

# United States

## Transfer Pricing Country Profile<sup>1</sup>

October 2025

		SUMMARY	REFERENCE
The Arm's Length Principle			
1	Does your domestic transfer pricing framework <sup>2</sup> make reference to the arm's length principle?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-1 through 1.482-9</a>
2	Does your domestic transfer pricing framework give the OECD Transfer Pricing Guidelines any role or status (e.g. legal binding effect, subsidiary application in the absence of domestic legislation, source of interpretation of domestic legislation and/or treaty provisions, other)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Other than the current cross-reference to the Amount B Report in Notice 2025-4, our domestic transfer pricing framework does not explicitly reference the TPG. However, all US transfer pricing regulations are consistent with the TPG.	<a href="#">Notice 2025-4</a> , I.R.B. 2025-3, page 419; Treas. Reg. §§ <a href="#">1.482-1 through 1.482-9</a>
3	Does your domestic transfer pricing framework provide for a definition of related parties applicable for transfer	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-1(i)(4)</a> and <a href="#">(5)</a>

<sup>1</sup> Information in transfer pricing country profiles is provided directly by jurisdictions. By publishing the transfer pricing country profiles on the OECD website, the OECD does not certify the accurateness of the information provided therein. Importantly, transfer pricing country profiles published on the OECD website are made available to stakeholders for information purposes only, and are not intended to be used in substitution to a jurisdiction's legal instruments, jurisprudence, or administrative guidance or practice nor relied on as an accurate and complete description of domestic law.

<sup>2</sup> For purposes of transfer pricing country profiles, the term "domestic transfer pricing framework" refers to a jurisdiction's domestic legislation, regulations, administrative guidance or practice, jurisprudence or governing general principles in the jurisdiction.

	pricing purposes? If so, please provide the definition contained under your domestic transfer pricing framework.	“Controlled taxpayer means any one of two or more taxpayers owned or controlled directly or indirectly by the same interests, and includes the taxpayer that owns or controls the other taxpayers.” Treas. Reg. <a href="#">§1.482-1(i)(5)</a> . This is a facts and circumstances analysis without pre-determined thresholds. Control includes “any kind of control, direct or indirect, whether legally enforceable or not, and however exercisable or exercised, including control resulting from the actions of two or more taxpayers acting in concert or with a common goal or purpose.” Treas. Reg. <a href="#">§1.482-1(i)(4)</a> .													
Transfer Pricing Methods															
4	Does your domestic transfer pricing framework provide for transfer pricing methods to be used in respect of transactions between related parties?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If affirmative, please check those provided for in your legislation:</p> <table border="1"> <thead> <tr> <th>CUP</th><th>Resale Price</th><th>Cost Plus</th><th>TNMM</th><th>Profit Split</th><th>Other (If so, please describe)</th></tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr> </tbody> </table> <p>Others include variations of the methods listed above as well as income, market cap, and acquisition price methods.</p>	CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other (If so, please describe)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Treas. Reg. §§ <a href="#">1.482-3(a)</a> , <a href="#">-4(a)</a> , <a href="#">-7(g)(1)</a> , and <a href="#">-9(a)</a>
CUP	Resale Price	Cost Plus	TNMM	Profit Split	Other (If so, please describe)										
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>										
5	Which criterion is provided for in your domestic transfer pricing framework for the application of transfer pricing methods?	<p>Please check all that apply:</p> <p><input type="checkbox"/> Hierarchy of methods</p> <p><input checked="" type="checkbox"/> Most appropriate method</p> <p><input type="checkbox"/> Other (if so, please explain)</p> <p>The best method rule applies.</p>	Treas. Reg. <a href="#">§1.482-1(c)</a>												

