

Regulatory Competition in the US Life Insurance Industry

Johnny Tang*

November 9, 2022

[\[Click here for latest version\]](#)

Abstract

Competition between jurisdictions is a central feature of many public policy problems. I examine the consequences of such competition in the US life insurance industry, where states vie to attract insurers by setting lower capital requirements, but the costs of such actions are borne by consumers in other states. I document empirical evidence of competition between state regulators and its effects on the supply of life insurance. I then develop a quantitative model of the insurance market to evaluate the effects of this competition. I find that competition leads regulators to set lower capital requirements, which increases default risks but also increases consumer surplus by lowering prices. On net, these effects decrease regulators' utility based on regulators' revealed-preference objective functions.

*jtang01@g.harvard.edu. Harvard University. I am deeply grateful for my advisors Andrei Shleifer, Jeremy Stein, Adi Sunderam, and Mark Egan. I have also benefited from conversations with Sam Antill, John Campbell, Antonio Coppola, Paul Fontanier, Shan Ge, Nicola Gennaioli, Ed Glaeser, Martin Grace, Robin Greenwood, Sam Hanson, Nathan Hendren, Myrto Kalouptsidi, Elisabeth Kempf, Spencer Kwon, Robin Lee, Yueran Ma, Ariel Pakes, Dev Patel, Gordon Phillips, Ken Rogoff, David Scharfstein, Dan Schwarcz, Ishita Sen, Jesse Shapiro, Emil Siriwardane, Stefanie Stantcheva, Ludwig Straub, Boris Vallee, Jonathan Wallen, Ron Yang, David Zhang, and audiences at TADC, USC Marshall Finance PhD Conference, Bank of Canada, and the Harvard finance, IO, and labor/public finance workshops. A.M. Best Company, S&P, and Compulife own the copyrights to the respective data. I thank the staff and regulators at state insurance departments, actuaries and insurance agents, and industry consultants for many helpful conversations. I acknowledge funding by the John M. Olin Fellowship at Harvard Law School. All errors are my own.

1 Introduction

Competition between jurisdictions is a central feature of many public policy problems involving regulation and taxation. The quantitative consequences of such competition however are not well understood. A classic view is that competition allows the best regulatory policies to be chosen (Tiebout, 1956). On the other hand, if these policies have spillover effects across jurisdictions, competition could lead to a race to the bottom (Brandeis, 1933) that fails to deliver efficient outcomes. These dynamics are particularly impactful in financial regulation, where policies set on financial intermediaries in one jurisdiction can have systemic and global consequences.

This paper quantitatively assesses the consequences of jurisdictional competition in an important setting: the US life insurance industry. US life insurers are regulated by individual states, which compete over capital regulations to attract insurers to be regulated by their states. The costs of this competition, however, are borne by other states, generating an externality. The size of the industry, with over \$8 trillion in liabilities as of 2021, makes effective regulation vital for the financial well-being of US households and firms.

State regulators compete for insurers to set up captives in their states to raise tax revenues. Captives are special wholly-owned subsidiaries that insurers can transfer liabilities to. States compete by setting low capital requirements on liabilities transferred to captives, allowing insurers to hold less capital. Regulators face a tradeoff: lowering capital requirements earns tax revenues for the state and reduces insurers' costs of selling insurance, but increases default risks of insurers. Importantly, the default cost is partially borne by other states, creating an externality. This is because if the insurer defaults, default costs on liabilities transferred to the captive are paid by the consumer's state guaranty fund and the consumer, not the captive's state. For example, if an insurer sells life insurance to Massachusetts consumers and transfers those liabilities to its Vermont captive, Vermont sets the capital requirements on the liabilities but Massachusetts bears their default costs.

How does this competition between state regulators affect the insurance market? To answer this question, I develop a quantitative model of the insurance market and compare the current state-based equilibrium to alternative regulatory arrangements where competition is eliminated across all states or in individual states.

To illustrate the key mechanisms in the model, I first provide motivating evidence of competition and its real effects on the insurance market. I show that insurers are more likely to set up captives in states with lower captive capital requirements. In response, state regulators compete for captives, and states less exposed to default risks are more likely to allow captives and set lower captive capital requirements. Using new data on captives'

financial positions, I show that this competition has potentially large consequences on insurers' overall capital levels, decreasing risk-based capital of the median insurer using a captive by 24% in 2019.

I next show that these capital requirements affect the supply of life insurance products. Higher capital requirements may lead to higher prices if insurers face costly external financing frictions of raising capital. I show this in a difference-in-differences specification exploiting plausibly exogenous variation in capital requirements across products generated by a regulatory change in 2000 called Regulation XXX. I find that prices increased and quantities decreased for products that had larger increases in capital requirements relative to less affected products, consistent with increased capital requirements leading to an inward shift of the supply curve.

Motivated by these empirical relationships in the data, I develop a structural model of the insurance market to evaluate the effects of regulatory competition. The key force the model highlights is that regulators compete to set capital requirements by trading off default costs against tax revenues and costs of raising capital, which affect consumer and producer surplus. The model allows me to compare the current state-based equilibrium to counterfactual equilibria under alternative regulatory arrangements, and to measure the effects of the race to the bottom (Brandeis, 1933) and of insurers sorting into different capital requirements (Tiebout, 1956). A key object that the model recovers for these analyses is the regulators' objective function, which captures regulators' agency frictions and dictates how regulators would behave under different regulatory arrangements. The model also provides demand and supply-side estimates needed to characterize both consumer demand, which determines consumer surplus and insurers' profitability, and pricing and default decisions of insurers. Conceptually, my model introduces regulatory competition and insurers' strategic responses to existing work on the life insurance market (Kojien and Yogo, 2015, 2016) and banking competition (Egan et al., 2017).

My model assumes several frictions in the life insurance market relative to a perfectly competitive Modigliani and Miller (1958) benchmark. First, insurers sell differentiated products, which makes insurance markets imperfectly competitive. Second, insurer defaults are socially costly, for example due to costs of systemic financial instability. Third, insurers face costs of external financing, which could arise from information asymmetries or agency frictions. Lastly, governments regulate insurers and guarantee insurance policies.¹ Because regulators are state-based, they compete for captives to earn taxes and do not bear the full default costs. The fundamental tension that regulators face in setting capital rates is between lowering default costs and raising prices due to costs of

¹I take the existence of government regulation and guarantees as given. I discuss how they affect allocative efficiency in Section 4.

raising capital and market power. Regulators also face agency frictions, and competition can either counteract or exacerbate the effects of these agency frictions.

My model begins on the demand side, where consumers in each state market choose amongst differentiated life insurance products in a discrete choice demand system (Berry, 1994) based on prices and product characteristics.

On the supply side, insurers set up captives, set prices to sell insurance products, and choose to default. Insurers first choose states to set up captives in and allocate liabilities to captives in response to states' captive capital requirements, which I model using discrete choice frameworks. Captives decrease insurers' capital levels because captives are subject to less stringent capital requirements than operating companies. Insurers then sell differentiated life insurance products in state-level markets by setting prices in Bertrand-Nash competition. These products are subject to stochastic costs to the insurers, which can be volatile due to changes in the values of embedded financial products (Kojien and Yogo, 2018), investment returns (Chodorow-Reich et al., 2021), and policy payouts. After these stochastic costs are realized, insurers decide whether to continue operating or default in a Leland (1994)-style framework, which governs how capital requirements affect insurers' default risks.

On the regulator side, state regulators compete to attract captives by setting capital requirements, accounting for insurers' and consumers' endogenous responses. I describe the regulator's problem by starting with a social planner who maximizes social welfare, which is the sum of consumer and producer surplus, tax revenues, and default costs. I then add institutional frictions that lead regulators to deviate from a social planner. First, each state regulator only cares about welfare in their own state, which begets both competition for tax revenues between states and default externalities. Second, regulators face agency concerns and incentives that make them value certain components of social welfare more than others, which I represent as weights on each component in the regulators' utility functions. For example, regulators could face political backlash from consumers in their states if insurance prices were too high, which could lead them to over-value consumer surplus.

After developing the model, I estimate it using data on the US life insurance market. On the demand side, I estimate a discrete choice model of consumer demand using state-level sales, prices, and product characteristics data. The estimates imply an average price elasticity of demand of -2.4 for life insurance products. The demand estimates discipline the quantitative impact of capital requirements on product markets.

On the supply side, I use insurers' optimal pricing and default conditions to obtain closed form solutions for the unobserved parameters of insurers' stochastic cost distributions. To measure how insurers choose which states to set up captives in and how

their liabilities allocations to captives respond to capital requirements, I estimate a discrete choice model using insurers' observed choices of states and allocations.

On the regulator side, I use the revealed preferences of state regulators to recover their objective functions based on regulators' utility maximization problems. I calibrate regulators' tradeoff weights from numerical perturbations around their first order conditions. I find that, consistent with their incentives, state regulators prefer higher tax revenues, higher consumer surplus, and less default.

Quantitatively, I estimate that state regulators are willing to trade off \$1 of default costs against \$3.5 of tax revenues and \$0.5 of consumer surplus. These estimates show that regulators' objective functions deviate meaningfully from a social planner's, who values all components equally. The fact that regulators value consumer surplus more than default costs suggests that political concerns from consumers in particular may influence regulators' decisions.

In the third part, I use the estimated model to quantify the effects of regulatory competition and to evaluate alternative regulatory arrangements. I first study the effects of eliminating competition, modeled as federalizing insurance regulation, which is a proposal that has drawn significant public interest after the 2008 financial crisis (e.g., Federal Insurance Office, 2013). To focus on the effects of competition, I compare the current state-based equilibrium to a federal regulator that sets a uniform capital rate on all insurers, holding fixed regulators' frictions. I estimate that federalizing insurance regulation would decrease default risk and lower expected default costs by \$2.1 billion. The effect is driven by a federal regulator setting a higher capital requirement to internalize the default externality from competition. On the other hand, higher capital requirements would lead to higher insurance prices and lower consumer surplus by \$680 million. In sum, total regulator's utility would increase by \$2.7 billion in equivalent tax revenues.

I next consider what would happen if both competition and regulators' frictions were eliminated, i.e., if there were a social planner. I find that whether eliminating competition increases social welfare depends on whether competition undoes or exacerbates the effects of regulators' frictions. In my baseline estimation, I find that a social planner would set an even higher capital rate than a federal regulator, which would increase social welfare relative to the current state-based equilibrium. This is because regulators over-value consumer surplus relative to default costs, so their agency frictions lead them to set lower capital rates. By also incentivizing regulators to lower capital rates, competition exacerbates the effects of these agency frictions.

I further leverage the model to quantify the effects of competition highlighted by Tiebout (1956) and Brandeis (1933). On one hand, heterogeneity in capital requirements could be beneficial if it allows more stable insurers to use captives to lower capital

requirements and offer lower prices. On the other hand, the race to the bottom could lead to lower levels of capital in the insurance sector than what a federal regulator would set. I find that both forces are present. For the same level of default risk, the state-based equilibrium allows insurers to offer lower prices than under a uniform federal capital rate. However, regulator's utility and social welfare would increase from moving to the uniform federal capital rates that a federal regulator would choose, showing that the race to the bottom is a stronger force quantitatively in the insurance market than Tiebout (1956)-style sorting.

Given the potential gains to regulators' utilities from federalizing insurance regulation, it is perhaps puzzling why states do not do so. I provide a potential explanation by showing that federalizing would lead to significant distributional consequences across states, making some states worse off. Large states such as California and New York would benefit the most from federalizing because those states bore substantial default risks, while states with large captive market shares like Vermont would be worse off from federalizing because they would lose captive tax revenues. These gains and losses align with actual policy positions individual states have adopted on captives: New York has called for a national ban on captives (Lawsky, 2013), and California forbids insurers from setting up captives there, while Vermont is the most prominent state in attracting captives.

Lastly, I study the effects of bans on competition by individual states. The lack of federal coordination has led some individual states to propose bans on insurers from using captives or from setting up captives in their states. For example, New York regulators have proposed a ban on captives by insurers selling in New York (Lawsky, 2013), while lawsuits have been filed against individual states domiciling captives such as Iowa (Belth, 2016). I estimate the effects of these unilateral bans and find that they have limited equilibrium consequences. A unilateral ban by New York on insurers selling in New York from using captives would achieve 26% of the decrease in national default costs as federalizing. A unilateral ban by Vermont on insurers setting up captives in Vermont, home to almost half of captives in the US, would only achieve 12% of the decrease in national default costs as federalizing, as insurers would shift their captives to states that do not ban captives. These results further shed light on the importance of competition and coordination between jurisdictions.

Contributions to literature. This paper contributes to several strands of literatures in finance, public finance, and industrial organization. The main contribution of the paper is to develop a new model of regulatory competition to examine its impact on the supply and demand of financial products.

