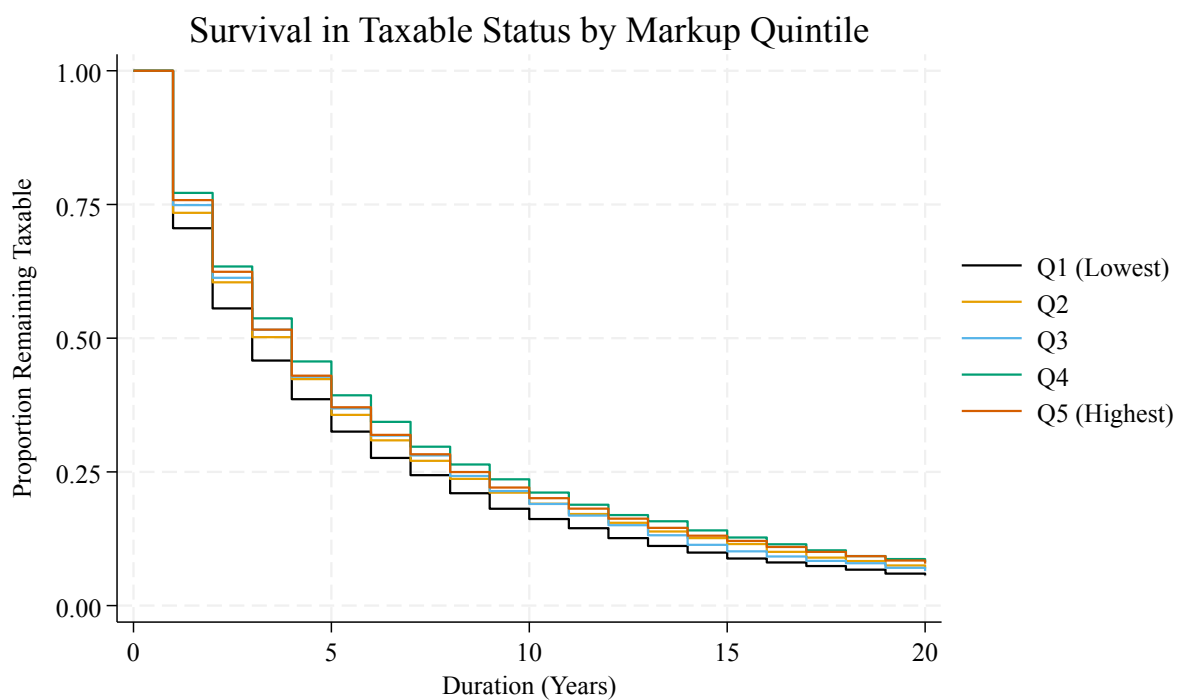
Notes: Loss rate is PV of tax benefits divided by loss amount. Panel A includes all loss episodes 2000-2007. Panel B restricts to firms with complete 11-year forward window.

Table A5: Spell Duration and Initial Markup (Continuous)

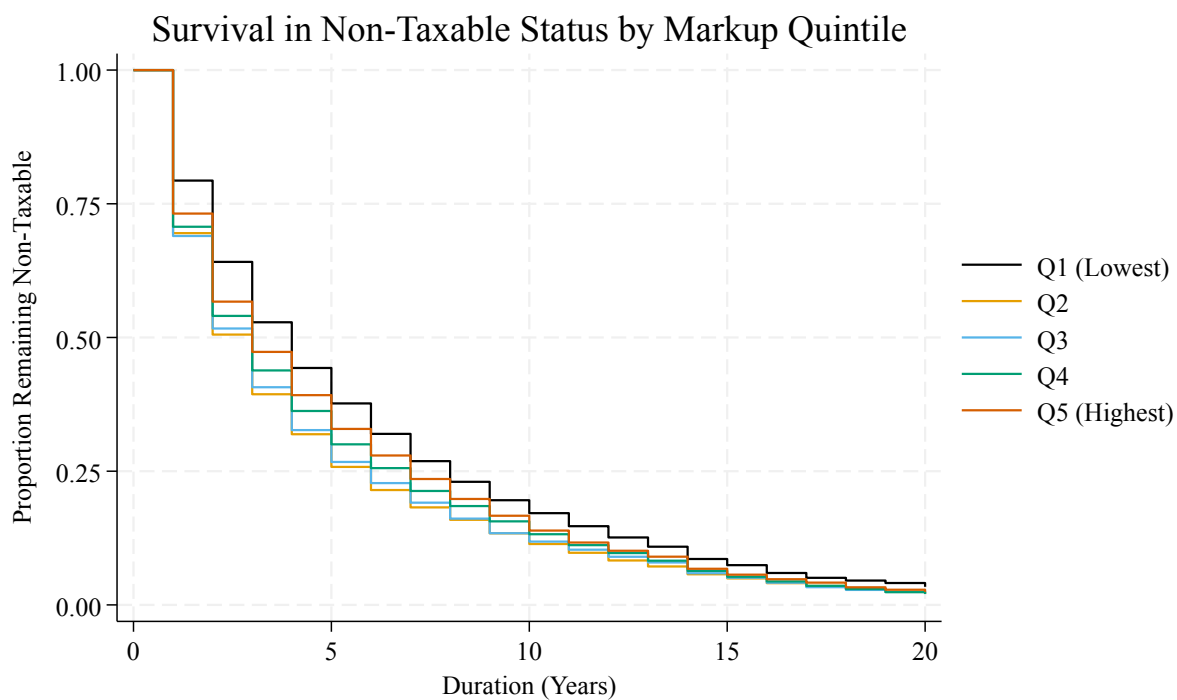
	CF (Direct)	CF(Constructed)	Taxable Duration	Nontaxable Duration
Initial Markup	-0.292* (0.165)	-0.173* (0.095)	0.180*** (0.046)	-0.229*** (0.085)
Outcome Mean	5.59	3.64	5.93	4.31
Observations	4,695	5,921	12,334	8,397

Notes: Duration is defined as the number of years of a spell. Spell starts are defined as the first year in which the firm transitions from one state to another. Initial markup is defined in the year of the spell start. Spells due to gaps in data are ignored. CF (Direct) uses the carryforward measure from Computstat's tlcF with adjustments. CF (Constructed) uses the carryforward measure using the process of Edgerton (2010). Firm fixed effects and for year of the spell start are included.