6	Does your domestic transfer pricing framework contain specific guidance on commodity transactions?	<input type="checkbox"/> Yes <input type="checkbox"/> For controlled transactions involving commodities, the guidance contained in paragraphs 2.18-2.22 of the TPG is followed. <input type="checkbox"/> Domestic transfer pricing framework provides for the use of a specific method for controlled transactions involving commodities ( <i>if so, please explain</i> ) <input checked="" type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-3(b)(5)</a>
		The US does not have specific guidance on commodity transactions, but the guidance in Treas. Reg. <a href="#">1.482-3(b)(5)</a> is consistent with the guidance in the TPG paragraphs 2.18-2.22.	
Comparability Analysis			
7	Does your jurisdiction follow (or largely follow) the guidance on comparability analysis outlined in Chapter III of the TPG?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  US transfer pricing regulations emphasize performing a comparability analysis consistent with the TPG.	Treas. Reg. §§ <a href="#">1.482-1(c)(2)</a> and <a href="#">(d)</a> ; <a href="#">-3(b)(2)</a> , <a href="#">(c)(3)</a> , and <a href="#">(d)(3)</a> ; <a href="#">-4(c)(2)</a> ; <a href="#">-5(c)</a> ; <a href="#">-6(c)(2)(ii)</a> and <a href="#">(3)(ii)</a> ; and <a href="#">1.482-9(c)(2)</a> , <a href="#">(d)(3)</a> , <a href="#">(e)(3)</a> , and <a href="#">(f)(2)(iii)</a>
8	Is there a preference in your jurisdiction for domestic comparables over foreign comparables?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-1(c)</a> and <a href="#">(d)</a>
9	Does your domestic transfer pricing framework permit the use of secret comparables for transfer pricing assessment purposes?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
10	Does your domestic transfer pricing framework allow or require the use of an arm's length range and/or	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-1(e)</a> and <a href="#">1.482-7(g)(2)(ix)</a>

	statistical measure (e.g. the interquartile range or other percentiles) for determining arm's length remuneration?	Ranges or other statistical methods (including interquartile ranges) may be used to improve the reliability of the results.	
11	Are comparability adjustments required under your domestic transfer pricing framework?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Comparability adjustments must be made if they improve the reliability of the results with respect to material differences in the comparables.	Treas. Reg. <a href="#">§1.482-1(d)(2)</a>
Intangible Property			
12	Does your domestic transfer pricing framework contain guidance specific to the pricing of controlled transactions involving intangibles?	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VI of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No  Treas. Reg. <a href="#">§1.482-4</a> provides general guidance for controlled transactions involving intangibles and is consistent with Chapter VI of the TPG.  Treas. Reg. <a href="#">§1.482-7(g)</a> specifically addresses transfers of existing intangibles in connection with cost contribution arrangements and is consistent with Chapters VI and VIII of the TPG.  Treas. Reg. <a href="#">§1.482-3(f)</a> is a coordination rule for tangible property transactions with an embedded intangible and is consistent with Chapter VI of the TPG.  Treas. Reg. <a href="#">§1.482-9(m)(2)</a> addresses services transactions and coordination of rules for such transactions that effect a transfer of intangible property and is consistent with Chapters VI and VIII of the TPG.	Treas. Reg. §§ <a href="#">1.482-4</a> , <a href="#">-3(f)</a> , <a href="#">-7(g)</a> and <a href="#">-9(m)(2)</a>
13	Are there any other rules outside your transfer pricing framework that are	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	IRC §367(d) and Treas. Reg. §1.367(d)-1T

	<b>relevant for the pricing of controlled transactions involving intangibles?</b>	Domestic rules relating to the tax treatment of intangibles are too numerous to attempt to list here but one such rule of particular relevance is section 367(d), which requires income inclusions with respect to certain outbound transfers of intangible property in transactions that would otherwise qualify as tax-free reorganizations (in whole or in part). The regulations thereunder apply the arm's length principle for purposes of determining the amount of such inclusions.	
<b>Hard-to-Value Intangibles</b>			
14	<b>Does your domestic transfer pricing framework contain guidance specific to hard-to-value intangibles (HTVI)?<sup>3</sup></b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow the guidance on HTVI in Chapter VI of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No	IRC §482 (second sentence); Treas. Reg. §§ <a href="#">1.482-4(f)(2)</a> and <a href="#">(6)</a> and <a href="#">1.482-7(i)(6)</a>
		The HTVI concept corresponds to the U.S. “commensurate with income” or “CWI” principle and “periodic adjustment” concept in our domestic transfer pricing framework.	
15	<b>If your jurisdiction applies the HTVI approach, what are the conditions for the application of the HTVI approach?</b>	The CWI principle generally applies to any intercompany transfer of intangible property. Periodic adjustments under the CWI principle must be consistent with the arm's length principle. Separate periodic adjustment rules are provided for IP transfers in §1.482-4(f)(2) and (6) and for cost contribution agreements in §1.482-7(i)(6). For purposes of those regulations, periodic adjustments cannot be made if one of the exceptions in §1.482-4(f)(2)(ii) or 1.482-7(i)(6)(vi), respectively, applies.	Treas. Reg. §§ <a href="#">1.482-4(f)(2)(ii)</a> and <a href="#">1.482-7(i)(6)(vi)</a>
16	<b>Are transactions falling within the scope of the HTVI approach subject to a transfer pricing analysis different from the one established in Chapters I and VI, or to other compliance requirements specifically applicable to</b>	No.	