This paper contributes to a growing literature on the financial economics of

insurance. This paper introduces a new source of regulatory friction—competition between regulators—to existing work on how supply-side frictions affect the pricing and design of insurance products (e.g., Froot and O’Connell, 1999, Froot, 2001, Kojien and Yogo, 2015, 2018, Ge, 2020, Sen and Tenekedjieva, 2021). This regulatory competition directly affects the financial stability of insurers, a topic of increasing interest in the aftermath of the 2008 financial crisis (e.g., Harrington, 2009, Acharya and Richardson, 2014, McDonald and Paulson, 2015). On captives, this paper relates to Kojien and Yogo (2016), who study how life insurers’ use of captives affects prices and default risks. Building on Kojien and Yogo (2016), which takes the existence of captives and state regulators’ actions as given, this paper provides a framework to understand regulators’ actions and how their incentives beget regulatory competition and its externalities.²

The phenomenon of jurisdictional competition explored in this paper resonates with a large body of work in public finance and political economy on competition and coordination between countries or states in international taxation, regulations, and economic policies. A classic literature (e.g., Tiebout, 1956, Musgrave, 1959, Oates et al., 1972) studies the allocative consequences of local vs. federal governments, which this paper quantifies in a large and important industry. A more recent literature (e.g., Hines, 1996, Glaeser, 2001, Desai et al., 2004, Suárez Serrato and Zidar, 2016, Giroud and Rauh, 2019, and Slattery, 2020) studies how local tax and economic policies affect firms’ decisions on where to locate and their effects on the real economy. Relative to these works, this paper highlights capital regulations as a new channel through which local jurisdictions can compete and fail to coordinate and uses detailed market data to quantify the effects of jurisdictional competition in a large and systemically important industry.

Finally, through studying regulation of financial intermediaries, this paper builds on a large literature on banking regulation, shadow banking, and financial regulation (e.g., Acharya et al., 2013, Adrian and Ashcraft, 2012, Egan et al., 2017, Agarwal et al., 2014, Buchak et al., 2018, and Clayton and Schaab, 2021). Methodologically, this paper builds on recent work using methods from industrial organization to examine counterfactual regulatory policies on financial markets.³ Most closely related to this paper, Egan et al.

²Other strands of the insurance literature have studied insurers’ investment behaviors (e.g., Becker and Opp, 2013, Ellul et al., 2015, Becker and Ivashina, 2015, Ge and Weisbach, 2019), risk hedging (e.g., Sen, 2019, Giambona et al., 2021, Foley-Fisher et al., 2018), brokerage and intermediation of insurance products (e.g., Bhattacharya et al., 2019, Egan et al., 2020), implications of the intertemporal nature of insurance financing (Rampini and Viswanathan, 2018), and the political economy of insurance regulation (e.g., Leverty and Grace, 2018 and Tenekedjieva, 2020).

³Related works in this literature have studied housing and mortgage markets (Allen et al., 2014, Benetton, 2018, Buchak et al., 2018, 2020, Robles-Garcia, 2019, Jiang, 2019), insurance brokers and intermediaries (Bhattacharya et al., 2019, Egan et al., 2020), consumer credit markets (Nelson, 2018, Agarwal et al., 2020), asset pricing (Kojien and Yogo, 2019, Kojien et al., 2020), Treasury auctions (Kastl, 2011, Hortaçsu et al., 2011), private pensions (Hastings et al., 2017), bank lending (Darmouni, 2020, Xiao, 2020), and other

(2017) use a structural model of banking competition to study multiple equilibria and fragility in the banking sector. Relative to this literature, this paper develops a new model of competition between financial regulators and measures its effects on an important market for financial products. Methodologically, this paper also provides a new way of recovering regulators' objective functions from their revealed preferences, which sheds light on the frictions regulators face when setting financial policies.

2 Institutional setting and data

I begin by describing life insurers, state regulators, and captives. I use the Lincoln Financial Group as an example.

Life insurers sell insurance products to households and firms. Their two main types of products are life insurance and annuities. In both types of products, the insurer collects premiums from policyholders and pays out policy claims either periodically until death for annuities or upon death for life insurance.

Insurers are often structured as an insurance group with operating companies through which they sell insurance. Operating companies are domiciled in one of the 50 states or DC and are licensed by each state where it sells insurance. Insurers can also have captives, which are wholly-owned subsidiaries that reinsure the policies sold by the operating companies, which moves them off of the operating companies' balance sheets.⁴ Figure A1 illustrates the organization structure of Lincoln Financial Group. Lincoln's main operating company is the Lincoln National Life insurer domiciled in Indiana and it has captives in Vermont and South Carolina.

Insurance is regulated by individual states, rather than the federal government, due to historical legal precedents, most notably the McCarran-Ferguson Act of 1945 (see Appendix A.1 for details). States regulate insurers' solvency, which could be motivated by information frictions for consumers and systemic consequences of financial instability of insurers.

Role of each state: There are three key states in the regulation of each insurer: the consumer's state, where the policyholder buys insurance, the domicile state, where the operating company is domiciled, and the captive state, where the captive is domiciled. For example, when Lincoln sells life insurance in Massachusetts through its Indiana

corporate and personal lending markets (Einav et al., 2012, Crawford et al., 2018, Grunewald et al., 2020, Cuesta and Sepúlveda, 2021).

⁴Reinsurance is an insurance transaction where the insured is an insurance company, in this case the operating company, and the insurer is another reinsurance company, in this case the captive, and the risk covered by the reinsurance transaction is liability on the policies sold by the operating company.

operating company and transfers the policy liabilities to its Vermont captive through a reinsurance transaction, Massachusetts is the consumer state, Indiana is the domicile state, and Vermont is the captive state.

The consumer's state's (Massachusetts) guaranty fund and consumers bear default costs of insurers selling in the state. For example, if Lincoln defaults, then the shortfall on policies sold in Massachusetts would be backed by the Massachusetts state guaranty fund up to a maximum amount and the rest borne by consumers in Massachusetts.⁵ Massachusetts also collects a sales tax on the policy premiums sold in its state.

The domicile state (Indiana) regulates the operating company's solvency following regulations set cooperatively by all states through the National Association of Insurance Commissioners (NAIC) that are largely uniform across states.

The captive state (Vermont) sets solvency requirements on captives and collects tax revenues from captives in its state, but does not bear the default costs on liabilities reinsured by the captive. Unlike operating companies, captives are subject to solvency regulations set by the captive state individually, rather than uniformly by the NAIC. For example, Lincoln's captive in Vermont is subject to Vermont capital requirements that are different than the uniform national requirements on its operating company in Indiana. Solvency regulations for captives are less stringent than for operating companies, which benefits insurers by lowering the total required capital, which is costly to hold if insurers face external financing frictions.

In summary, when the insurer does not use a captive, the consumer's state (Massachusetts) collects tax revenues on policies sold, bears the default costs, and sets the solvency requirements in cooperation with other states through the NAIC, which is implemented by the domicile state (Indiana). When the insurer uses a captive, the captive state (Vermont) sets the solvency requirement on the captive and collects tax revenues on liabilities transferred to the captive, while the consumer's state (Massachusetts) still collects its tax on policies sold and still bears the default costs. The insurer pays the additional captive tax to the captive state (Vermont) and lowers its required capital.

Captives' costs and benefits to states: The captive state (Vermont) benefits from attracting captives by earning tax revenues on liabilities transferred to the captives, as well as other economic benefits that accrue to the state or the regulators themselves (e.g., Stigler, 1971, Peltzman, 1976, Tenekedjieva, 2020), and by lowering consumer product

⁵Guaranty funds are indirectly financed by the state's taxpayers because they pay for the shortfalls from insolvencies from assessments on insurers selling in the state, which are tax deductible. The maximum guaranty amount is \$300,000 in most states on life insurance policies.

prices as lower capital requirements decrease insurers' costs of raising capital.⁶

Captive states' laws exclude captives from the captive state's guaranty fund, so any default costs are borne by the consumer's state's guaranty fund and consumers. This means that the cost to the captive state is the default costs only on policies sold to consumers in its own state by insurers that use the captives. For example, if Lincoln sets up a captive in Vermont to reinsure its policies, Massachusetts' guaranty fund and consumers bear the default costs on policies sold in Massachusetts reinsured with the Vermont captive, but Vermont's guaranty fund and consumers only bear the default costs on policies sold in Vermont.

States compete to attract captives based on these benefits and costs. One key dimension that states compete on is solvency regulation. This competition creates a spillover effect because the captive states can set less stringent solvency regulations to attract captives to earn tax revenues, but does not bear the full default costs, which are borne by other states' consumers and guaranty funds. Furthermore, the consumer's state is prohibited by federal law (Nonadmitted and Reinsurance Reform Act of 2010) from banning insurers selling policies in their state from using captives. For example, Massachusetts cannot prohibit Lincoln from reinsuring policies sold in Massachusetts with its Vermont captive if Indiana allows it.⁷

Other dimensions of regulatory competition: States do not generally compete over tax rates on captives, in part because US federal tax laws (Section 845 of The Deficit Reduction Act of 1984) prohibit insurers from using reinsurance to reduce tax liabilities. States also do not compete over solvency requirements of operating companies because operating companies' choices of domiciles are primarily driven by other factors such as the locations of its customers and employees (e.g., Grace and Martinez-Vazquez, 2006). Domicile states also do not compete over tax rates on operating companies because they do not collect sales taxes on the operating companies. On the other hand, other state characteristics could affect its attractiveness as a captive domicile for insurers, including the state's business and political environments, the appointment or electoral process of the insurance regulators, geographical proximity to the insurer's operations and headquarters, and idiosyncratic relationships between the state regulators and the insurer.

In summary, before captives were developed, there was minimal regulatory competition between domicile states for operating companies and states cooperated through the NAIC

⁶The captive state has the right to tax captive reinsurance transactions based on a 1962 US Supreme Court ruling that states can only tax insurance transactions that occurred within the state, and captive reinsurance transactions are considered to have occurred in the captive state (State Board of Ins. v. Todd Shipyards Corp.).

⁷Political frictions may also prevent Coasian bargaining between states, for example Massachusetts cannot pay Vermont to stop allowing captives, because such payments may be politically unpopular.

to set uniform capital regulations. This led to minimal spillover effects because the consumer's state both set uniform capital requirements through the NAIC and bore the default risk. Uniform solvency regulations benefited all states because the underlying risks of life insurance contracts, conditional on policyholder characteristics, were similar across states, and because uniformity mitigated the risk of federal preemption (see Appendix A.1 for details on federal preemption).

Capital regulations: Operating companies are required to hold capital to ensure solvency. Capital regulations are implemented through two tools: reserves and risk-based capital. Reserves are a liability that account for future policy payouts calculated using NAIC valuation formulae. Reserves generally exceed the actuarial value of the policy payouts, where the excess amount is its excess reserves. Risk-based capital is the amount of capital insurers hold in addition to excess reserves, determined as a function of the riskiness of its assets, liabilities, and operations.

State captive regulators can set capital regulations on captives differently than on operating companies in three ways: first, states can set lower reserves for captives than for operating companies. Second, captives are not subject to risk-based capital requirements and states can set their own required capital, if any, beyond excess reserves. Third, states can allow captives to report certain types of securities as assets that are not admissible for operating companies, such as conditional letters of credit and parental guarantees, whose reported values may exceed their actuarial values due to liquidity risk or default risk of the parent company.⁸ Appendix B.3 provides a stylized example of an insurer's balance sheet to illustrate how capital requirements are implemented and how captives affect insurers' capital.

Appendix A.1 describes the institutional setting in further detail, including key insurance laws, the political economy of state-based insurance regulation, relevant tax laws, international insurance, and states' costs and benefits.

2.1 Data

The data comes from five main sources: insurers' annual NAIC filings from S&P, CompuLife, A.M. Best, SEC filings, and state legislative statutes and public records requests. My sample consists of 66 US life insurers from 2005 to 2020, with total liabilities of \$1.9 trillion, which is about 25% of the total life insurance sector. Data on insurers' financial statements and reinsurance agreements is from S&P. Data on insurers' financial

⁸These differences in state captive regulations are corroborated in industry discussions, for example insurers stated that “[s]ome states are more liberal than others in permitting GAAP accounting for Captive cessions and/or the use of non-admitted assets for Redundant Reserves” (American Conference, 2014).

ratings and the default transition probabilities come from A.M. Best.

I assemble a dataset of historical and current insurance regulations and laws of all US states and the District of Columbia.⁹ For each state, I collect data on whether the state allows captives, and if it does, its captive tax rate, and other state characteristics.

Data on life insurance product prices comes from CompuLife, a pricing software used by insurance agents. Prices are available for each product type (e.g., different term lengths for term life insurance) offered by each insurer each month given the consumer's characteristics (e.g., age, sex, and health condition). I use a 30-year-old non-smoking male with regular health purchasing a \$250,000 face amount as the representative policyholder. Prices are almost always the same nationally for each product type for a given insurer (see Appendix C.1 for details on national pricing).

Data on capital levels of captives: I assemble a novel dataset on captives' capital levels and asset information from three sources: (1) insurers' SEC filings, primarily 10-K annual reports and Forms N-4 and 485BPOS, which are annual filings of insurers selling variable annuities (see Egan, Ge, and Tang, 2020 for a detailed description of Forms N-4 and 485BPOS), (2) captives' financial statements released by the Iowa Insurance Department, and (3) insurers' Supplemental Term and Universal Life Insurance Reinsurance Exhibits, which report the types of assets captives have. Because the financial statements of captives are confidential under state statutes, the existing literature has studied the capitalization of captives under plausible assumptions. To the best of my knowledge, this dataset is a novel contribution to the insurance literature.

I define a state's capital rate for captives as the sum of capital divided by the sum of liabilities of all captives in the state each year, so higher capital rates for captives represent more stringent capital regulations. The mean capital rate is 4% and the standard deviation is 3%. Appendix B reports summary statistics, variable definitions, and additional details on captives' capital rates, including how I convert insurers' statutory balance sheet data into economic values.

3 Motivating evidence

In this section, I document motivating evidence on competition between state regulators for captives and its real effects on the life insurance market. I show that insurers choose to set up captives in states with low capital requirements. In response, states compete for captives and I show that states that bear less default risks are more likely to compete for

⁹I do not have data on captives' financial positions and insurance market data in non-US domiciles, so I focus on variation across US states. I discuss non-US domiciles in detail in Appendix A.1.

captives and to set lower capital requirements for captives. Using new data on captives' financial positions, I then show that this competition has potentially large effects on insurers' capital levels.