*p<0.10, **p<0.05, ***p<0.01

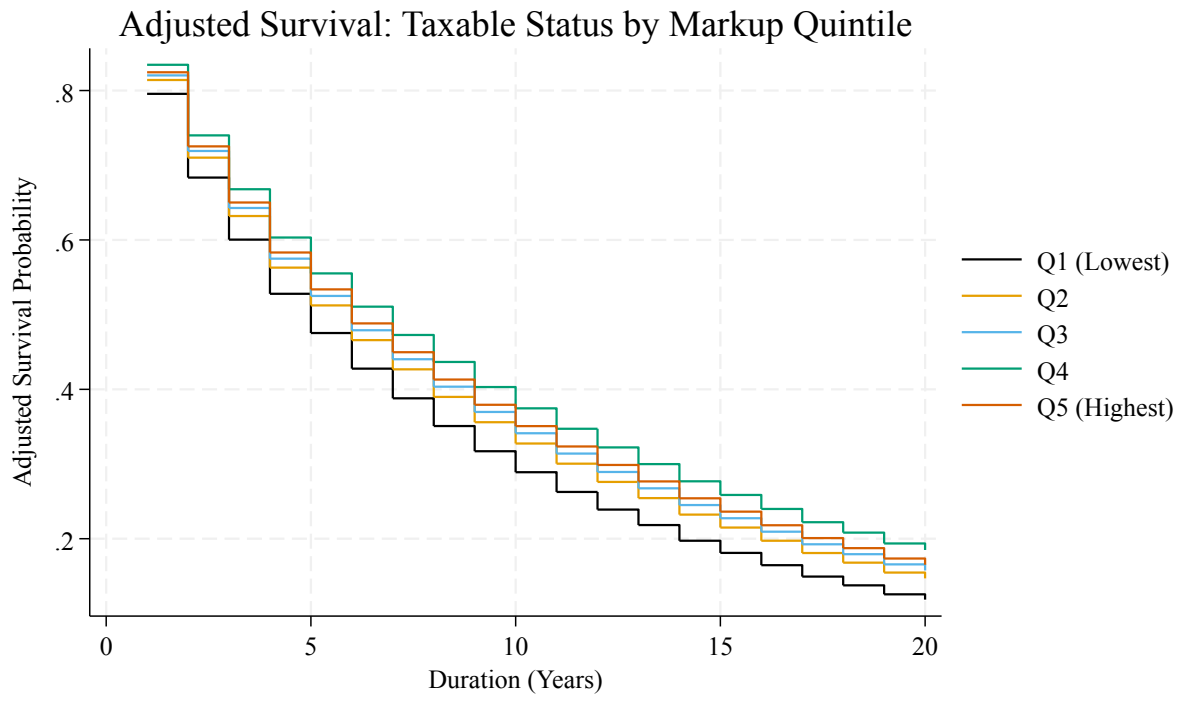


(a)

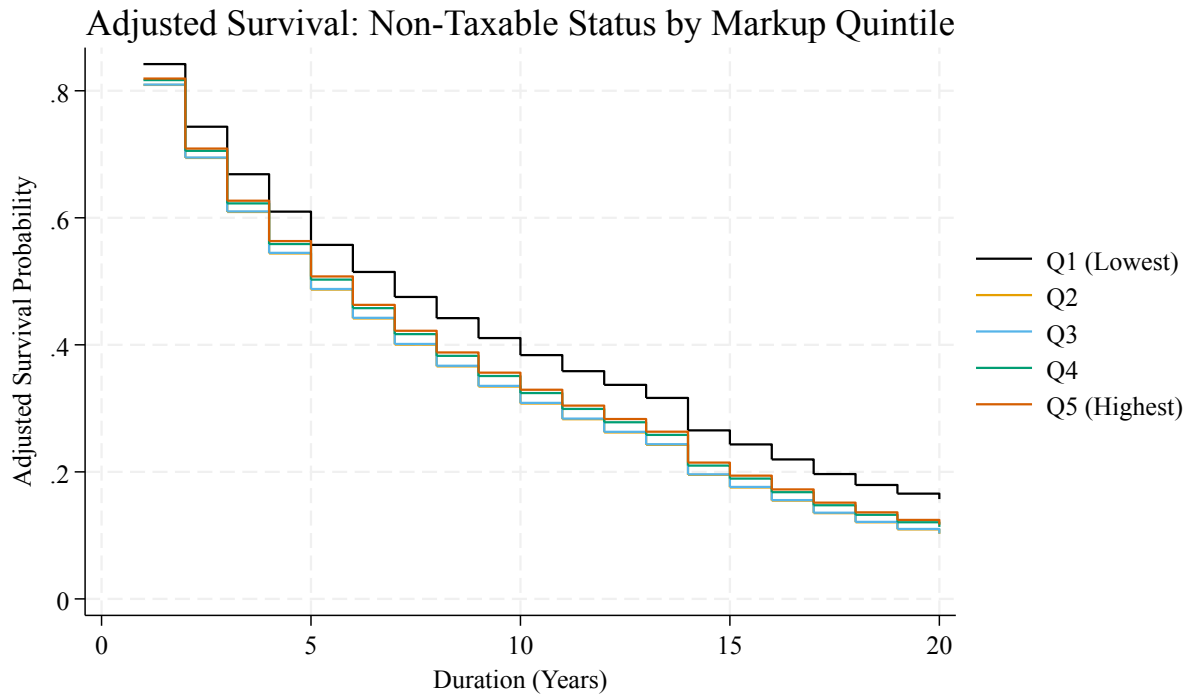


(b)

Figure A6: Duration of spells of (a) Taxability and (b) Nontaxability.