<sup>3</sup> In the case of jurisdictions that do not apply the HTVI approach (i.e. they responded “no” to question 14), it is not necessary to respond to the remaining questions in the HTVI section and these questions will not be published as part of jurisdiction's transfer pricing country profile.

	<b>transfer prices (e.g. domestic anti-abuse rules)?</b>		
17	<b>What is the statute of limitations applicable to transactions falling within the scope of the HTVI approach in your domestic transfer pricing framework? Does this statute of limitations differ from those applicable to other transactions?</b>	The periodic adjustment rules are premised on comparing the price that is paid for IP to the income that is eventually attributable to that IP in the future. And for that purpose, certain exceptions apply that require waiting at least 5 ( <u>see, e.g.</u> , 1.482-4(f)(2)(ii)(E)) or even 10 years ( <u>see, e.g.</u> , 1.482-7(i)(6)(vi)(B)(2)), indicating adjustments can otherwise be made even after that period of time. In other words, by its design, the CWI principle requires comparisons over periods of time that exceed the generally applicable statute of limitation under US law, which is 3 years. Thus, the second sentence of section 482 effectively overrides the statute of limitations for purposes of applying the periodic adjustment rules.	
18	<b>Can taxpayers request a bilateral or multilateral advance pricing agreement (“APA”) for transactions falling within the scope of the HTVI approach under your domestic transfer pricing framework?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
19	<b>What measures exist or approaches have been adopted to avoid the use of hindsight (e.g. training of tax administrators, internal circulars/informative notes)?</b>	Treas. Reg. section 1.482-4(f)(2)(i) provides that periodic adjustments “shall be consistent with” the arm’s length principle; section 1.482-7(i)(6)(i) provides that, in determining whether to make a periodic adjustment, the IRS “may consider whether the outcome as adjusted more reliably reflects an arm’s length result under all the relevant facts and circumstances. . . .”; and both sections -4(f) and -7(i) contain exceptions, including for when <u>ex ante</u> pricing is arm’s length by reference to a highly comparable uncontrolled transaction or when a periodic adjustment otherwise would be based on results not reasonably anticipated. These provisions ensure that a periodic adjustment will not be made if it would be an inappropriate use of hindsight.	
20	<b>Is it possible for your tax administration to make adjustments under the HTVI approach in open years amounts pertaining to closed years?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
21	<b>Does your domestic transfer pricing framework allow the tax administration to make corresponding</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

	<b>adjustments under the HTVI approach in open years for amounts pertaining to closed years?</b>	Domestic legislation and regulations do not limit corresponding adjustments with respect to periodic adjustments, just as they do not limit such adjustments for any other transfer pricing adjustment. However, the IRS generally would not make such adjustments in the absence of a MAP request. If the IRS is presented with a MAP request, depending on the facts the IRS might make a corresponding adjustment as part of its initial, unilateral consideration of the case (see 2017 Model Tax Convention Article 25 Commentary, paragraph 32), or alternatively after bilateral consideration of the case.	
22	<b>Is it possible for your tax administration to make several adjustments for one single HTVI transaction under the HTVI approach?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Intra-group Services</b>			
23	<b>Does your domestic transfer pricing framework provide guidance specific to intra-group services transactions?</b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VII of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No  The guidance in Treas. Reg. § 1.482-9 regarding pricing services is consistent with the guidance in Chapter VII.	Treas. Reg. <a href="#">§1.482-9</a>
24	<b>Does your domestic transfer pricing framework provide for or allow the application of a simplified approach for low value-adding intra-group services?</b>	<input checked="" type="checkbox"/> Yes. If so, does it follow (largely follow) the low value-adding services approach in Chapter VII? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No	Treas. Reg. <a href="#">§1.482-9(b)</a>