I next consider how capital requirements affect the supply of life insurance. To answer this, I leverage a natural policy experiment, the introduction of Regulation XXX, which generate plausibly exogenous variation in capital rates across life insurance products. I then show that insurer defaults are not rare and that higher capitalization is associated with lower default rates.

3.1 Insurers' responses to states' capital requirements

I begin by studying whether insurers choose where to set up captives in response to states' capital requirements. I estimate a linear probability model of insurers' choices of states to set up captives:

$$1(\text{Captive})_{i,s,t} = \beta \cdot \text{CapitalRate}_{s,t} + \gamma_1 \cdot X_{s,t}^{\text{State}} + \gamma_2 \cdot X_{i,s,t}^{\text{Insurer}} + \mu_{i,t} + \epsilon_{i,s,t} \quad (1)$$

where observations are at the insurer by state by year level. $1(\text{Captive})_{i,s,t}$ is an indicator variable for whether insurer i has a captive in state s in year t . $\text{CapitalRate}_{s,t}$ is the state's captive capital rate. $X_{s,t}^{\text{State}}$ includes state characteristics such as the captive tax rate, business environment as proxied by number of new business incorporations per capita, past presidential election vote share, and whether the insurance commissioner is elected or appointed. $X_{i,s,t}^{\text{Insurer}}$ includes whether the insurer sells policies in the state and the share of the insurer's liabilities that were sold in the state.¹⁰ $\mu_{i,t}$ are insurer-year fixed effects, which absorb any insurer characteristics that affect their decisions to use captives each year. Intuitively, the regression compares the propensity of insurers to set up captives in states with different capital rates.

Table 3 reports the estimates corresponding to eq. (1). The main coefficient of interest is β , which captures how insurers' use of captives responds to states' captive capital rates. I find that insurers are more likely to set up captives in states that have lower captive capital rates. A 1 percentage point (p.p.) increase in the captive capital rate is associated with a 1.2 p.p. decrease in the probability that the insurer chooses to set up a captive in the state (vs. 1.1 p.p. unconditional probability). Appendix C.2 reports additional results that address concerns about omitted variables and sensitivity to rule out alternative explanations, including a partial identification approach (Oster, 2019).

¹⁰The set of state and insurer-state controls is chosen based on factors that industry participants and regulators indicate as affecting insurers' choices of where to set up captives, as discussed in Section 2. Appendix B contains further details on the construction and data sources of each of these variables.

New facts on magnitude of regulatory arbitrage: I next report how much captives affect insurers’ capital levels using the new dataset I assembled on captives’ financial positions. I compute adjustments to the insurer’s risk-based capital by consolidating captives with the operating companies following Koijen and Yogo (2016). I find that the median insurer’s risk-based capital would decline by 24% in 2019 upon consolidation of captives with operating companies’ balance sheets. Translated into default probabilities, this adjustment represents an increase in the default probability from 1.0% to 2.9% over 10 years based on historical insurer default rates, assuming A.M. Best ratings do not already account for the financial positions of captives.

3.2 States’ competition for captives

State regulators compete over captives. For example, Vermont states on its captive division homepage that “[t]he mission of the Captive Insurance Division is to maintain a regulatory system that attracts quality business to Vermont.” Furthermore, among states that allow captives, 50% of their state insurance regulators’ websites contain marketing pages describing the benefits of captives domiciling in their states, indicating that they are actively in the business of attracting captives. Competition for captives is also widely acknowledged by industry participants. For example, a captive management firm stated that “[t]here is a healthy competition, as states want to be sure they don’t lose business to other states” (Geisel, 2015).

I explore how states respond to the costs and benefits they face in this competition. One source of variation in costs across states is the default costs its state guaranty fund and consumers bear. States that are less exposed to default costs should be more willing to attract captives, because they bear less of these costs from allowing captives but can earn similar tax revenues. I provide suggestive evidence for this by documenting how states’ captive policies vary across states with their default exposures in a state-year panel:

$$\text{CaptivePolicy}_{s,t} = \beta \cdot \text{StateDefaultExposure}_{s,t} + \gamma \cdot X_{s,t}^{\text{State}} + \mu_t + \epsilon_{s,t} \quad (2)$$

where $\text{CaptivePolicy}_{s,t}$ is one of two measures: whether the state competes for captives and the state’s captive capital rate if it competes. $\text{StateDefaultExposure}_{s,t}$ is the state’s default exposure, measured by the total dollars of life insurance premiums sold in the state each year. $X_{s,t}^{\text{State}}$ is the same set of state characteristics as in eq. (1). μ_t is year fixed effects.

Table 4 reports the correlations of the captive policies with state default exposure following eq. (2). I find evidence consistent with states setting captive policies in response to their default exposures. States with more default exposure are less likely to allow captives (column 1) and more likely to set higher captive capital rates (column 2). The

economic magnitudes are also meaningful: a 1-sd increase in the default exposure of a state (\$0.9 billion in premiums each year) decreases the probability of a state allowing captives by 4 percentage points.

Combined, the facts that insurers choose states with low capital rates to set up captives (column 1 in Table 3) and that states less exposed to default set lower capital rates (column 2 in Table 4) imply that insurers are more likely to set up captives in states less exposed to default. I confirm this in column (2) in Table 3, which replaces the independent variable $\text{CaptivePolicy}_{s,t}$ with $\text{StateDefaultExposure}_{s,t}$ in eq. (1).

3.3 Capital requirements affect the supply of life insurance

I next show that capital requirements affect the supply of life insurance. Theoretically, higher capital requirements could increase insurers' marginal costs if they face external financing frictions that make it costly to raise capital. I test this using a regulatory change that increased capital requirements on certain life insurance products called Regulation XXX on January 1, 2000. Regulation XXX increased capital requirements on products based on mechanical accounting rules, with greater increases for longer-term products, which generated plausibly exogenous variation in the cost of supplying life insurance (see Appendix A.2 for details on Regulation XXX). I exploit this variation by estimating a difference-in-differences specification to compare prices of products differentially affected by Regulation XXX:

$$\text{Price}_{i,h,t} = \sum_{h,t} \beta_{h,t} \cdot 1(\text{Month} = t)_t \cdot 1(\text{h-year term})_h + \mu_{i,h} + \mu_t + \epsilon_{i,h,t} \quad (3)$$

where observations are at the insurer-product-month level from 1999 to 2001. $\text{Price}_{i,h,t}$ is the markup relative to the actuarial value, defined as the net present value (NPV) of premiums divided by the NPV of expected policy payouts. $1(\text{Month} = t)_t$ are indicator variables for month t . $1(\text{h-year term})_h$ are indicator variables for term lengths, i.e., 10, 15, 20, and 30-years, which are the most common product term lengths. I define the 10-year product as the reference group, so $\beta_{h,t}$ measure changes in prices relative to the 10-year product's price. $\mu_{i,h}$ are insurer-product fixed effects, which account for time-invariant differences in prices, so the identifying variation comes from price changes of the same product around Regulation XXX. μ_t are month fixed effects.

Figure 2 presents the estimates of $\beta_{h,t}$ in eq. (3). The figure shows a sharp increase in longer-term product prices immediately after Regulation XXX relative to the 10-year product, with monotonically larger price increases for products that had larger capital requirement increases, i.e., those with longer terms. To summarize the results, Table

5 reports the estimates of $\beta_{h,t}$ for all products three months after Regulation XXX, i.e., $t = \text{March } 2000$. For example, 30-year term products, which had the largest capital requirement increases, experienced an average price increase of 10.3% relative to 10-year term products.

To further ascertain that the effects are due to a supply shift, Figure A3 plots the change in quantities, defined as shares of policies sold, of products of each term length after Regulation XXX. The figure shows that quantities decreased monotonically for longer-term products relative to shorter-term products, which combined with the monotonic increase in prices of longer-term products, is consistent with an inward shift of the supply curve. These effects on supply are corroborated by a contemporaneous survey of insurers, which reported that “Regulation XXX significantly impacted the way companies price and manage their product lines” (Society of Actuaries, 2002).

As is standard in difference-in-differences empirical designs, the key identifying assumption is parallel trends in the outcome variable, i.e., the markup, in the absence of the policy change. The markup is comprised of market power and operating costs. The fact that products with different term lengths are sold through the same insurers to the same policyholders alleviates concerns that market power changed dramatically across products. Additionally, operating costs include commissions, which are often sticky over time (e.g., Egan, Ge, and Tang, 2020) and other expenses, which are generally fixed and similar across products (e.g., Ge, 2020). Furthermore, the markup already accounts for changes in the present value of expected cash flows, e.g., mortality risk or discount rates. In the Appendix, I further show that the results hold using price changes in dollars or percentages as the outcome variable.

Capital and default risks: Lastly, I note that insurer defaults are not rare occurrences. The unconditional default rate of insurers from 1977 to 2015 is 1.6% over a 10-year period. During the 2008 financial crisis, multiple large US life insurers applied for and received bailout funding totalling over \$60 billion (Kojien and Yogo, 2015, McDonald and Paulson, 2015). Furthermore, textbook corporate finance theory implies that higher levels of capital, all else equal, should lead to lower levels of default. I confirm this correlation in my sample. Figure A4 plots the average 10-year default rate by A.M. Best capital ratios, which shows a clear negative relationship, meaning that insurers with lower capital ratios are more likely to default.

4 Model

I next develop a structural model of the insurance market. The goal of the model is to quantify the equilibrium effects of regulatory competition and evaluate alternative regulatory arrangements. My model assumes several key frictions in the life insurance market relative to a perfectly competitive Modigliani and Miller (1958) benchmark. First, insurers sell differentiated products, which makes insurance markets imperfectly competitive. Second, insurer defaults are socially costly, for example due to costs of systemic financial instability. Third, insurers face costs of external financing, which could arise from information asymmetries or agency frictions. Fourth, governments regulate insurers and guarantee insurance policies. Because regulators are state-based, they compete for captives to earn taxes and do not bear the full default costs. The fundamental tension that regulators face in setting capital rates is between lowering default costs and raising prices due to costs of raising capital and market power. Regulators also face agency frictions, and competition can either counteract or exacerbate these agency frictions.

I first describe the structure of the model and each type of agent's actions, then solve for the equilibrium conditions. The model is in discrete time with infinite periods and three types of agents: insurers i , regulators in states s , and consumers c . In each time period t , the following actions occur in sequence:

1. State regulators set capital requirements on captives in their states.
2. Insurers choose states to set up captives and allocate liabilities to captives.
3. Insurers set product prices.
4. Consumers choose insurance products to purchase.
5. Insurers decide to default or to continue operating after stochastic costs are realized.

Note that I do not model tax competition between states on captives because US tax laws prohibit reinsurance for the purpose of reducing tax liabilities. I also do not model competition over tax rates or capital requirements for operating companies because operating companies' states of domicile are determined primarily by the locations of the insurers' operations (e.g., Grace and Martinez-Vazquez, 2006) and because operating companies' states do not collect premium taxes or bear default costs. I assume that both insurers and state regulators know the distributions of insurers' stochastic costs.

4.1 Consumers

Consumers choose to purchase differentiated insurance products in state-level markets from insurers based on price $P_{i,t}$ and observable insurer characteristics $X_{i,t}$. Consumers also care about unobservable (to the econometrician) insurer characteristics $\xi_{i,s,t}^{\text{Cons}}$ and have

idiosyncratic preferences for individual insurers represented as i.i.d. consumer-insurer-specific demand shocks $\epsilon_{i,s,c,t}^{\text{Cons}}$. Each consumer c in state s chooses to buy one insurer i 's product to maximize her utility, which is given as

$$u_{i,s,c,t} = -\alpha P_{i,t} + \gamma X_{i,t} + \xi_{i,s,t}^{\text{Cons}} + \epsilon_{i,s,c,t}^{\text{Cons}} \quad (4)$$

where α is the consumer's marginal utility of income. In the model, consumers do not care about default risks of insurers because the products are guaranteed by the state guaranty funds. As such, insurers' use of captives only affects consumer demand through its effect on product prices.

4.2 Insurers

The insurer is organized as a holding company that has an operating company that sells insurance products in all states and a captive it transfers policies to. The insurer maximizes its total value $T_{i,t}$ by choosing a state to set up its captive in and allocating to the captive, setting product prices, and deciding whether to default or not.

Captive state choice: The insurer makes two decisions on captives. First, it chooses a state s to set up its captive in to maximize total value $T_{i,t}$:

$$T_{i,t} = \max_s E_{i,t}(s) + \xi_{i,s,t}^{\text{Ext}} \quad (5)$$

where $E_{i,t}(j)$ is the equity value of the insurer if it chooses state s to setup a captive. $\xi_{i,s,t}^{\text{Ext}}$ is an insurer-state-specific demand shock which captures other costs and benefits to insurers for choosing different states, such as political environment, geographic proximity to the insurer's operations, or amenities, as discussed in Section 2, which I assume vary across insurer-state pairs but are exogenous and constant over time. $\xi_{i,s,t}^{\text{Ext}}$ is a fixed cost (or benefit) incurred at the beginning of the period. I do not include fixed setup or switching costs because these costs are often very low.