(a)



(b)

Figure A7: Duration of spells of (a) Taxability and (b) Nontaxability.

A.3.1 NPV Analysis

Figure A8: Firm Counts: Markup Quintiles Across NPV Deciles

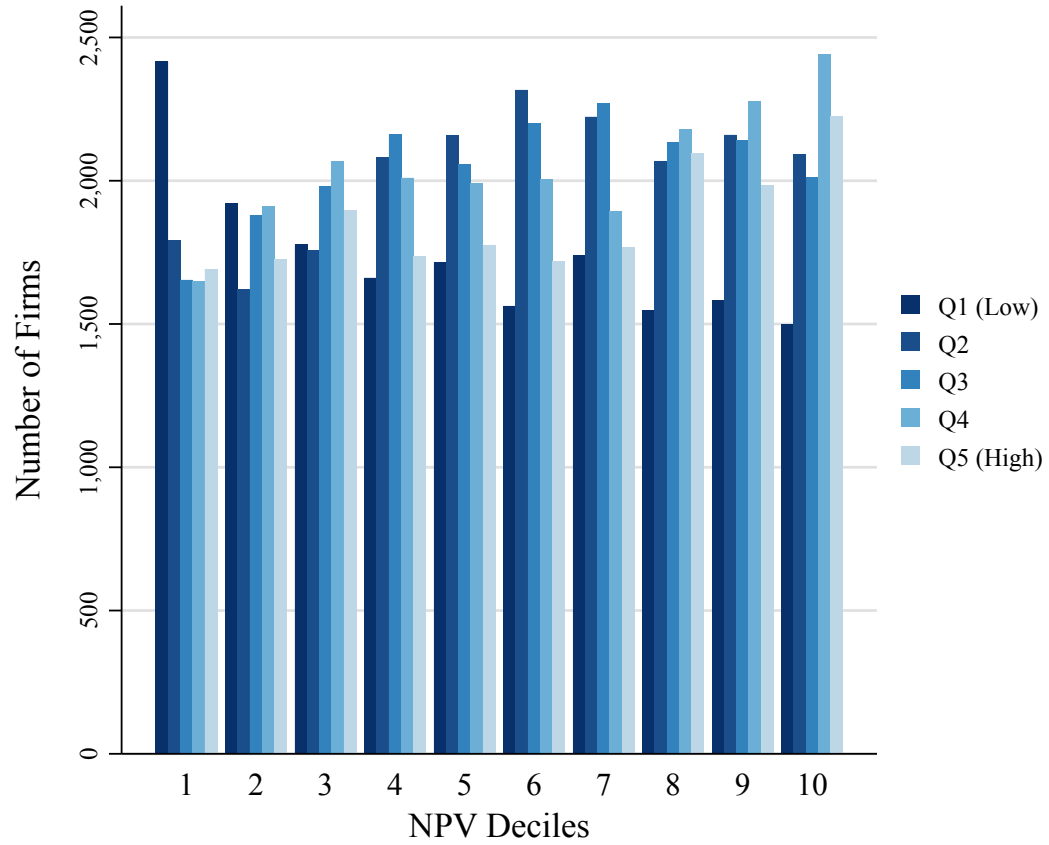


Table A6: Loss and Duration Conditional on NPV (5 Years)

	(1)	(2)	(3)
	Loss Ratio	Share Loss Years	Share Nontaxable Years
Q1 (lowest)			
Q2	-0.0186*** (0.00487)	-0.0613*** (0.00441)	-0.0622*** (0.00589)
Q3	-0.0298*** (0.00587)	-0.0833*** (0.00496)	-0.0871*** (0.00673)
Q4	-0.0390*** (0.00654)	-0.0913*** (0.00514)	-0.0985*** (0.00697)
Q5 (highest)	-0.0442*** (0.00800)	-0.0976*** (0.00571)	-0.110*** (0.00759)
Outcome Mean	0.30	0.20	0.52
Observations	141,632	142,621	142,621

Standard errors in parentheses

Year and Industry FE are included. Controls for NPV of income over a 5 year window. Also controls for log assets, and initial carryforwards.

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

A.4 TCJA Analysis

Table A7: Coefficients on Q_{t-1}

Q Measure	Total Inv.	Physical Inv.	Intangible Inv.	Star Inv.
Total Q	0.035 (0.002)	0.017 (0.002)	0.018 (0.001)	
Traditional Q				0.006 (0.001)

Table A8: Triple Difference Coefficients by Investment Type

	Total Investment	Physical Investment	Intangible Investment	Star Investment
A. TLCF Measure	0.017* (0.010)	0.019** (0.009)	-0.002 (0.003)	0.065** (0.033)
B. CF Measure	-0.006 (0.009)	-0.014* (0.008)	0.008* (0.004)	-0.007 (0.019)
Notes: *** p<0.01, ** p<0.05, * p<0.10. Standard errors clustered by firm.				