		The services cost method in Treas. Reg. § 1.482-9(b) is consistent with the specific guidance relating to low value-adding intra-group services in Chapter VII.	
25	<b>Are there any other rules outside your transfer pricing framework for pricing intragroup services?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		Rules relating to the tax treatment of services are too numerous to attempt to list here.	
<b>Financial Transactions</b>			
26	<b>Does your domestic transfer pricing framework provide guidance specific to financial transactions?</b>	<input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter X of the TPG? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (please provide further explanations below) <input type="checkbox"/> No	Treas. Reg. <a href="#">§1.482-2</a>
		Treas. Reg. <a href="#">§1.482-2</a> provides rules regarding pricing intercompany loans that are consistent with the guidance in Chapter X, but our domestic transfer pricing framework does not provide guidance specific to other types of financial transactions for which guidance is provided in Chapter X.	
27	<b>Are there any other rules outside your transfer pricing framework that are relevant for the tax treatment of financial transactions?</b> <i>(e.g. whether your jurisdiction has implemented the measures in BEPS Action 4 to limit interest deductions and other financial payments or any similar rules)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<a href="#">IRC §§163(j) and 267A</a> , among others
		IRC Section 163(j) limits interest deductions as described in Action 4. IRC Section 267A limits deductions for interest and certain other payments in hybrid situations as described in Action 2. Additional rules relating to the tax treatment of financial transactions are too numerous to attempt to list here.	



## Cost Contribution Arrangements

28	<b>Does your jurisdiction allow cost contribution arrangements?</b>	<p><input checked="" type="checkbox"/> Yes. If so, does your domestic transfer pricing framework follow (or largely follow) the guidance in Chapter VIII of the TPG?</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No (please provide further explanations below)</p> <p><input type="checkbox"/> No</p> <p>Treas. Reg. <a href="#">§1.482-7</a> provides rules for cost sharing arrangements (“CSAs”). The CSA regulations are consistent with the guidance on cost contribution arrangements in Chapter VIII of the OECD TPG.</p>	Treas. Reg. <a href="#">§1.482-7</a>
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## Transfer Pricing Documentation

29	<b>Does your domestic transfer pricing framework require the taxpayer to prepare transfer pricing documentation?</b>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>If affirmative, please check all that apply:</i></p> <p><input type="checkbox"/> Master file consistent with Annex I to Chapter V of the TPG</p> <p><input type="checkbox"/> Local file consistent with Annex II to Chapter V of the TPG</p> <p><input checked="" type="checkbox"/> Country-by-country report consistent with Annex III to Chapter V of the TPG</p> <p><input type="checkbox"/> Specific transfer pricing returns (separate or annexed to the tax return)</p> <p><input checked="" type="checkbox"/> Other (specify):</p> <p>Certain documentation requirements are voluntary (but necessary to ensure penalty protection); while in certain cases particular documentation is required in order to take advantage of certain statutory or regulatory protections. In addition, certain information relevant to controlled transactions must be reported on Form 5472 information returns and certain information must be provided upon request.</p>	
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30	<b>Please briefly explain the relevant requirements related to each transfer pricing documentation requirement (i.e. timing for preparation or submission, languages, etc.)</b>	The relevant requirements are set forth in Treas. Reg. §1.6662-6(d).	Treas. Reg. § <a href="#">1.6662-6(d)</a>
31	<b>Does your domestic transfer pricing framework provide for specific transfer pricing penalties and/or compliance incentives regarding transfer pricing documentation?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Taxpayers are generally not required to create or file transfer pricing documentation. However, there are penalties for inaccurate transfer pricing as specified in IRC §6662 for substantial valuation misstatements and gross valuation misstatements. Transfer pricing documentation that meets certain requirements may reduce or eliminate those penalties.	<a href="#">IRC §6662(e) and (h)</a> ; Treas. Reg. § <a href="#">1.6662-6(d)</a>
32	<b>Does your domestic transfer pricing framework provide for exemption from transfer pricing documentation obligations?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  An ultimate parent entity of a US MNE group is not required to file a Country-by-Country Report if its annual revenue for the immediately preceding reporting period was less than \$850 million.	Treas. Reg. § <a href="#">1.6038-4(h)</a>
<b>Administrative Approaches to Avoiding and Resolving Disputes</b>			
33	<b>Which mechanisms are available in your jurisdiction to prevent and/or resolve transfer pricing disputes?</b>	Please check those that apply: <input type="checkbox"/> Rulings <input checked="" type="checkbox"/> Enhanced engagement or cooperative compliance programmes <input checked="" type="checkbox"/> Advance Pricing Agreements (APA) <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Unilateral APAs</li> <li><input checked="" type="checkbox"/> Bilateral APAs</li> <li><input checked="" type="checkbox"/> Multilateral APAs</li> </ul>	Rev. Procs. <a href="#">2015-40</a> and <a href="#">2015-41</a> <a href="#">United States OECD MAP Profile</a>