Captive liabilities allocation: Having chosen a domicile, the insurer then chooses to transfer a share $B_{i,t}$ of its operating company's liabilities to the captive to maximize equity value:

$$\max_{B_{i,t}} E_{i,t}(B_{i,t}, \kappa_{s,t}, \xi_{i,s,t}^{\text{Int}}) \quad (6)$$

where $\kappa_{s,t}$ is state s 's capital rate on captives. $\xi_{i,s,t}^{\text{Int}}$ is an insurer-state-specific demand shock which captures unobserved (to the econometrician) utility to the insurer of allocating liabilities to the captive in state s , which includes factors such as administrative costs or the availability of professional services. The insurer also pays a tax τ per dollar of liabilities allocated to the captive to the captive state's regulator, so the total amount of tax paid is $\tau B_{i,t} Q_{i,t}$.

The insurer's overall capital rate is thus

$$\kappa_{i,t} = B_{i,t} \kappa_{s,t} + (1 - B_{i,t}) \kappa_{h,t} \quad (7)$$

where $\kappa_{h,t}$ is the capital rate on the operating company.

Price setting and default: Each insurer sells a single type of life insurance product that matures at the end of the time period.¹¹ Each insurer's total liabilities are subject to i.i.d. stochastic costs $\widetilde{L}_{i,t} \sim N(\mu_{i,t}, \sigma_{i,t}^2)$, which include policy payouts, operating costs, investment returns, and changes in the values of return guarantees or other embedded financial products, the latter two of which can generate substantial volatility in the financial stability of insurers (e.g., Koijen and Yogo, 2018, Sen, 2019, Chodorow-Reich et al., 2021).

The insurer sets a national insurance price $P_{i,t}$ to maximize equity value. It sells in state-level markets and has market share $S_{i,s,t}$ in each state. Each state has market size $M_{s,t}$, which is the total actuarial value of life insurance liabilities in the state. So the insurer's total quantity sold nationally is $Q_{i,t}(P_{i,t}) = \sum_s M_{s,t} S_{i,s,t}(P_{i,t})$. The insurer's profit each period is

$$\Pi_{i,t}(P_{i,t}; \widetilde{L}_{i,t}) = Q_{i,t}(P_{i,t})(P_{i,t} - \widetilde{L}_{i,t}).$$

Price $P_{i,t}$ and stochastic costs $\widetilde{L}_{i,t}$ are both in units of the actuarial value per policy. For example, in a market with 10 consumers who each wishes to purchase life insurance with \$100 of annual expected payouts, the market size $M_{s,t}$ would be \$1000, and a 50% market share $S_{i,s,t}$ would mean that the insurer sold $Q_{i,s,t} = \$500$ of actuarial value of life insurance in the market. $P_{i,t} = 1$ would be actuarially-fair insurance pricing. $\widetilde{L}_{i,t} = 1$ would mean that the realized payouts equal actuarial value.

The insurer is also financed by debt and equity. Debtholders receive a coupon payment

¹¹This means that my model does not account for the effect of insurers' pricing decisions in one period on quantities in future periods. In reality, because life insurance policies are outstanding for multiple years and the premiums are fixed over the term, prices set in the current period will affect premiums collected in subsequent periods. One interpretation of the model is that the consumer can choose not to renew the policy (i.e., lapse) but the insurer only guarantees the premiums for one year.

$b_{i,t}$ each period. Equityholders receive the residual cash flow. If there is a shortfall, i.e., $\Pi_{i,t} - b_{i,t} < 0$, then equityholders can either continue operating, by paying the shortfall, or default, i.e., not pay the shortfall and stop operating, at which time the insurer is sold to new owners with the same capital structure. An alternative interpretation of default is that state regulators take the insurer into receivership (e.g., Gallanis, 2009).

Operating companies and captives are also subject to capital requirements. I model capital requirements as insurers having to hold capital equal to a share $\kappa_{i,t}$ of their policy liabilities and debt payments, denoted as $\kappa_{i,t}(b_{i,t} + Q_{i,t})$, where $\kappa_{i,t}$ is determined by the insurer's allocation of liabilities to captives in eq. (7). Capital requirements have two effects: first, the insurer loses the capital upon default, so they act as a collateral that makes it costly to default. Second, equity capital is costly to raise, which could arise from information asymmetries or agency frictions. I model this cost as insurers paying θ to raise each dollar of required capital, which captures external financing frictions, and the raised capital is invested with rate of return r_t equal to the discount rate. This cost of raising capital also makes it costly for a regulator to set high capital requirements. Both the cost of raising equity capital $\theta\kappa_{i,t}(b_{i,t} + Q_{i,t})$ and tax $\tau B_{i,t}Q_{i,t}$ are paid before stochastic costs are realized, so they are sunk costs when the insurer decides whether to default or not.

4.3 Regulators

I describe the regulator's problem by starting with a social planner, who maximizes social welfare given the frictions in the model, and then adding frictions that lead the regulators to deviate from a social planner. A social planner would maximize social welfare, which is total consumer and producer surplus plus the captive tax revenues and default costs, summed across all states:

$$W_t^{\text{Planner}} = \sum_s (\text{Tax}_{s,t} + \text{Default}_{s,t} + \text{ConsumerSurplus}_{s,t} + \text{ProducerSurplus}_{s,t})$$

$\text{Tax}_{s,t}$ is the total captive taxes paid by insurers to state regulators. $\text{Default}_{s,t}$ is the sum of the social deadweight default cost and the guaranty payout. The social deadweight default cost is η per dollar of liabilities in default, which reflects systemic financial costs and real economic consequences of insurer defaults. Guaranty payout is the shortfall to policyholders that the state guaranty funds have to cover, less the amount of insurers' required capital, which the guaranty funds use to pay for part of the shortfall. $\text{ConsumerSurplus}_{s,t}$ is the standard consumer surplus under logit demand (Berry, 1994). $\text{ProducerSurplus}_{s,t}$ is the surplus accrued to the equityholders and debtholders. The total taxes paid by insurers, which are subtracted from producer surplus, equal the total taxes

earned by state regulators tax, so the taxes are a transfer from insurers to state regulators. The expressions for the terms are given in Appendix D.1.

Unlike a social planner, regulators face frictions such as career concerns that lead them to value certain components of social welfare differently than what a social planner would. I capture these frictions by expressing the federal regulator's utility as:

$$W_t^{\text{Regulator}} = \sum_s (\lambda_{\text{Tax}} \text{Tax}_{s,t} + \lambda_{\text{Default}} \text{Default}_{s,t} + \lambda_{\text{Consumer}} \text{ConsumerSurplus}_{s,t} + \lambda_{\text{Producer}} \text{ProducerSurplus}_{s,t}) \quad (8)$$

where the λ 's reflect the frictions regulators face. For example, a regulator may care more about consumer surplus than a social planner because the regulator may face political backlash from consumers if prices were high. Quantitatively, the ratios of λ terms reflect how much regulators are willing to trade off different components. For example, if $\lambda_{\text{Consumer}}/\lambda_{\text{Tax}} = 2$, that would mean that the regulator values consumer surplus more than taxes, and would be willing to trade off \$1 of consumer surplus for \$2 of tax revenues. Furthermore, by definition, the social planner has all λ 's equal to 1.

Compared to the federal regulator, each state regulator sets capital rates on captives in its state $\kappa_{s,t}$ to maximize utility in its own state $W_{s,t}^{\text{Regulator}}$:

$$W_{s,t}^{\text{Regulator}} = \lambda_{\text{Tax}} \text{Tax}_{s,t} + \lambda_{\text{Default}} \text{Default}_{s,t} + \lambda_{\text{Consumer}} \text{ConsumerSurplus}_{s,t} + \lambda_{\text{Producer}} \text{ProducerSurplus}_{s,t} \quad (9)$$

State regulators only value utility in their own states, which generates competition between regulators, as state regulators earn taxes on captives in their states, and default externalities, as state regulators only bear the default costs on insurance products sold in their own state. State regulators also only value the surpluses of consumers, equity, and debt holders in their state. I assume that equity and debt holders are distributed proportional to the number of consumers in each state. In the baseline formulation, federal and state regulators face the same frictions (i.e., same λ 's), and I examine in Section 6 how the counterfactual results change under different λ 's.

The regulator's problem satisfies three internal consistency constraints. First, taxes paid by insurers equal taxes earned by state regulators. Second, each insurer's required capital is used to fund the shortfall if the insurer defaults. Third, the sum of each term in the state regulator's utility across states equals the corresponding term in the federal regulator's utility.

4.4 Equilibrium

I next describe the actions of each type of agents in equilibrium. I focus on pure strategy Nash equilibria. In equilibrium, state regulators, insurers, and consumers all behave optimally with respect to their own objective functions. State regulators set the captive capital rates that maximize their utility. Insurers choose captive allocations and set product prices to maximize equity value, and optimally default after stochastic costs are realized. Consumers choose insurance products that maximize their utility. Since all parameters are constant, the costs $\widetilde{L}_{i,t}$ are i.i.d., and the pricing of policies and realizations of their costs all occur within each period, the equilibrium is stationary.

4.4.1 Consumers

I model consumer demand following the discrete choice framework in Berry (1994). I assume that utility shocks $\epsilon_{s,k,s,t}^{\text{Cons}}$ are i.i.d. Type 1 extreme value. Consumers' discrete choice decisions lead to the following standard logit demand market shares $S_{i,s,t}$:

$$S_{i,s,t}(P_{i,t}) = \frac{\exp(-\alpha P_{i,t} + \gamma X_{i,t} + \xi_{i,s,t}^{\text{Cons}})}{1 + \sum_{l=1}^{K_{s,t}} \exp(-\alpha P_{l,t} + \gamma X_{l,t} + \xi_{l,s,t}^{\text{Cons}})} \quad (10)$$

where $K_{s,t}$ is the number of insurers selling in state s .

4.4.2 Insurers

Default decision: I solve the insurer's problem through backward induction, beginning with the last step, the default decision. After stochastic costs $\widetilde{L}_{i,t}$ are realized, the insurer can choose to either default or to continue operating. If it continues operating, its equityholder must pay the debt coupon $b_{i,t}$ and finance any shortfall. So its value of continuing operating is equal to the profit this period $\Pi_{i,t}$ minus debt payment $b_{i,t}$ plus the discounted equity value next period $\frac{1}{1+r_t} E_{i,t}$. The equity value is constant across periods due to stationarity. If the insurer defaults, it does not pay the debt coupon or receive any profits or shortfalls, and loses its required capital $\kappa_{i,t}(b_{i,t} + Q_{i,t})$. The cost of raising equity capital and captive tax are sunk costs whether the insurer defaults or not. So the insurer continues operating if its value of staying in business is greater than its loss of required capital from defaulting:

$$\underbrace{\Pi_{i,t}(P_{i,t}, B_{i,t}, \widetilde{L}_{i,t}) - b_{i,t} + \frac{1}{1+r_t} E_{i,t}}_{\text{value of staying in business}} < \underbrace{-\kappa_{i,t}(b_{i,t} + Q_{i,t})}_{\text{loss of capital}}.$$

The optimal default decision is a threshold rule where the insurer defaults if stochastic costs $\widetilde{L}_{i,t}$ exceed a threshold $\overline{L}_{i,t}$, which is implicitly defined in the above equation as the value of $\widetilde{L}_{i,t}$ such that it holds as an equality:

$$\Pi_{i,t}(P_{i,t}, B_{i,t}, \overline{L}_{i,t}) - b_{i,t} + \frac{1}{1+r_t} E_{i,t} = -\kappa_{i,t}(b_{i,t} + Q_{i,t}). \quad (11)$$

Higher capital rates $\kappa_{i,t}$ have two effects on the insurer's default decisions. First, they act as collaterals that increase insurers' losses from default, making insurers less likely to default. Second, they affect the value of staying in business through the insurer's optimal pricing decision. Proofs for the solutions to the insurer's problems and the continuation value $E_{i,t}$ are in Appendix D.

Price-setting: The insurer sets product prices $P_{i,t}$ to maximize equity value $E_{i,t}$:

$$E_{i,t} = \max_{P_{i,t}} \underbrace{\int_{-\infty}^{\overline{L}_{i,t}} \Pi_{i,t} - b_{i,t} + \frac{1}{1+r_t} E_{i,t} f(\widetilde{L}) d\widetilde{L}}_{\text{value of staying in business, if no default}} - \underbrace{\int_{\overline{L}_{i,t}}^{\infty} \kappa_{i,t}(b_{i,t} + Q_{i,t}) f(\widetilde{L}) d\widetilde{L}}_{\text{loss of capital, if default}} - \underbrace{\theta \kappa_{i,t}(b_{i,t} + Q_{i,t})}_{\text{cost of capital}} - \underbrace{\tau B_{i,t} Q_{i,t}}_{\text{captive tax}} \quad (12)$$

where $f(\cdot)$ is the probability density function. Equity value accounts for the state guarantee of insurance products and equityholders' limited liability. Additionally, the cost of raising equity capital and the captive taxes are paid before stochastic costs are realized, so they affect the equity value regardless of whether the insurer defaults.