Table A9: Triple Difference: Investment Top vs. Lowest Quartile

	CF (Direct)	CF (Constructed)
High Markup \times CF2017 \times PostTCJA	0.035 (0.025)	-0.017 (0.015)
High Markup \times PostTCJA	-0.055** (0.024)	-0.022*** (0.007)
CF2017 \times PostTCJA	-0.012** (0.006)	-0.009 (0.008)
Lagged Q	0.032*** (0.002)	0.032*** (0.002)
Observations	7977	7977
Outcome Mean	0.164	0.164

Notes: Firm and year FEs included. Regression controls for firm cash flow and leverage. Variables scaled by either lagged total capital or assets.*** p<0.01, ** p<0.05, * p<0.10. Standard errors clustered by firm.

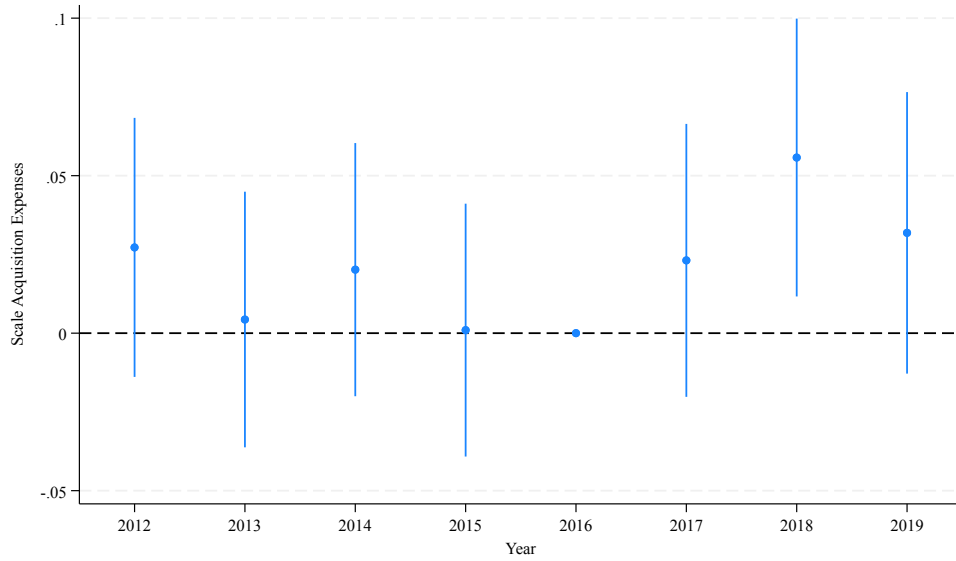


Figure A9: Year-by-Year Coefficients: Acquisition Expenses

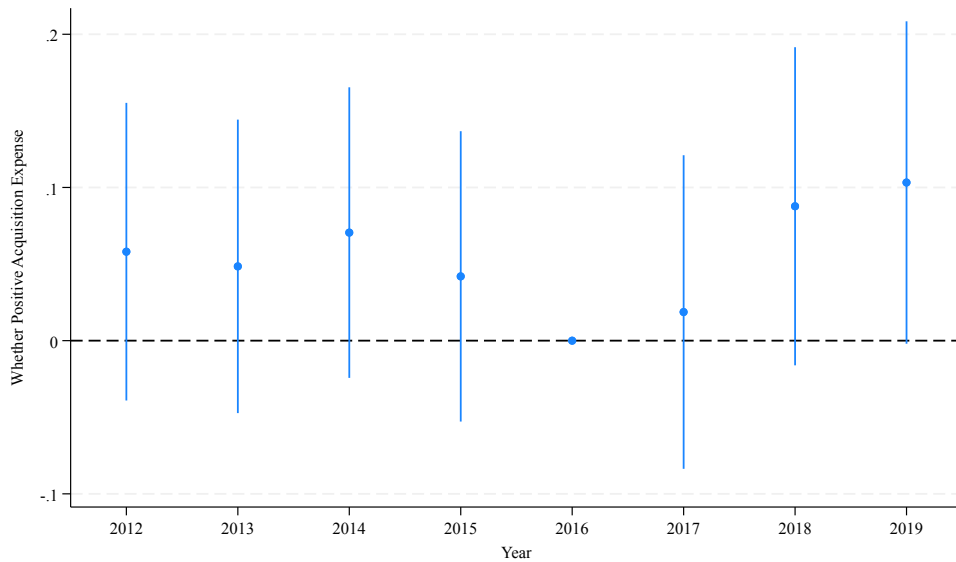


Figure A10: Year-by-Year Coefficients: Probability of Acquisition

B Data Appendix

This section provides more detail on the restrictions, assumptions, and general cleaning done on the data. All variables found in the original data are denoted with italics. E.g. Capital expenditures in Compustat is provided by the variable *capx*.

B.1 Compustat Data

The analysis starts with all firm-year observations available at this time, beginning in 1950 and ending in 2024. Common restrictions from the literature are then applied.

B.1.1 Sample Restrictions

All firm-year observations that meet at least one of the following criteria are dropped from the sample:

1. Utility (SIC 4900-4999), real estate (SIC 5300-5399), and financial (SIC 6000-6999) firms.
2. Non-US incorporated firms.
3. Non-positive reported assets (*at*).
4. Negative values for one of the following items: *sale*, *cogs*, *xsga*.
5. Missing in one of the following items: *at*, *fyear*, *naics*, *pi*, *sale*.
6. As in [De Loecker et al. \(2020\)](#), firms that are in the 1 and 99% extremes of the cost-of-goods-sold to sales ratio ($\frac{cogs}{sale}$) and the *xsga* to sale ratio ($\frac{xsga}{sale}$).

B.1.2 Imputations

Though the corporate tax rate has only been truly flat since 2017, all firms in the sample are assumed to be subject to the top corporate rate in each year. Historical rates are taken from the Tax Foundation and the Tax Policy Center.²¹

Adjustment to R&D (*xrd*) follow, for example, [Lev and Radhakrishnan \(2005\)](#) and [Peters and Taylor \(2017\)](#). In 1974, the Financial Accounting Standards Board (FASB) issued Statement of Financial Accounting Standards No. 2 (FAS2), which became effective fiscal year 1975 and established reporting requirements to disclose R&D expenditures if material. Thus, starting in this year, missing values of *xrd* are set to 0. In-process R&D (*rdip*) is treated the same.