		<input checked="" type="checkbox"/> International Compliance Assurance Programme (ICAP) <input checked="" type="checkbox"/> Mutual Agreement Procedures <input type="checkbox"/> Other ( <i>please specify</i> ):	
		For further information on MAP and APAs, please refer to the US's OECD MAP Profile.	
Simplified and Streamlined Approach for Baseline Marketing and Distribution Activities			
34	Does your domestic transfer pricing framework allow the application of the simplified and streamlined approach for baseline marketing and distribution activities in the relevant Annex of Chapter IV of the TPG? <sup>4</sup>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (please elaborate)	<a href="#">Notice 2025-4</a>
		A notice was released 18 December 2024 announcing that the US Treasury and the IRS intend to issue proposed regulations that, for purposes of applying section 482, implement the substance of the simplified and streamlined approach ("SSA") as published in the TPG. This notice also provides guidance concerning application of the SSA to in-scope transactions undertaken by parties subject to U.S. tax with respect to those transactions before issuance of those proposed regulations. U.S. taxpayers may rely on the SSA, under the rules set forth in the notice, for their U.S. tax reporting for taxable years beginning on or after January 1, 2025, and before proposed regulations are published in the Federal Register.	
35	If your domestic transfer pricing framework allows the application of the simplified and streamlined approach, how is it implemented?	<input checked="" type="checkbox"/> In-scope tested parties resident within the jurisdiction can elect to apply the simplified and streamlined approach ( <i>i.e.</i> , safe harbour) <input type="checkbox"/> In-scope tested parties resident within the jurisdiction are required to follow the simplified and streamlined approach for in-scope qualified transactions and tax administrations are allowed to impose the application of the simplified and streamlined approach to in-scope qualified transactions of tested parties resident within their jurisdiction ( <i>i.e.</i> rule) <input type="checkbox"/> N/A	<a href="#">Notice 2025-4</a>

<sup>4</sup> In the case of jurisdictions that do not apply the simplified and streamlined approach (*i.e.* they responded "no" to question 34), it is not necessary to respond to questions 35, 36 and 38 and these questions will not be published as part of jurisdiction's transfer pricing country profile.

36	<b>If your domestic transfer pricing framework allows the application of the simplified and streamlined approach, what is the operating expense to sales (OES) upper bound chosen by your jurisdiction regarding scoping criterion 13.b?</b>	<input type="checkbox"/> 20% <input type="checkbox"/> 30% <input checked="" type="checkbox"/> Other (please specify) The upper bound generally is 30%, but in some cases it can be lower than 30% but no less than 20%. See Notice 2025-4, §3.02(2). <input type="checkbox"/> N/A	<a href="#">Notice 2025-4</a>
37	<b>Does your jurisdiction respect the outcome of the application of the simplified and streamlined approach by a covered jurisdiction in line with the Inclusive Framework political commitment?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<a href="#">Notice 2025-4</a>
38	<b>If your domestic transfer pricing framework allows the application of the simplified and streamlined approach for resident in-scope tested parties, does your jurisdiction respect the outcome of the application of such approach by another jurisdiction that is not a covered jurisdiction?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<a href="#">Notice 2025-4</a>