Solving for the first order condition, the optimal price $P_{i,t}$ is:

$$P_{i,t} = \underbrace{(1 - \epsilon_{i,t}^{-1})^{-1}}_{\text{markup}} \left[\underbrace{\mathbb{E}[\widetilde{L}_{i,t} | \widetilde{L}_{i,t} < \overline{L}_{i,t}]}_{\text{actuarial cost with limited liability}} + \underbrace{\frac{\kappa_{i,t} \mathbb{P}(\widetilde{L}_{i,t} > \overline{L}_{i,t}) + \theta \kappa_{i,t} + \tau B_{i,t}}{\mathbb{P}(\widetilde{L}_{i,t} \leq \overline{L}_{i,t})}}_{\text{capital requirement + cost of capital + tax}} \right] \quad (13)$$

$$\text{where } \mathbb{E}[\widetilde{L}_{i,t} | \widetilde{L}_{i,t} < \overline{L}_{i,t}] = \mu_{i,t} - \sigma_{i,t} \Lambda\left(\frac{\overline{L}_{i,t} - \mu_{i,t}}{\sigma_{i,t}}\right).$$

$\mathbb{P}(\cdot)$ is the probability function, $\Lambda(\cdot)$ is the inverse Mills ratio $\phi(\cdot)/\Phi(\cdot)$, and $\Phi(\cdot)$ and $\phi(\cdot)$ are the CDF and PDF of the standard normal distribution, respectively. $\epsilon_{i,t} = -\partial \log(Q_{i,t}) / \partial \log(P_{i,t})$ is the price elasticity of demand. Eq. (13) says that the optimal insurance price is determined by three terms that reflect the key frictions in the insurance market. The first term is the markup from imperfect competition. The second term is the actuarial cost of the expected payout, accounting for the limited liability from equityholders' option to default. Limited liability decreases marginal cost because it

reduces the insurer's expected payout to policyholders in the event of large negative shocks. The third term is the effects of potential loss of required capital, cost of raising equity capital, and captive taxes on price, all of which increase marginal cost. Loss of capital is contingent on default, $\mathbb{P}(\widetilde{L}_{i,t} > \overline{L}_{i,t})$, while the cost of capital and tax are always paid. If the insurer never defaults, then it never loses the required capital.

Captive state choice allocation of liabilities: The insurer chooses a state s to maximize its total value $T_{i,t}$ following eq. (5). After choosing a state, the insurer chooses its allocation of liabilities to captives following eq. (6), which I model as having the following functional form:

$$B_{i,t} = \frac{\exp(\beta(\kappa_{s,t} - \kappa_{h,t}) + \xi_{i,s,t}^{\text{Int}})}{1 + \exp(\beta(\kappa_{s,t} - \kappa_{h,t}) + \xi_{i,s,t}^{\text{Int}})}. \quad (14)$$

which means that the allocation to captives is a function of the state's captive capital rate and the insurer-state specific utility shock of allocating capital to the captive in state s . The functional form can be microfounded with a discrete choice problem where the insurer allocates each dollar of liabilities to captives, and each dollar has an idiosyncratic utility shock, which could reflect differences in types of liabilities.

4.4.3 Regulators

Each state regulator chooses a captive capital rate $\kappa_{s,t}$ to maximize its utility given by eq. (9), taking the actions of other state regulators $\kappa_{-j,t}$ as given. Since the levels of utility are not identified, I normalize $\lambda_{\text{Tax}} = 1$, so the λ 's can be interpreted in terms of tax revenues. For example, $\lambda_{\text{Default}} = 2$ would mean that the regulator would be indifferent between \$2 of default costs and \$1 of tax revenues. At the equilibrium, state regulators' captive capital rates satisfy the following first order conditions:

$$\frac{\partial \text{Tax}_{s,t}}{\partial \kappa_{s,t}} + \lambda_{\text{Default}} \frac{\partial \text{Default}_{s,t}}{\partial \kappa_{s,t}} + \lambda_{\text{Consumer}} \frac{\partial \text{ConsumerSurplus}_{s,t}}{\partial \kappa_{s,t}} + \lambda_{\text{Producer}} \frac{\partial \text{ProducerSurplus}_{s,t}}{\partial \kappa_{s,t}} = 0 \quad (15)$$

where the terms for consumer surplus and producer surplus are standard and given in Appendix D.1. $\text{Tax}_{s,t}$ is:

$$\text{Tax}_{s,t} = \sum_i \tau B_{i,s,t} Q_{i,t}$$

where $B_{i,s,t}$ is the share of liabilities insurer i allocates to state s , i.e., $B_{i,t}$ if insurer i chooses state s for its captive and zero otherwise. $\text{Default}_{s,t}$ is the sum of the social deadweight

cost plus the guaranty payout:

$$\text{Default}_{s,t} = \sum_i \left(\underbrace{-\eta Q_{i,s,t} \mathbb{P}(\tilde{L}_{i,t} > \bar{L}_{i,t})}_{\text{social deadweight cost}} + \underbrace{\int_{\bar{L}_{i,t}}^{\infty} \left[Q_{i,s,t} (P_{i,t} - \tilde{L}_{i,t}) + \kappa_{i,t} \left(1 + \frac{b_{i,t}}{Q_{i,t}}\right) Q_{i,s,t} \right] f(\tilde{L}) d\tilde{L}}_{\text{guaranty payout = shortfall + required capital}} \right)$$

where for each insurer i , each state's share of default is proportional to the amount of insurance sold in the state $Q_{i,s,t}$ because each state's guaranty fund backs insurance products sold in its own state and because I assume the social deadweight cost is borne equally by each consumer.

4.4.4 Equilibrium

The equilibrium is a set of state captive capital rates $\kappa_{s,t}$, insurance prices $P_{i,t}$, default thresholds $\bar{L}_{i,t}$, and insurers' captive allocations $B_{i,t}$ where all agents behave optimally with respect to their optimality conditions:

1. State regulators maximize their own utilities: $\kappa_{s,t}$ maximizes expression (9).
2. Insurers optimally allocate liabilities to captives: $B_{i,t}$ satisfies eq. (14).
3. Consumers optimally choose insurance products: market shares $S_{i,t}$ satisfy eq. (10).
4. Insurers optimally set insurance prices: $P_{i,t}$ satisfies eq. (13).
5. Insurers optimally default: $\bar{L}_{i,t}$ satisfies eq. (11).

5 Estimation and Calibration

In this section, I describe how I estimate and calibrate the model.

5.1 Consumers

I rewrite eq. (10) to express the log market share of insurer i in state s in year t as:

$$\begin{aligned} \ln(S_{i,s,t}) &= -\alpha P_{i,t} + \gamma X_{i,t} + \underbrace{\mu_{s,t}}_{\text{market effect}} + \xi_{i,s,t}^{\text{Cons}} \quad (16) \\ &= \ln\left(\sum_{l=0}^{K_{s,t}} \exp(-\alpha P_{l,t} + \gamma X_{l,t} + \xi_{l,j,t}^{\text{Cons}})\right) \end{aligned}$$

where markets are at the state by year level. $X_{i,t}$ is a set of insurer characteristics that affect consumer demand following Kojen and Yogo (2016), including the A.M. Best rating

of the insurer, insurer size, risk-based capital ratios, liquidity, profitability, and leverage.¹²

A common challenge facing demand estimation is that prices are endogenous. If the insurers observe demand shocks before setting prices, then prices would be correlated with demand shocks and OLS estimates of eq. (16) would be biased. To address this problem, I follow Kojien and Yogo (2016) and instrument for price using an indicator for whether the insurer uses captives and squared insurer characteristics.¹³ As a robustness check, I also use Hausman et al. (1994)-style instruments based on prices of annuity products sold by the same insurer in the first year it started reporting annuity prices, usually before 2005, and obtain similar results.¹⁴

Table 6 reports the results of the demand estimates corresponding to eq. (16). I estimate a negative coefficient on price, with the magnitudes implying an average price elasticity of demand of -2.4 . The instruments have first-stage F statistics greatly exceeding 10, indicating that they are unlikely to suffer from the weak instruments problem.¹⁵

5.2 Insurers

Captive liabilities allocation: I calibrate how insurers' liabilities allocations change as a function of states' captive capital rates. This allows me to study insurers' captive use under counterfactual regulatory policies. Following eq. (14), I write the share of liabilities allocated to the captive by insurer i as:

$$\ln(B_{i,t}) - \ln(1 - B_{i,t}) = \beta(\kappa_{s,t} - \kappa_{h,t}) + \xi_{i,s,t}^{\text{Int}} \quad (17)$$

where $B_{i,t}$ is the share of liabilities insurer i allocated to its captive in year t and $1 - B_{i,t}$ is the share kept in the operating company. I define the share of liabilities allocated as reserve

¹²A common issue in demand estimation is defining the choice set and outside good. By including market fixed effects $\mu_{s,t}$ to absorb the non-linear utility term $\ln(\sum_{l=0}^{K_{s,t}} \exp(-\alpha P_{l,t} + \gamma X_{l,t} + \xi_{i,j,t}^{\text{Cons}}))$, I do not need to specify the outside good nor observe an investor's full choice set in order to recover consumer preferences. I discuss the outside good, which I use to estimate consumer welfare, in Section 5.3.

¹³The rationale is that captives are cost shifters because they decrease the marginal cost of selling insurance. The exclusion restriction is that captive use does not affect consumer demand, conditional on insurer characteristics, which is plausible because consumers may not care about default risks of insurers since their policies are backed by state guaranty funds.

¹⁴The rationale is that insurers likely face common cost shocks when selling both annuities and life insurance, such as operating and distribution costs. The exclusion restriction, as is standard for Hausman et al. (1994)-style instruments, requires demand shocks to be uncorrelated between markets, which in this case is for past demand shocks for annuities to be uncorrelated with contemporaneous demand shocks for life insurance.

¹⁵Table A5 reports estimates using Hausman et al. (1994)-style instruments. Table A6 reports the first-stage estimates for both Kojien and Yogo (2016) and Hausman et al. (1994) instruments. The elasticity is the standard logit own-price elasticity, $\alpha P_{i,t}(1 - S_{i,s,t})$ and is similar to the estimates in the literature (e.g., -2.2 in Kojien and Yogo (2016)).

credit taken plus modified coinsurance reserve divided by the gross life and annuities reserves, following Kojien and Yogo (2016). β measures how liability allocations change in response to the captive state s 's capital rates $\kappa_{s,t}$.

Table 7 reports the estimates corresponding to eq. (17). I estimate $\beta = -9.67$, indicating that higher capital rates (i.e., higher $\kappa_{s,t}$) correspond to lower shares of liabilities allocated by insurers to captives in the state. The magnitudes imply that a one-percentage-point increase in $\kappa_{s,t}$ decreases average liabilities allocated to captives in the state by 2 p.p. at the mean level of liabilities allocated (the mean $B_{i,t}$ is 30 p.p.).

Finally, I compute insurer i 's capital rate $\kappa_{i,t}$ each year t following eq. (7).¹⁶ To focus on the interaction between state regulators and captives, I calibrate the capital rates on operating companies, $\kappa_{h,t}$, to be the same across all states, which I set as the industry-average capital rate of all operating companies in all states, consistent with the states adopting federally-uniform NAIC model regulations.

Captive state choice: For estimating the insurer's stochastic cost distribution parameters, the regulator's utility weights, and my main counterfactual where all captives are eliminated, this choice is irrelevant.¹⁷ When estimating the counterfactual where a captive state bans captives, I need to estimate this choice. For ease of exposition, I use the reduced form estimates in eq. (1) in Table 3 as an approximation for this choice in eq. (5). The intuition is that this parametrizes the firm's equity value $E_{i,s,t}(j)$ of choosing state s as a linear function of $\kappa_{s,t}$, where the estimated coefficient on the capital rate in Table 3 is the elasticity of equity value with respect to the capital rate.

5.2.1 Pricing and default parameters

I next use the insurer's optimal pricing and default decisions to recover its loss distribution parameters, $\mu_{i,t}$ and $\sigma_{i,t}$. I solve for the closed form solutions of these parameters as follows:

$$\begin{aligned} \mu_{i,t} &= \sigma_{i,t} \Lambda \left(\frac{\bar{L}_{i,t} - \mu_{i,t}}{\sigma_{i,t}} \right) + P_{i,t} + \frac{Q_{i,t}}{\sum_s M_{s,t} S_{i,s,t} (1 - S_{i,s,t}) \alpha} - \frac{\kappa_{i,t} d_{i,t} + \theta \kappa_{i,t} + \tau B_{i,t}}{1 - d_{i,t}} \\ \sigma_{i,t} &= \frac{\frac{Q_{i,t}}{\sum_s M_{s,t} S_{i,s,t} (1 - S_{i,s,t}) \alpha} - \frac{\kappa_{i,t} d_{i,t} + \theta \kappa_{i,t}}{1 - d_{i,t}} - \left(\frac{1}{\Phi \left(\frac{\bar{L}_{i,t} - \mu_{i,t}}{\sigma_{i,t}} \right)} - \frac{1}{1 + r_t} \right) \tau B_{i,t} + \left(\frac{\theta - r_t}{1 + r_t} \right) \kappa_{i,t} \left(1 + \frac{b_{i,t}}{Q_{i,t}} \right) + \frac{b_{i,t}}{Q_{i,t}}}{\left(\Phi^{-1} (1 - d_{i,t}) + \Lambda \left(\frac{\bar{L}_{i,t} - \mu_{i,t}}{\sigma_{i,t}} \right) \right) \left(-1 + \frac{1}{1 + r_t} (1 - d_{i,t}) \right)} \end{aligned} \quad (18)$$

¹⁶Appendix B.3.2 describes how I impute captive capital rates for states with missing data.

¹⁷This step is not required to estimate the regulators' utility weights because I assume that the perturbations are sufficiently small such that they do not change insurers' choices of states, only how much they allocate.

where $d_{i,t}$ is the 1-year default probability, which is the complement of the CDF of $\widetilde{L}_{i,t}$ evaluated at the threshold $\overline{L}_{i,t}$.¹⁸ r_t is the discount rate, which I calibrate to 5%. I calibrate $b_{i,t}/Q_{i,t}$, the insurer's debt interest to policy liabilities ratio, to the industry average as of 2019, computed by adding up the total debt outstanding multiplied by an interest rate of r_t divided by the total liabilities of all publicly-traded insurers. I use the 10-year term life insurance as the representative product, with a 30-year-old non-smoking male in regular health as the representative consumer. $\tau = 0.16\%$ is the captive tax rate, which is the average captive tax rate across all states. $\theta = 5\%$ is the cost of raising equity capital.