Construction of total intangible capital follows [Peters and Taylor \(2017\)](#). Intangible capital can be divided into two types: externally purchased and internally created. Externally purchased intangible capital is measured by *intan*, and missing values are set as zeros. A proxy for internally created intangible capital is defined as the sum of knowledge capital and organization capital and is constructed via a perpetual inventory method.

As mentioned in the main text, two separate methods of imputation are used for tax loss carryforwards (TLCF). The most common and simplest method is to assume that missing values are equivalent to 0 reporting. As described in the text, this has been shown in the literature to be substantially misleading. Therefore, this method is adjusted by using the imputation method

²¹Tax Foundation: <https://taxfoundation.org/data/all/federal/historical-corporate-tax-rates-brackets/>
Tax Policy Center: <https://taxpolicycenter.org/statistics/corporate-top-tax-rate-and-bracket>

created by [Max et al. \(2023\)](#). Rather than coding this up directly, imputed data is downloaded directly from the publicly available source provided by the authors. The second imputation method is via [Edgerton \(2010\)](#). In this method, taxable income, carryforwards, and carrybacks are proxied for and calculated directly. Tax loss carryforwards are imputed using rules that mimic the real world tax code, with the only main data-based assumption being that the constructed carryforward measure starts for the firm’s second year in the data and is equal to Compustat’s direct *tlcf* measure from the first period.

Market valuation is typically directly equal to *mkvalt*. When this variable is missing, it is set equal to the market value of equity: $prcc_f \times csho$. In regressions that include Tobin’s q, firms are required to have at least 5 million in total capital value.

For acquisition expenses, the FSAB issued SFAS 95 in 1988. This new standard increased reporting requirements on acquisition expenditures, making it much more likely that missing values in Compustat are true zeroes. Since, the primary analysis that includes this acquisition variable (*aqc*) is the period around TCJA, missing values are simply imputed as zeroes.

B.1.3 Variable Construction

Several variables in the paper and discussed here are constructed from other variables in Compustat. The combination of variables and/or the algorithmic process to develop these variables are discussed in turn.

Markup

Firm level markups are defined as in the text. In the Compustat data, *sale* is used for revenue while *cogs* is used for variable input costs (all variable inputs are treated as one input). In other words, the translation between theory and data is

$$\mu_t^i = \eta_t^i \frac{p_t^i x_t^i}{p_t^{i,V} V_t^i} \rightarrow \hat{\mu}_t^i = \hat{\eta}_t^i \frac{sale_t^i}{cogs_t^i}$$

The estimated output elasticity $\hat{\mu}_t^i$ is calculated at the industry level by [De Loecker et al. \(2020\)](#) for the years 1950-2016. Those estimates are used here, with the 2016 estimates filled forward to 2024.

User Cost of Capital

The user of cost of capital is defined as standard in the literature:

$$r_t = (INT_t - INFL_t) + DP_t$$

Interest rate is taken from the federal funds rate from FRED. The risk premium and depreciation rate is jointly set at 12%.

Taxable Status, CF, and CB

I follow the process outlined in [Edgerton \(2010\)](#).

1. Define Taxable Income after Dividend ($TIDD$) as

$$TIDD_t^i = pi_t^i + xido_t^i$$

2. Define the taxbill TB_t^i as

$$TB_t^i = txfed_t^i \times (1 - AMT_t^i)$$

where AMT_t^i is an indicator for whether the firm is (likely to have been) required to pay the Alternative Minimum Tax. Since the AMT, for most of the sample period, allowed firms to use NOL deductions on 90% of income, firms subject to the 20% AMT but with large enough carryforwards to offset taxable income would have paid a 2% marginal tax rate. Thus, following [Edgerton \(2010\)](#), I classify firms with $txfed_t^i + itci_t^i \leq 0.2 \times pi_t^i$ as subject to the AMT and being effectively nontaxable due to the low margin. Firms with this classification represent a very small percentage of the sample.

3. Define the total carryback stock, *in terms of amount of taxes remitted*, as

$$\tilde{CB}_t^i = \sum_{s=0}^{T_B} CB[s]_t^i$$

where T_B is the carryback time limit, which is equal to 2 for most years, and $CB[s]_t^i$ is the potential carryback in year t remaining from taxes paid year $t - s$. To construct carrybacks from the data, first assume that

$$CB[s]_0^i = \max\{TB_0^i, 0\} \quad \forall s$$

i.e., that for a firm's first year in the sample, available carryback for previous years is simply equal to that first taxbill. Then carrybacks evolve according to the following cases:

$$CB[1]_{t+1}^i = \max\{TB_t^i, 0\}$$

$$CB[s|s > 1]_{t+1}^i = \begin{cases} CB[s-1]_t^i & -TB_t^i < \sum_{j=s}^{T_B} CB[j]_t^i \text{ or } s > T_B + 1 \\ TB_t^i + \sum_{j=s-1}^{T_B} CB[j]_t^i & \sum_{j=s}^{T_B} CB[j]_t^i \leq -TB_t^i \leq \sum_{j=s-1}^{T_B} CB[j]_t^i \\ 0 & \sum_{j=s-1}^{T_B} CB[j]_t^i \leq -TB_t^i \end{cases}$$

In the second case, In the last case, the entire carryback stock is exhausted (if it exists).