## Safe Harbours and Other Simplification Measures

39	<b>Does your jurisdiction provide for any safe harbours or other simplification measures in respect of certain industries, types of taxpayers, or types of transactions (not listed in other sections of this questionnaire)?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Treas. Reg. §§ <a href="#">1.482-2(a)(2)(iii)</a>
		For certain loans there is a “safe haven interest rate” of 100% to 130% of the Applicable Federal Rate under the conditions specified in Treas. Reg. <a href="#">§1.482-2(a)(iii)</a> .	

## Other Legislative Aspects or Administrative Procedures

40	<b>Does your domestic transfer pricing framework allow downward corresponding adjustments in the absence of a mutual agreement procedure (e.g. unilateral corresponding adjustments)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		Under Treas. Reg. <a href="#">§ 1.482-1(a)(3)</a> , a controlled taxpayer is not permitted to file an amended return to decrease taxable income.	
41	<b>Does your domestic transfer pricing framework allow or require taxpayers to make year-end adjustments?</b>	<input type="checkbox"/> Yes. Year-end adjustments are required. <input checked="" type="checkbox"/> Yes. Year-end adjustments are allowed. <input type="checkbox"/> No	
		Such adjustments are permitted subject to the limitation in Treas. Reg. <a href="#">§ 1.482-1(a)(3)</a> .	
42		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Treas. Reg. <a href="#">§1.482-1(g)(3)</a> and <a href="#">Rev. Proc. 99-32</a>

	<b>Does your domestic transfer pricing framework provide for secondary adjustments?</b>	Treas. Reg. <a href="#">§1.482-1(g)(3)</a> provides that conforming adjustments may include treatment as a dividend or capital contribution (as appropriate). In addition, <a href="#">Rev. Proc. 99-32</a> provides an elective method to treat a conforming adjustment as a loan.	
<b>Attribution of Profits to Permanent Establishments</b>			
43	<b>Which version of Article 7 of the OECD Model Tax Convention on Income and on Capital do your tax treaties contain?</b>	<input checked="" type="checkbox"/> Article 7 as it read before 2010.  <input checked="" type="checkbox"/> If so, please indicate in how many treaties: For 57 United States treaties, the United States attributes profits based on the business profits article in the applicable treaty.  <input checked="" type="checkbox"/> Article 7 as it reads after 2010.  <input checked="" type="checkbox"/> If so, please indicate in how many treaties: As of January 2021, seven US treaties (ratified and in force) have adopted the AOA: Belgium, Bulgaria, Canada, Germany, Iceland, Japan, United Kingdom.  <input type="checkbox"/> Other (please provide additional details)	<a href="#">US Tax Treaties</a>
		The US Model tax treaty follows the AOA, which is the US preferred position when establishing new tax treaties.	
44	<b>For tax treaties containing Article 7 as it read before 2010, does your jurisdiction apply the authorized OECD approach (AOA)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (please explain the approach used and which tax treaties are concerned) The United States does not view the AOA as applicable to treaties with the old version of Article 7.	

45	<b>Does your domestic transfer pricing framework contain specific guidance for the attribution of profits to permanent establishments of non-resident entities? If so, please provide a summary of the main features of this guidance.</b>	<input type="checkbox"/> Yes, they follow the AOA as described in the 2008 Report on the Attribution of Profits to Permanent Establishments <input type="checkbox"/> Yes, they follow the AOA as described in the 2010 Report on the Attribution of Profits to Permanent Establishments <input type="checkbox"/> Yes, they do not follow the AOA (please provide a summary of the main features of these rules) <input checked="" type="checkbox"/> No	
<b>Other Relevant Information</b>			
46	<b>Other legislative aspects or administrative procedures regarding transfer pricing</b>	N/A	
47	<b>Other relevant information</b> (e.g. <i>whether your jurisdiction is preparing new transfer pricing regulations, or other relevant aspects not addressed in this questionnaire</i> )	N/A	

For more information, please visit: <https://www.oecd.org/en/topics/sub-issues/transfer-pricing/transfer-pricing-country-profiles.html>