Figures 3a and 3b plot the distributions of the calibrated values of $\mu_{i,t}$ and $\sigma_{i,t}$ in the sample. The parameters are denoted in multiples of the actuarial value of policy liabilities, following the definition of stochastic costs $\widetilde{L}_{i,t}$. I find that $\mu_{i,t}$ is on average 0.85, with a similar magnitude to the average price, meaning that insurers price policies close to the actuarial value of the policy liabilities.¹⁹

I also find that $\sigma_{i,t}$, the standard deviation of stochastic policy costs, has an average of 0.09. This suggests that insurers' ex-ante policy costs are relatively volatile, potentially reflecting changes in the values of embedded financial products, such as minimum return guarantees, whose values could vary dramatically depending on market conditions, and investment returns, which can also fluctuate significantly during financial crises.²⁰

While I do not explicitly target empirical data in my calibration of $\mu_{i,t}$ and $\sigma_{i,t}$, I compare them to costs implied by accounting measures of the operating profits and losses and investment returns of US life insurers. A caveat is that $\mu_{i,t}$ and $\sigma_{i,t}$ are parameters of the ex-ante distribution of stochastic costs, whereas accounting measures correspond to realizations of $\widetilde{L}_{i,t}$. Nonetheless, I find that the calibrated parameters are broadly consistent with the values computed from insurers' accounting statements. For example, the mean $\mu_{i,t}$ and $\sigma_{i,t}$ based on insurer-level accounting measures are 1.05 and 0.09, which are in line with the calibrated averages $\mu_{i,t}$ and $\sigma_{i,t}$.

¹⁸ $d_{i,t} = 1 - \Phi\left(\frac{\overline{L}_{i,t} - \mu_{i,t}}{\sigma_{i,t}}\right)$. I compute default rates using historical impairment rates from A.M. Best following Kojien and Yogo (2016), as detailed in Appendix B.4. The default probabilities I obtain are objective default probabilities, not risk-neutral default probabilities as would be estimated from CDS spreads.

¹⁹ $\mu_{i,t} = 1$ is actuarially-fair pricing if consumers do not lapse. However, $\mu_{i,t}$ can be less than 1 because actuarial values are calculated without adjusting for consumer lapses, so the actuarial values are overstated, since lapsations decrease the expected total policy payouts. There is no standard model of lapsations.

²⁰To interpret the magnitudes, note that $\sigma_{i,t}$ captures changes to the present values of policy liabilities, which can be volatile because they have long duration. For example, suppose an insurer sold a 10-year insurance policy with an annual expected payout of \$100. If in year t , the annual expected payout increases by 1%, i.e., \$1 each year, then the insurer would incur a policy cost equal to the present value of \$1 each year over 10 years, rather than just the \$1 of payout increase in that year.

5.3 State regulators

I use perturbations around the observed equilibrium to recover state regulators' tradeoff weights. I numerically differentiate the components in eq. (15) to calculate the partial derivatives by perturbing $\kappa_{s,t}$ by $\epsilon = 0.0001$ from the observed equilibrium, solving for the new equilibrium, and computing tax, default cost, consumer surplus, and producer surplus in the new equilibrium. Appendix D.1 provides the expressions for each component and Appendix E details the solution method I use to solve for new equilibria. For consumer surplus, I define the outside good as life insurance policies sold by companies that are not in my sample.²¹ In my baseline calibration, I set $\eta = 0.25$ following related estimates in the literature on the costs of bank failures (e.g., Granja et al., 2017). This means that default by an insurer with \$100 billion in liabilities would lead to \$25 billion in social costs. I also analyze how the results and interpretations change under different assumptions about η in Section 6.

In my baseline specification, I also assume $\lambda_{\text{Producer}} = 0$ under the assumption that state regulators do not value producer surplus, which is plausible if most capital owners of insurers are outside the state and thus the state regulator places no weight on their surplus. I verify this in the Appendix and show that $\lambda_{\text{Producer}}$ is not statistically or economically significantly different from zero and that the results are virtually identical if I include producer surplus in the estimates.

As such, I calibrate λ_{Default} and $\lambda_{\text{Consumer}}$ in a linear regression following eq. (15):

$$\frac{\partial \text{Tax}_{s,t}}{\partial \kappa_{s,t}} = -\lambda_{\text{Default}} \frac{\partial \text{Default}_{s,t}}{\partial \kappa_{s,t}} - \lambda_{\text{Consumer}} \frac{\partial \text{ConsumerSurplus}_{s,t}}{\partial \kappa_{s,t}} + \epsilon_{s,t} \quad (19)$$

Table 8 reports the estimated tradeoff weights. I find that both λ_{Default} and $\lambda_{\text{Consumer}}$ are positive, so that state regulators' utilities are increasing in tax revenue and consumer surplus and decreasing in the amount of insurer default (since $\text{Default}_{s,t}$ is more positive if default costs are lower). The components are in the same units, i.e. millions USD, so the λ 's can be compared to a social planner's, who would have all λ 's equal to 1, as discussed in Section 4.3.

Interpretation: $\lambda_{\text{Default}} > 0$ provides quantitative evidence of the key trade-off that state regulators face between captive tax revenues and default costs. The variation in the data that informs this tradeoff is the fact that states whose captive tax revenues vary substantially with changes in captive capital rates (i.e., $\partial \text{Tax}_{s,t} / \partial \kappa_{s,t}$ being negative and

²¹This follows approaches used to study banking competition in Egan et al. (2017) and mortgage markets in Benetton (2018) and Robles-Garcia (2019). The outside good's quantity is the total premiums sold by companies not in my sample divided by the average product price in the same market (i.e. state and year), and their average market share is the quantity divided by the number of companies not in my sample.

large in magnitude) are those that have many captives, so changes in those states' captive capital rates have large effects on the default risks of insurers (i.e., $\partial \text{Default}_{s,t} / \partial \kappa_{s,t}$ being positive and large in magnitude).

Similarly, $\lambda_{\text{Consumer}} > 0$ means that state regulators value lower insurance prices and greater quantities. The signs on λ_{Default} and $\lambda_{\text{Consumer}}$ further imply that higher capital rates both decrease default costs (increase $\text{Default}_{s,t}$) and increase product prices (decrease $\text{ConsumerSurplus}_{s,t}$), that regulators would have to tradeoff these two competing objectives to maximize utility.

The magnitudes imply that state regulators are indifferent between a \$1 of default cost and \$3.5 of tax revenue or \$0.5 of consumer surplus. Compared to the social planner, state regulators appear to over-value consumer surplus relative to default costs, which they over-value relative to tax revenues. These magnitudes shed light on the strengths of various institutional frictions affecting regulators, in particular that agency concerns stemming from consumers, such as political backlash from high prices, play an important role in influencing regulators' decisions.

6 Counterfactual policy analysis

In this section, I use my model to compare the current state-based equilibrium to alternative regulatory arrangements and to quantify the effects of competition. I first examine what would happen if we eliminated competition between states, but held other aspects of the insurance market constant, including the regulators' frictions and objective functions. I then study the effects of eliminating both competition and regulators' institutional frictions. Lastly, I decompose the net effect into the effects of sorting (Tiebout, 1956) and from the race to the bottom (Brandeis, 1933). I model eliminating competition as federalizing insurance regulation, a major regulatory reform which has attracted significantly policy attention (e.g., Federal Insurance Office, 2013) and extend my analysis by considering bans on captives by individual states (e.g., Lawsky, 2013).

6.1 Federal insurance regulation

In the United States, states' rights to regulate insurance are rooted in historical legal precedents. States' rights to regulate insurance were first established by the Supreme Court ruling of *Paul v. Virginia* in 1869. The ruling was briefly overturned in *United States v. South-Eastern Underwriters Association* in 1944, before being reinstated by Congress through the McCarran-Ferguson Act in 1945, which has preserved state-based insurance regulation ever since. The historical legal reasoning was that insurance contracts

were not “transactions of commerce” and thus fell outside of federal interstate commerce regulations.

In recent decades, there has been increasing interest by the US federal government, consumers, and industry participants to federalize insurance regulation (e.g., Grace and Klein, 2009), especially after a series of insurer insolvencies in the 1980s and the financial crisis of 2008. In response, US Congress created the Federal Insurance Office within the Treasury Department through the Dodd-Frank Act in 2010 to advise state and federal governments on insurance regulations, although it has no regulatory powers.

I study how moving to a federal regulator would affect the insurance market. I model the federal regulator as setting a uniform capital rate across all insurers and banning captives.²² I first report the changes to market outcomes under different federal capital rates in 2019. I report all values as the present values over 10-year periods.

Figure 4a illustrates the effect of different capital requirements on expected default costs. As the uniform federal capital rate increases, default risks decrease, which means less negative default costs, until capital rates reach about 25%, beyond which default is virtually eliminated. Figure 4b illustrates the effect of capital requirements on consumer surplus. Higher capital rates increase insurers’ marginal costs. At low levels of capital rates, this effect is partially offset by the effect of greater financial stability from increasing capital rates, which decreases the insurer’s expected loss of capital. Overall, the counteracting effects of capital rates on default costs and consumer surplus highlight the tradeoff that regulators face in setting capital rates.²³

I use these results to measure the net effects of regulatory competition on regulator’s utility and social welfare. To isolate the effects of competition, I first hold the regulators’ objective functions constant and compute regulator’s utility under the federal regulator using the utility weights estimated from state regulators’ revealed preferences in Section 5.3. Figure 5 plots regulators’ utility over different federal capital rates. At low levels of capital, regulator’s utility increases as capital rates increase because the benefits of lowering default costs outweigh costs of higher insurance prices, whereas at high levels of capital, the costs of raising additional equity capital to satisfy higher capital requirements dominate as default risk is gradually eliminated from the insurance sector.

The analysis indicates that to maximize their utility, the federal regulator would set a higher capital rate, 16%, than the state-based average capital rate of 13%. This would result in a \$2.1 billion decrease in default costs and a \$680 million decrease in consumer

²²A federal regulator can do better than a uniform capital rate by setting insurer-specific capital rates. To highlight the fundamental forces of competition, I focus on a federal regulator setting a uniform capital rate.

²³Following Section 5.3, I present the main results here omitting producer surplus and report the results with producer surplus in the Appendix. Capital requirements have small effects on the levels of producer surplus, so the results are virtually unchanged whether producer surplus is included or not.

surplus. The net effect is an increase in regulator's utility that the regulators value at \$2.7 billion in equivalent tax revenues.

I illustrate these results and the economic insights of the subsequent analyses in Figure 6. The solid line plots the production possibilities frontier of a federal regulator that sets a uniform capital rate, i.e., the equilibrium default costs and consumer surpluses under different uniform capital rates. The x-axis is the change in default costs (more positive values mean less default) and the y-axis is the change in consumer surplus (more positive values mean higher consumer surplus), so shifting up and to the right represent better outcomes, like a standard production possibilities frontier.

The negative relationship between attainable default costs and consumer surpluses represents the regulator's tradeoff, while its concavity represents the diminishing marginal gains to raising capital rates when capital rates are high and lowering them when low.

The regulators' λ weights define their indifference curves, with slope equal to the ratio $-\lambda_{\text{Default}}/\lambda_{\text{Consumer}}$. The dashed line plots the federal regulator's indifference curve based on the revealed preference estimates of state regulators' λ 's. The tangent point (diamond shape) labeled "Federal" is the equilibrium that maximizes the federal regulator's utility, with less default in the insurance sector (more positive x-value) and lower consumer surplus (more negative y-value).

Next, I decompose the net effect of competition into the effects of Tiebout (1956) sorting and Brandeis (1933) race to the bottom by comparing the current state-based equilibrium, at the point labeled "State", which by definition is at (0,0), to the production possibility frontier of the federal regulator setting a uniform capital rate. The fact that the state-based equilibrium lies beyond what is attainable by a federal regulator setting uniform capital rates shows that sorting is present in this market. Indeed, in the data, more stable insurers use captives to lower capital requirements, thus being able to offer lower insurance prices at any given level of total default risks in the insurance sector than would be attainable if all insurers were subject to the same federal capital rate.

On the other hand, the federal regulator would set a higher capital rate than the current state-based average, illustrating the race to the bottom. Furthermore, the fact that the state-based equilibrium lies below the federal regulator's indifference curve indicates that the race to the bottom has a larger effect quantitatively than sorting, so that regulators would have higher utility if competition were eliminated.

Comparison to social planner and social welfare: My model also makes predictions about what a social planner would do, which I now explore, under the assumption that all components of social welfare are correctly measured. A social planner would eliminate both competition and regulators' institutional frictions, which means setting

$\lambda_{\text{Default}} = \lambda_{\text{Consumer}} = 1$. I illustrate the social planner's indifference curve in the dotted line in Figure 6 and the social welfare-maximizing equilibrium at the tangent point (x-mark) labeled "Planner". Notably, the social planner sets an even higher capital rate at 18%, leading to less default, lower consumer surplus, and higher social welfare than the federal regulator. This means that the agency frictions the regulators face lead them to set lower capital rates, so undoing these frictions would move the market further away from the state-based equilibrium. Another way to see this is to note that regulators have $\lambda_{\text{Consumer}} > \lambda_{\text{Default}}$, i.e., they care more about consumer surplus and lowering insurance prices than default costs.