4. The carryforward stock CF_t^i , *in terms of pre-tax income* is constructed as follows. First, the initial stock is defined in a firm's second year of the sample as the direct Compustat reported amount from the previous period:

$$CF_1^i = tlc f_0^i$$

Note that the Compustat variable is the end of the year (post tax) stock, while this new construction is a pre-tax stock. This stock is then evolved with the following rules:

$$CF_{t+1}^i = \begin{cases} 0 & TB_t^i > 0 \\ 0 & TB_t^i = 0, CR_t^i + p_t I_t^i ITC_t^i > 0 \\ \max\{0, CF_t^i - TIDD_t^i\} & TB_t^i = 0, CR_t^i + p_t I_t^i ITC_t^i = 0 \\ 0 & 0 > TB_t^i > -\tilde{C}B_t \\ \max\{0, -TIDD_t^i + TB_t^i/\tau_t\} & 0 > TB_t^i, -\tilde{C}B_t \geq TB_t^i \end{cases}$$

where the variable $itci_t^i$ is used in place of $CR_t^i + p_t I_t^i ITC_t^i$ as the full measure of tax credits.

5. A firm is deemed taxable if it has a positive final tax bill or if it receives (i.e., using carrybacks but not exhausting more than available) carrybacks. Nontaxable status (NT) is then defined by

$$NT_t^i = 1 - \mathbb{1} \left[TB_t^i > 0 \mid \left(0 > TB_t^i > -\tilde{C}B_t \right) \right]$$

and taxable status is simply just $1 - NT_t^i$.

A final note: To match Compustat's *tlcf* variable, CF in the empirical exercises is shifted to be the stock of carryforwards at the end of the year. In other words, if CF' is the carryforward as defined in [Edgerton \(2010\)](#) and above, $CF_t = CF'_{t+1}$.

Intangible Capital

Creation of intangible capital stock follows [Peters and Taylor \(2017\)](#).

1. Knowledge capital, G_t^i , evolves via R&D spending under a perpetual inventory method:

$$G_t^i = (1 - \delta_{R\&D})G_{t-1}^i + xrd_t^i$$

where $\delta_{R\&D}$ is the depreciation rate, assumed to be 15% for all industries. G_0 is simply set to zero in the firm's first year of the sample.

2. Organizational capital, O_t^i , evolves similarly in a perpetual inventory model:

$$O_t^i = (1 - \delta_{SG\&A})O_{t-1}^i + 0.3 \times SGA_t^i$$

$\delta_{SG\&A} = 20\%$ follows from [Falato et al. \(2022\)](#), and the the fraction of $SG\&A$ developing intangible capital follows from, among others, [Eisfeldt and Papanikolaou \(2014\)](#). SGA_t^i is not directly equal to $xsga_t^i$ from Compustat. Instead, it is defined as

$$SGA_t^i = xsga_t^i - xrd_t^i - rdip_t^i$$

If xrd_t^i exceeds $xsga_t^i$ but is less than $cogs_t^i$, then SGA_t^i is set directly equal to $xsga_t^i$. If $xsga_t^i$ is missing, then SGA_t^i is set to 0.

Total Investment and Tobin's q

Total investment measures incorporate the previously constructed intangible capital measures into standard measures of investment.

$$q_t^{i,tot} = \frac{MKTVAL_t^i}{K_t^{i,phy} + K_t^{i,int}} \rightarrow \frac{mkvalt_t^i}{ppeg t_t^i + intan_t^i +}$$

The typical Tobin's q is calculated based solely on physical capital, i.e.,

$$q_t^{i,*} = \frac{MKTVAL_t^i}{K_t^{i,phy}} \rightarrow \frac{mkvalt_t^i}{ppeg t_t^i}$$

Total investment variables are constructed as follows:

$$\begin{aligned} \iota_t^{i,phys} &= \frac{I_t^{i,phys}}{K_{t-1}^{i,tot}} \rightarrow \frac{capx_t^i}{ppeg t_{t-1}^i}, & \iota_t^{i,int} &= \frac{I_t^{i,int}}{K_{t-1}^{i,tot}} \rightarrow \frac{xrd_t^i + 0.3 \times xsga_t^i}{ppeg t_{t-1}^i} \\ \iota_t^{i,tot} &= \iota_t^{i,phys} + \iota_t^{i,int}, & \iota_t^{i,*} &= \frac{I_t^{i,phys}}{K_{t-1}^{i,phys}} \end{aligned}$$

where ι^* is the investment rate more typically used in the literature that depends only on physical investment.

Cash Flow

Cash flow is constructed as the sum of extraordinary income plus depreciation, scaled by lagged capital:

$$cashflow_t^i = \frac{ib_t^i + dp_t^i}{ppeg t_{t-1}^i}$$

C Theory Appendix

C.1 Proofs

Proof of Lemma 1. (1) Comparison at $L = 0$. Let $\phi^{*,S}(0)$ represent the required productivity for a firm i to ex ante choose to remain in the market when the market state (outside of firm i) is ω^{-i} . Mechanically, for any given level of investment, it must be the case that for a firm on the margin of exit in the symmetric system that

$$\Pi_t^A \leq \Pi_t^S \quad (43)$$

given the immediate offset of the symmetric system. This will also be true for any firm with productivity below the firm on the margin of exit. This immediately implies the exit cutoff is weakly higher in the asymmetric system.

(2) Comparative static in L for the asymmetric regime. Fix the asymmetric continuation function $\mathcal{C}_t^A(\phi, L)$. By assumption \mathcal{C}_t^A is continuous and strictly increasing in ϕ , and $\partial \mathcal{C}_t^A(\phi, L)/\partial L \geq 0$. At the cutoff we have the identity

$$\mathcal{C}_t^A(\phi^{*,A}(L), L) = 0. \quad (44)$$

Differentiate both sides with respect to L and apply the implicit function theorem:

$$\frac{\partial \mathcal{C}_t^A}{\partial \phi}(\phi^{*,A}(L), L) \frac{d\phi^{*,A}(L)}{dL} + \frac{\partial \mathcal{C}_t^A}{\partial L}(\phi^{*,A}(L), L) = 0. \quad (45)$$

Rearranging gives

$$\frac{d\phi^{*,A}(L)}{dL} = -\frac{\frac{\partial \mathcal{C}_t^A}{\partial L}(\phi^{*,A}(L), L)}{\frac{\partial \mathcal{C}_t^A}{\partial \phi}(\phi^{*,A}(L), L)}. \quad (46)$$

Because $\partial \mathcal{C}_t^A(\phi, L)/\partial L \geq 0$ and $\frac{\partial \mathcal{C}_t^A}{\partial \mu}(\phi^{*,A}(L), L) > 0$ at the boundary, the ratio is non-positive; hence $d\phi^{*,A}/dL \leq 0$. \square

Proof of Propostion 1. As described in the text, the output FOC of each firm is

$$(1 - \tau\beta P(B_t < 0))(p'(X_t)x_t^i + p(X_t) - c^i) + \beta P(B_t < 0)\rho_{t+1}(p'(X_t)x_t^i + p(X_t) - c^i) = 0 \quad (47)$$

which can be factored as

$$[(1 - \tau\beta P(B_t < 0)) + \beta P(B_t < 0)\rho_{t+1}] [p'(X_t)x_t^i + p(X_t) - c^i] = 0 \quad (48)$$

Thus, excepting the case where the first bracketed term is equal to zero, it must be the case that current production is chosen to make the second bracketed term equal to zero. But this is just the FOC in an untaxed and a symmetrically taxed system. Thus, if there is no firm exit, all firms experience the same pre-tax profit they would as in the symmetric system.

Let $x_t^*(\phi)$ be the optimal output for the current distribution of productivities of firms. Then,

$$\begin{aligned} P(B_t > 0) &= P(\Pi_t^* - L_t + \varepsilon_t > 0) \\ &= P(\varepsilon_t > -(\Pi_t^* - L_t)) \\ &= \int_{-(\Pi_t^* - L_t)}^{\infty} f_{\varepsilon} d\varepsilon \end{aligned}$$

where Π_t is clearly increasing with productivity so long as there is no correlation between productivity, fixed costs, and the idiosyncratic profit shock. Then $P(B_t > 0)$ increases with productivity.

The penalty on firm value each period is

$$\Delta V = \tau(1 - \beta\rho_{t+1})P(\Pi_t + \varepsilon_t < 0)\mathbb{E}[\Pi_t + \varepsilon_t \mid \Pi_t + \varepsilon_t < 0]$$

In other words, the firm incurs a penalty on new losses (turned into carryforwards) each period. Whether this penalty is incurred depends on the likelihood of a loss this period (“extensive margin”). The size of the penalty also scales with the recovery time conditional on having a loss (“intensive margin”). As productivity rises, ρ_{t+1} is higher, while the probability and expectations are smaller. Thus, expected size of the penalty decreases as productivity rises. Since exit is based on expected firm value, a higher expected penalty increases the lower productivity threshold to remain in the market. \square

Proof of Lemma 2. The asymmetric value loss from the text can be rewritten

$$\Delta(S) = \tau \sum_{t=0}^{\infty} \beta^t (1 - \rho_t) Q_t = \tau (1 - \bar{\rho}) \sum_{t=0}^{\infty} \beta^t Q_t = \tau (1 - \bar{\rho}) Q \quad (49)$$

Using $G = C + Q$ (because $C = G - Q$) we have

$$Q + G = C + 2Q \quad \Rightarrow \quad \theta = \frac{Q}{Q + G} = \frac{Q}{C + 2Q}. \quad (50)$$

Solving this last equality for L gives

$$Q = \frac{R}{1 - 2R} C, \quad (51)$$

which is well-defined for $R \in [0, \frac{1}{2})$ (note: $R \geq \frac{1}{2}$ would imply $C \leq 0$ and requires separate sign-discussion; typically in applications one works with $C > 0$ and $R < \frac{1}{2}$). Substituting into the expression for $\Delta(S)$ yields (39).

Two statements then follow immediately: Δ is monotone increasing in the factor $\frac{R}{1 - 2R}$, so larger R gives larger Δ . Similarly, Δ is monotone decreasing in $\bar{\rho}$. \square

D Extensions

D.1 Market Predation: Duopoly Model

Here I develop an explicit model of oligopolistic competition to illustrate the theoretical impact the asymmetric system can have on competition. To ease exposition, I use the simplest possible setting to illustrate desired forces in a duopoly in a two period model and ignore investment. I will also begin with a Cournot model of competition. Each firm has the following pre-tax profits in a given period t :

$$\Pi_t^i = (p_t - c_t^i) x_t^i - F \quad (52)$$

There is no investment: firms only choose their output each period.

D.1.1 Heterogeneous Firms and Predatory Pricing

Suppose there are two firms i and j such that $c^j < c^i$. Then we ask whether tax asymmetry affects j 's ability to push i out of the market. More directly, does it shrink the required gap in marginal cost for predatory behavior to be a worthwhile endeavor?

I compare two regimes for the (potential) predator firm j : (1) firm j chooses their optimal quantities in both period as normal as both firms stay in business, and (2) firm j intentionally increases output and reduces profits in period 0 to push i out of business and is rewarded in period 1 with higher monopoly profits. There is a minimum competitor marginal cost \underline{c} such that the predator firm is indifferent between standard behavior and the predatory option. Let $\{x_t^{i,*}, x_t^{j,*}\}$ represent the quantity decisions of both firms under standard Nash behavior. Let $\{x_t^{i,\dagger}, x_t^{j,\dagger}\}$ represent the quantity decisions in the situation where firm j engages in predatory behavior.