More generally, the estimates show that competition unambiguously leads regulators to lower capital rates and increases regulator's utility. However, whether eliminating competition increases social welfare depends on whether competition undoes or exacerbates regulators' frictions. If regulators' frictions led regulators to over-value default costs relative to consumer surplus, then competition could be socially beneficial because it could counteract regulators' frictions that incentivize them to set high capital rates. In my baseline estimation, regulators' frictions incentivize them to over-value consumer surplus, leading them to set lower capital rates, which is why competition exacerbates these frictions in the baseline estimates. On the other hand, competition could undo regulators' frictions if the true social cost of default η were low, because regulators' revealed preferences (eq. 15) would imply that regulators over-value default costs relative to consumer surplus. One feature of my model is that it allows me to quantify how different assumptions lead to different conclusions on whether competition exacerbates or counteracts regulators' frictions.

Why don't states coordinate? Given the potential increases in regulator's utility, it is a puzzle why coordination has been difficult to implement. One potential explanation is that not all states would derive large benefits in the presence of political frictions or switching costs that prevent states from sharing in the gains from federalizing, so some states may prefer to not coordinate or eliminate competition.

I find evidence consistent with this in Figure 7, which reports the changes in regulator's utility for each state under a federal regulator, by decreasing state insurance market size. I find that there are substantial distributional consequences across states from federalizing. Larger states such as California and New York benefit the most from federalizing, because they bore substantial default risks and had no captive tax revenues to lose. On the other hand, smaller states had little to gain because they had minimal exposure to default anyways, with states with many captives, most notably Vermont, being substantially worse off from federalizing because they would lose captive tax revenues.

These gains and losses also align with actual policy positions individual states have adopted on captives: New York, as one of the largest states, has called for a national ban on captive transactions (Lawsky, 2013). California has also forbidden insurers from domiciling captives. On the other hand, Vermont, the smallest state in the US by life insurance market size, has become the largest domicile for captives in the US.

6.2 Individual state bans

An alternative set of policies that does not require cooperation is bans by individual states on captives, where either the consumer's state bans insurers selling policies in its state from using captives or the captive's state bans captives from domiciling in its state. Studying such bans also sheds light on how much cooperation and competition between states matter and informs the most efficient action to take to achieve the desired outcome. Given political constraints on federal coordination, it may be preferable to change policies in only one or a few states if doing so achieves close to the full effects of federalizing.

Ban by consumer's state: I first study a ban by the consumer's state.²⁴ This is equivalent to a ban on transferring policies sold in the state to a captive if the operating company only sells policies in one state and is domiciled in that state, as is the case for New York.

I study a ban by New York as the consumer's state given its importance in the consumer insurance market and New York state regulators' past efforts to call for a national ban on captives (Lawsky, 2013). Because New York state regulators significantly increased regulatory scrutiny on captives in 2013, I estimate the effect of a New York ban in 2012.

Ban by captives' state: A captive's state may implement such a ban if it faced increased political pressure or from lawsuits by consumers.²⁵ I study a hypothetical ban on captives domiciling in the state by Vermont, the state with most captives domiciled. One key effect is that insurers that previously allocated liabilities to captives in Vermont could endogenously choose another state to setup its captive. Appendix F.1 describes the details on how I solve for the equilibrium with domicile switching under such a ban.

²⁴Such bans are prohibited under current federal law (the Nonadmitted and Reinsurance Reform Act) if the operating company is domiciled in a different state, because consumer's states are not allowed to regulate operating companies' uses of captives if the operating company's state of domicile authorizes its use. This does not apply to New York-based insurers, which almost always sell insurance through New York-domiciled operating companies.

²⁵See e.g., *Belth vs. Iowa Insurance Division and Nick Gerhart, Commissioner*, 2016 and *Ross v. AXA Equitable Life*, 2015. Although both lawsuits have either been ruled against the plaintiff or dismissed, the threat of further legal action persists against state regulators and insurers.

Ban results: Figures 8a and 8b report the effects of both types of individual state bans on default costs and consumer surplus, and compare them to the federal ban. The figures show that overall, individual states' bans have limited national consequences.

A ban by the consumer's state, New York, whose state market makes up 8.4% of the national market, achieves 26% of the decrease in national expected default costs as federalizing (\$551 million per year) and decreases consumer surplus by 8% (\$54 million per year).²⁶ Intuitively, the magnitude of the effect is primarily determined by the size of the banning state's domestic insurance market and how much insurers in the banning state use captives.

Likewise, the equilibrium effects of a Vermont ban on captives are limited. A ban by Vermont, which has 54% of the national captive volume, would lead to a decrease in expected default costs by \$249 million per year, which is 12% of the effect under federalizing. Consumer surplus would decrease by 18% of the effect under federalizing (\$123 million per year) as well. This is because of competition and substitutability between states: if Vermont shuts down captives domiciled in its state, insurers can respond by switching to other states such as Delaware or South Carolina, rather than having to retain liabilities on operating companies' balance sheets.²⁷

7 Conclusion

This paper studies how jurisdictional competition affects financial stability, product markets, and the effectiveness of regulatory policies. I study this question in the setting of the US life insurance industry, in which insurers operate across states but are regulated at the state-level. I focus on state regulators' capital regulations, and study the effects of competition between states regulators where states attract insurers to raise tax revenues, but do not bear the full default costs.

To quantify these effects, I develop a structural model of the US life insurance market with competition between regulators. I begin by documenting motivating evidence of competition between regulators over capital regulations, insurers' responses, and their real consequences. Then, to quantify the effects of this competition, I structurally estimate the model and use the model to examine counterfactual regulatory policies such as a federal

²⁶Because I estimate this equilibrium based on 2012 market data, the percentage and dollar values are based on 2012 market data as well. The corresponding values for the federal counterfactual are very similar between 2012 and 2019.

²⁷To focus on the effects of insurers' response and for ease of computational tractability, I hold fixed non-banning states' actions. If other states were also allowed to change their actions in response to Vermont's ban, then my estimates would understate the effects of such a ban if decreased competition between states leads to higher capital rates set by all other states.

insurance regulator. I find that federalizing increases total regulator's utility and social welfare relative to state regulators, with larger states gaining more than smaller states. On the other hand, I find that unilateral actions by individual states have limited national consequences. More broadly, the findings of this paper can provide insights into the effects of harmonizing decentralized regulation across domains beyond finance, such as corporate taxation, climate change, and public health.

References

- Viral V Acharya and Matthew Richardson. Is the insurance industry systemically risky. *Modernizing insurance regulation*, pages 151–180, 2014.
- Viral V Acharya, Philipp Schnabl, and Gustavo Suarez. Securitization without risk transfer. *Journal of Financial economics*, 107(3):515–536, 2013.
- Tobias Adrian and Adam B Ashcraft. Shadow banking regulation. *Annu. Rev. Financ. Econ.*, 4(1):99–140, 2012.
- Sumit Agarwal, David Lucca, Amit Seru, and Francesco Trebbi. Inconsistent regulators: Evidence from banking. *The Quarterly Journal of Economics*, 129(2):889–938, 2014.
- Sumit Agarwal, John Grigsby, Ali Hortaçsu, Gregor Matvos, Amit Seru, and Vincent Yao. Searching for approval. Technical report, National Bureau of Economic Research, 2020.
- Jason Allen, Robert Clark, and Jean-François Houde. The effect of mergers in search markets: Evidence from the canadian mortgage industry. *American Economic Review*, 104(10):3365–96, 2014.
- A.M.Best. Best’s credit rating methodology: Global life and non-life insurance edition, 2013.
- A.M.Best. Bests impairment rate and rating transition study - 1977 to 2014. *Bests Special Report: Trend Review*, 2015.
- The American Conference. Aci’s 8th national forum on insurance regulation: Principle-based reserving and life insurer-owned captives, Feb 2014. URL <https://www.americanconference.com/insurance-regulation-826i14-nyc/wp-content/uploads/sites/1457/2016/08/Day1.800.pdf>.
- Isaiah Andrews, Matthew Gentzkow, and Jesse M Shapiro. On the informativeness of descriptive statistics for structural estimates. *Econometrica*, 88(6):2231–2258, 2020a.
- Isaiah Andrews, Matthew Gentzkow, and Jesse M Shapiro. Transparency in structural research. *Journal of Business & Economic Statistics*, 38(4):711–722, 2020b.
- Bo Becker and Victoria Ivashina. Reaching for yield in the bond market. *The Journal of Finance*, 70(5):1863–1902, 2015.
- Bo Becker and Marcus Opp. Regulatory reform and risk-taking: Replacing ratings. Technical report, National Bureau of Economic Research, 2013.
- Bo Becker, Marcus M Opp, and Farzad Saidi. Regulatory forbearance in the us insurance industry: The effects of eliminating capital requirements. 2020.
- Joseph M. Belth. Belth vs. iowa insurance division and nick gerhart, commissioner. 2016.

- Matteo Benetton. Leverage regulation and market structure: An empirical model of the uk mortgage market. *Available at SSRN*, 3247956:212, 2018.
- Matteo Benetton. Leverage regulation and market structure: A structural model of the uk mortgage market. *The Journal of Finance*, 76(6):2997–3053, 2021.
- Steven Berry, James Levinsohn, and Ariel Pakes. Automobile prices in market equilibrium. *Econometrica: Journal of the Econometric Society*, pages 841–890, 1995.
- Steven T Berry. Estimating discrete-choice models of product differentiation. *The RAND Journal of Economics*, pages 242–262, 1994.
- Vivek Bhattacharya, Gaston Illanes, and Manisha Padi. Fiduciary duty and the market for financial advice. Technical report, National Bureau of Economic Research, 2019.
- Louis Brandeis. *Ligget co. v. lee. US Supreme Court*, 1933.
- Jeffrey R Brown and Austan Goolsbee. Does the internet make markets more competitive? evidence from the life insurance industry. *Journal of political economy*, 110(3):481–507, 2002.
- Greg Buchak, Gregor Matvos, Tomasz Piskorski, and Amit Seru. Fintech, regulatory arbitrage, and the rise of shadow banks. *Journal of financial economics*, 130(3):453–483, 2018.
- Greg Buchak, Gregor Matvos, Tomasz Piskorski, and Amit Seru. Why is intermediating houses so difficult? evidence from ibuyers. Technical report, National Bureau of Economic Research, 2020.
- Arun G Chandrasekhar, Paul Goldsmith-Pinkham, Matthew O Jackson, and Samuel Thau. Interacting regional policies in containing a disease. *Proceedings of the National Academy of Sciences*, 118(19), 2021.
- Gabriel Chodorow-Reich, Andra Ghent, and Valentin Haddad. Asset insulators. *The Review of Financial Studies*, 34(3):1509–1539, 2021.
- Christopher Clayton and Andreas Schaab. Multinational banks and financial stability. *Available at SSRN 3512148*, 2021.
- Ronald Harry Coase. The problem of social cost. *The Journal of Law and Economics*, 1960.
- Cassandra R Cole and Kathleen A McCullough. Captive domiciles: Trends and recent changes. *Journal of Insurance Regulation*, 26(4), 2008.
- Antonio Coppola. In safe hands: The financial and real impact of investor composition over the credit cycle. Technical report, Working Paper, 2021.
- Gregory S Crawford, Nicola Pavanini, and Fabiano Schivardi. Asymmetric information and imperfect competition in lending markets. *American Economic Review*, 108(7):1659–1701, 2018.

- José Ignacio Cuesta and Alberto Sepúlveda. Price regulation in credit markets: A trade-off between consumer protection and credit access. *Available at SSRN 3282910*, 2021.
- Olivier Darmouni. Informational frictions and the credit crunch. *The Journal of Finance*, 75(4):2055–2094, 2020.
- Mihir A Desai, C Fritz Foley, and James R Hines Jr. A multinational perspective on capital structure choice and internal capital markets. *The Journal of finance*, 59(6):2451–2487, 2004.
- Douglas W Diamond and Philip H Dybvig. Bank runs, deposit insurance, and liquidity. *Journal of political economy*, 91(3):401–419, 1983.
- Mark Egan, Ali Hortaçsu, and Gregor Matvos. Deposit competition and financial fragility: Evidence from the us banking sector. *American Economic Review*, 107(1):169–216, 2017.
- Mark Egan, Gregor Matvos, and Amit Seru. The market for financial adviser misconduct. *Journal of Political Economy*, 127(1):233–295, 2019.
- Mark L Egan, Shan Ge, and Johnny Tang. Conflicting interests and the effect of fiduciary duty-evidence from variable annuities. Technical report, National Bureau of Economic Research, 2020.
- Liran Einav, Mark Jenkins, and Jonathan Levin. Contract pricing in consumer credit markets. *Econometrica*, 80(4):1387–1432, 2012.
- Andrew Ellul, Chotibhak Jotikasthira, Christian T Lundblad, and Yihui Wang. Is historical cost accounting a panacea? market stress, incentive distortions, and gains trading. *The Journal of Finance*, 70(6):2489–2538, 2015.
- U.S. Department of The Treasury Federal Insurance Office. How to modernize and improve the system of insurance regulation in the united states. 2013.
- Nathan Foley-Fisher, Borghan Narajabad, and Stéphane Verani. Self-fulfilling runs: Evidence from the us life insurance industry. *Available at SSRN 2674708*, 2018.
- Nathan Foley-Fisher, Borghan Narajabad, and Stéphane Verani. Self-fulfilling runs: Evidence from the us life insurance industry. *Journal of Political Economy*, 128(9):3520–3569, 2020.
- Kenneth A Froot. The market for catastrophe risk: a clinical examination. *Journal of Financial Economics*, 60(2-3):529–571, 2001.
- Kenneth A Froot and Paul GJ O’Connell. The pricing of us catastrophe reinsurance. In *The Financing of Catastrophe Risk*, pages 195–232. University of Chicago Press, 1999.
- Kenneth A Froot, David S Scharfstein, and Jeremy C Stein. Risk management: Coordinating corporate investment and financing policies. *Journal of Finance*, 48(5):1629–1658, 1993.