In order to drive firm i out of the market, it must be the case that price is driven down far enough such that the net present value of profit falls below 0. Suppose pre-tax profits in period 0 are driven Q below zero. Since taxes do not apply, this is also the after-tax profit. This also implies that there are Q TLCF for use in period 1. Since period 1 pre-tax profits are “determined” in the sense that optimal quantity is not influenced by TLCF (if not exiting), we can label these as R^i . Then firm i 's after-tax profits in period 1 are

$$\pi_1^{i,\dagger} = R^i - \tau(R^i - Q)\mathbb{1}_{R^i > Q} \quad (53)$$

Total expected profits at the start of period 0 are

$$-Q + \beta(R^i - \tau(R^i - Q)\mathbb{1}_{R^i > Q}) \quad (54)$$

In order for this to weakly negative, it must be the case that

$$Q \geq \frac{\beta R^i(1 - \tau\mathbb{1}_{R^i > Q})}{1 - \beta\tau\mathbb{1}_{R^i > Q}} \quad (55)$$

From this expression, we can already see the impact of tax asymmetry on the exit condition of the prey firm. First note that, in the absence of asymmetry, then $Q^\dagger = \beta R^i$, where Q^\dagger is the minimum loss needed to force out firm i . Since $\frac{1-\tau}{1-\beta\tau} < 1$ for $\beta < 1$, asymmetry reduces the required loss needed before firm i exits. As β decreases, the required first period loss shrinks, making it easier to force out the prey firm. As long as $\beta < 1$, increasing the tax rate will compound this effect as the numerator decreases faster than the denominator with the tax rate. Relatedly, these conclusions also imply that, as β increases, the minimum marginal cost of i needed to make predation worthwhile decreases.

The above condition is a necessary condition for predation to work as a strategy, and this is enough to show that predation is easier under tax asymmetry. In order for predatory behavior to

be utility maximizing, it must be the case that

$$\sum_{t=0} \beta^t \pi_t^j(x_t^{j,\dagger}) \geq \sum_{t=0} \beta^t \pi_t^j(x_t^{j,*}) \quad (56)$$

or alternatively stated

$$\beta(\pi_1^{j,\dagger} - \pi_1^{j,*}) \geq -(\pi_0^{j,\dagger} - \pi_0^{j,*}) \quad (57)$$

that the (discounted) benefit of monopolization in the second period exceeds the profit sacrifice in the first period.

We now calculate the change in period 1 profits between the two strategies. First, we note that

$$\Pi_1^{j,\dagger} > \Pi_1^{j,*} + \Pi_1^{i,*} \quad (58)$$

since monopoly profits exceed joint duopoly profits and pre-tax profits are unaffected by TLCF. We also note that $\Pi_1^{j,*} = \Pi_0^{j,*}$ and $\Pi_1^{i,*} = \Pi_0^{i,*}$. Since

$$\pi_1^{j,\dagger} = \Pi_1^{j,\dagger} - \tau B_1^{j,\dagger} = (1 - \tau)\Pi_1^{j,\dagger} + \tau \min\{L_1, \Pi_1^{j,\dagger}\} \quad (59)$$

$$\pi_1^{j,*} = \Pi_1^{j,*} - \tau B_1^{j,*} = (1 - \tau)\Pi_1^{j,*} \quad (60)$$

then the change in after-tax profits in period 1 due to monopolization is

$$\begin{aligned} \Delta\pi_1^j &= (1 - \tau) \left(\Pi_1^{j,\dagger} - \Pi_1^{j,*} \right) + \tau \min\{L_1, \Pi_1^{j,\dagger}\} \\ &> (1 - \tau)\Pi_1^{i,*} + \tau \min\{L_1, \Pi_1^{j,\dagger}\} \end{aligned} \quad (61)$$

In period 0, we have that

$$\pi_0^{j,\dagger} = (1 - \tau)\Pi_0^{j,\dagger} + \tau \min\{0, \Pi_0^{j,\dagger}\} \quad (62)$$

$$\pi_0^{j,*} = (1 - \tau)\Pi_0^{j,*} \quad (63)$$

Then the change in after-tax profits in period 0 due to predatory pricing is

$$\Delta\pi_0^j = (1 - \tau) \left(\Pi_0^{j,\dagger} - \Pi_0^{j,*} \right) + \tau \min\{0, \Pi_0^{j,\dagger}\} \quad (64)$$

Adding the two changes together gives

$$\Delta\pi_0^j + \Delta\pi_1^j > (1 - \tau) \left(\Pi_1^{i,*} + \Pi_0^{j,\dagger} - \Pi_0^{j,*} \right) + \tau \min\{0, \Pi_0^{j,\dagger}\} + \tau \min\{L_1, \Pi_1^{j,\dagger}\} \quad (65)$$

D.2 Tax Loss Carrybacks

The U.S. has historically allowed for tax loss carrybacks, the ability to apply current tax losses against previous years' profits. Up until its removal in the TCJA, profits in the previous two years

could be used to offset current period losses. The biggest advantage of tax loss carrybacks versus carryforwards is that the refund is immediate, meaning that there is no discounting applied to the carryback value.

There are two manners in which carrybacks impact the main analysis. First, all firms weakly gain from carryback provisions due to the effectively immediate refundability. However, the degree of which this benefit (which makes the system closer to a symmetric one) should also be differentially related to profitability. Similar to how the negative impact of carryforwards are reduced with higher expectations on future profitability, so too is the positive impact of carrybacks with higher past profitability. Thus, once again higher markup firms should disproportionately benefit, conditional on a loss event, as they are more likely to have previously profitable periods to carry back against.