- Peter G Gallanis. Nohga, the life and health insurance guaranty system, and the financial crisis of 2008–2009. *National Organization of Life and Health Insurance Guaranty Associations*, 2009.
- Mark J Garmaise and Tobias J Moskowitz. Catastrophic risk and credit markets. *The Journal of Finance*, 64(2):657–707, 2009.
- Shan Ge. How do financial constraints affect product pricing? evidence from weather and life insurance premiums. 2020.
- Shan Ge and Michael S Weisbach. The role of financial conditions in portfolio choices: The case of insurers. 2019.
- Jerry Geisel. States revise captive insurance rules to win business. <https://www.businessinsurance.com/article/00010101/NEWS06/304269954/States-revise-captive-insurance-rules-to-win-business.>, 2015.
- Erasmus Giambona, Anil Kumar, and Gordon M Phillips. Hedging and competition. *Available at SSRN 3802342*, 2021.
- Xavier Giroud and Joshua Rauh. State taxation and the reallocation of business activity: Evidence from establishment-level data. *Journal of Political Economy*, 127(3):1262–1316, 2019.
- Edward L Glaeser. The economics of location-based tax incentives. *Available at SSRN 289834*, 2001.
- Edward L Glaeser and Raven E Saks. Corruption in america. *Journal of public Economics*, 90(6-7):1053–1072, 2006.
- Martin Grace and Jorge Martinez-Vazquez. Taxation of the insurance industry. 2006.
- Martin F Grace. *Georgia's corporate income and net worth taxes*. Fiscal Research Center of the Andrew Young School of Policy Studies, 2002.
- Martin F Grace and Robert W Klein. *The future of insurance regulation in the United States*. Brookings Institution Press, 2009.
- Joao Granja, Gregor Matvos, and Amit Seru. Selling failed banks. *The Journal of Finance*, 72(4):1723–1784, 2017.
- Andreas Grunewald, Jonathan A Lanning, David C Low, and Tobias Salz. Auto dealer loan intermediation: Consumer behavior and competitive effects. Technical report, National Bureau of Economic Research, 2020.
- Scott E Harrington. The financial crisis, systemic risk, and the future of insurance regulation. *Journal of Risk and Insurance*, 76(4):785–819, 2009.
- Scott E Harrington. The economics and regulation of captive reinsurance in life insurance. *Available at SSRN 2608141*, 2015.

- Justine Hastings, Ali Hortaçsu, and Chad Syverson. Sales force and competition in financial product markets: the case of Mexico's social security privatization. *Econometrica*, 85(6): 1723–1761, 2017.
- Jerry Hausman, Gregory Leonard, and J Douglas Zona. Competitive analysis with differentiated products. *Annales d'Economie et de Statistique*, pages 159–180, 1994.
- James Hines. Altered states: Taxes and the location of foreign direct investment in America. *American Economic Review*, 86(5):1076–94, 1996.
- Ali Hortaçsu and Jakub Kastl. Valuing dealers' informational advantage: A study of Canadian treasury auctions. *Econometrica*, 80(6):2511–2542, 2012.
- Ali Hortaçsu, Gregor Matvos, Chaehee Shin, Chad Syverson, and Sriram Venkataraman. Is an automaker's road to bankruptcy paved with customers' beliefs? *American Economic Review*, 101(3):93–97, 2011.
- Robert A Jarrow and Stuart M Turnbull. Pricing derivatives on financial securities subject to credit risk. *The Journal of Finance*, 50(1):53–85, 1995.
- Michael C Jensen. Agency costs of free cash flow, corporate finance, and takeovers. *The American Economic Review*, 76(2):323–329, 1986.
- Erica Xuewei Jiang. Financing competitors: Shadow banks' funding and mortgage market competition. *USC Marshall School of Business Research Paper Sponsored by iORB, No. Forthcoming*, 2019.
- Jakub Kastl. Discrete bids and empirical inference in divisible good auctions. *The Review of Economic Studies*, 78(3):974–1014, 2011.
- Asim Ijaz Khwaja and Atif Mian. Tracing the impact of bank liquidity shocks: Evidence from an emerging market. *American Economic Review*, 98(4):1413–42, 2008.
- Benjamin Knox and Jakob Ahm Sørensen. Asset-driven insurance pricing. Technical report, Working Paper, 2020.
- Ralph Koijen and Motohiro Yogo. The fragility of market risk insurance. 2018.
- Ralph SJ Koijen and Motohiro Yogo. The cost of financial frictions for life insurers. *American Economic Review*, 105(1):445–75, 2015.
- Ralph SJ Koijen and Motohiro Yogo. Shadow insurance. *Econometrica*, 84:1265–1287, 2016.
- Ralph SJ Koijen and Motohiro Yogo. Risk of life insurers: Recent trends and transmission mechanisms. Technical report, National Bureau of Economic Research, 2017.
- Ralph SJ Koijen and Motohiro Yogo. A demand system approach to asset pricing. *Journal of Political Economy*, 127(4):1475–1515, 2019.

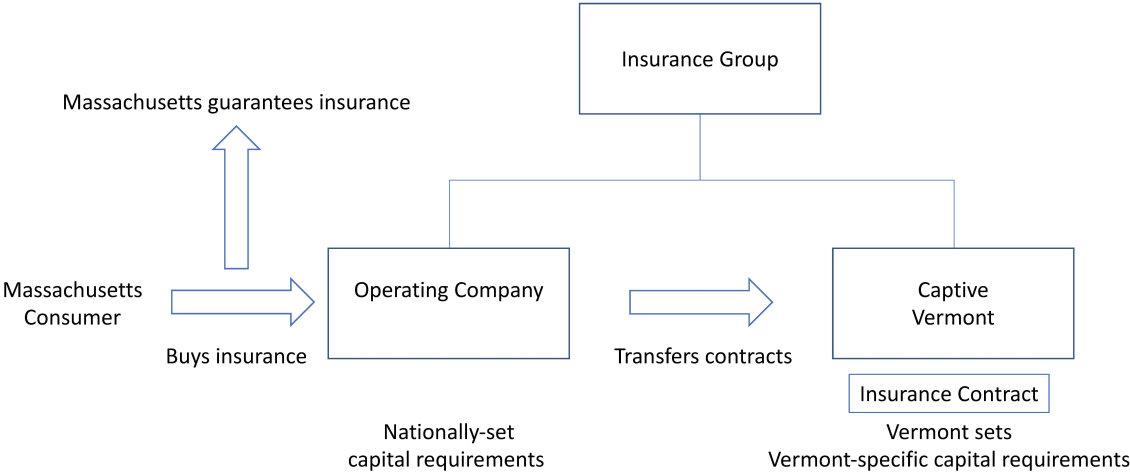
- Ralph SJ Koijen, Robert J Richmond, and Motohiro Yogo. Which investors matter for equity valuations and expected returns? Technical report, National Bureau of Economic Research, 2020.
- Ralph SJ Koijen, Hae Kang Lee, and Stijn Van Nieuwerburgh. Aggregate lapsation risk. Technical report, National Bureau of Economic Research, 2022.
- B. M. Lawsky. Shining a light on shadow insurance: A little-known loophole that puts insurance policyholders and taxpayers at greater risk. *New York State Department of Financial Services*, 2013.
- Soon-Jae Lee, David Mayers, and Clifford W Smith Jr. Guaranty funds and risk-taking evidence from the insurance industry. *Journal of Financial Economics*, 44(1):3–24, 1997.
- Hayne E Leland. Corporate debt value, bond covenants, and optimal capital structure. *The journal of finance*, 49(4):1213–1252, 1994.
- J Tyler Leverty and Martin F Grace. Do elections delay regulatory action? *Journal of Financial Economics*, 130(2):409–427, 2018.
- Yinhan Liu, Myle Ott, Naman Goyal, Jingfei Du, Mandar Joshi, Danqi Chen, Omer Levy, Mike Lewis, Luke Zettlemoyer, and Veselin Stoyanov. Roberta: A robustly optimized bert pretraining approach. *arXiv preprint arXiv:1907.11692*, 2019.
- Louis J Lombardi. *Valuation of life insurance liabilities: establishing reserves for life insurance policies and annuity contracts*. Actex Publications, 2006.
- Robert McDonald and Anna Paulson. Aig in hindsight. *Journal of Economic Perspectives*, 29(2):81–106, 2015.
- Olivia S Mitchell, James M Poterba, Mark J Warshawsky, and Jeffrey R Brown. New evidence on the money’s worth of individual annuities. *American economic review*, 89(5):1299–1318, 1999.
- Franco Modigliani and Merton H Miller. The cost of capital, corporation finance and the theory of investment. *The American economic review*, 48(3):261–297, 1958.
- Richard A Musgrave. *The theory of public finance; a study in public economy*. Kogakusha Co., 1959.
- NAIC. Insurance holding company system regulatory act. 2015.
- Scott Nelson. Private information and price regulation in the us credit card market. *Unpublished Working Paper*, 2018.
- William Nordhaus. Climate change: The ultimate challenge for economics. *American Economic Review*, 109(6):1991–2014, 2019.
- Wallace E Oates et al. Fiscal federalism. *Books*, 1972.

- Emily Oster. Unobservable selection and coefficient stability: Theory and evidence. *Journal of Business & Economic Statistics*, 37(2):187–204, 2019.
- Sam Peltzman. Toward a more general theory of regulation. *The Journal of Law and Economics*, 19(2):211–240, 1976.
- PA Peterson. Insolvency cost information files. *National Organization of*, 2013.
- Pinnacle. Report to examine methods to establish and properly regulate a captive insurer industry in the state of maryland. Technical report, Maryland Insurance Administration, 2013.
- Ashesh Rambachan and Jonathan Roth. An honest approach to parallel trends. *Unpublished manuscript, Harvard University*, 2019.
- Adriano A Rampini and S Viswanathan. Financing insurance. 2018.
- Susan Randall. Insurance regulation in the united states: regulatory federalism and the national association of insurance commissioners. *Fla. St. UL Rev.*, 26:625, 1998.
- Claudia Robles-Garcia. Competition and incentives in mortgage markets: The role of brokers. *Unpublished working paper*, 2019.
- Ross. Ross v. axa equitable life, u.s. district court, southern district of new york, case no. 1:14-cv-2904. 2015.
- Daniel Schwarcz. Is us insurance regulation unconstitutional. *Conn. Ins. LJ*, 25:191, 2018.
- Daniel Schwarcz and David Zaring. Regulation by threat: Dodd-frank and the nonbank problem. *U. Chi. L. Rev.*, 84:1813, 2017.
- Ishita Sen. Regulatory limits to risk management. *Working Paper*, 2019.
- Ishita Sen and Ana-Maria Tenekedjieva. Pricing of climate risk insurance: Regulatory frictions and cross-subsidies. *Available at SSRN*, 2021.
- Cailin Slattery. Bidding for firms: Subsidy competition in the us. 2020.
- Cailin Slattery and Owen Zidar. Evaluating state and local business incentives. *Journal of Economic Perspectives*, 34(2):90–118, 2020.
- The Society of Actuaries. Report of the society of actuaries regulation xxx survey subcommittee, Mar 2002. URL https://www.soa.org/globalassets/assets/Files/Research/Exp-Study/xxx_report.pdf.
- Jeffrey Stern, William Rosenblatt, Bernhardt Nadell, and Keith M Andruschak. Insurance securitizations: Coping with excess reserve requirements under regulation xxx. *Journal of Taxation and Regulation of Financial Institutions*, 20(6):30–34, 2007.
- George J Stigler. The theory of economic regulation. *Bell Journal of Economics*, 2(1):3–21, 1971.

- Juan Carlos Suárez Serrato. Unintended consequences of eliminating tax havens. Technical report, National Bureau of Economic Research, 2018.
- Juan Carlos Suárez Serrato and Owen Zidar. Who benefits from state corporate tax cuts? a local labor markets approach with heterogeneous firms. *American Economic Review*, 106(9):2582–2624, 2016.
- Johnny Tang. The effects of a global minimum tax on corporate balance sheets and risk-sharing: Evidence from the insurance industry. *Available at SSRN 3987317*, 2021.
- Ana-Maria Tenekedjieva. *The revolving door and insurance solvency regulation*. PhD thesis, The University of Chicago, 2020.
- Charles M Tiebout. A pure theory of local expenditures. *Journal of political economy*, 64(5):416–424, 1956.
- Yifei Wang, Toni M Whited, Yufeng Wu, and Kairong Xiao. Bank market power and monetary policy transmission: Evidence from a structural estimation. *The Journal of Finance*, 77(4):2093–2141, 2022.
- Kairong Xiao. Monetary transmission through shadow banks. *The Review of Financial Studies*, 33(6):2379–2420, 2020.
- Constantine Yannelis and Anthony Lee Zhang. Competition and selection in credit markets. Technical report, National Bureau of Economic Research, 2021.
- Janet Yellen. Statement from secretary of the treasury janet l. yellen on g7 finance ministers’ commitment to global minimum tax, Jun 2021. URL <https://home.treasury.gov/news/press-releases/jy0214>.

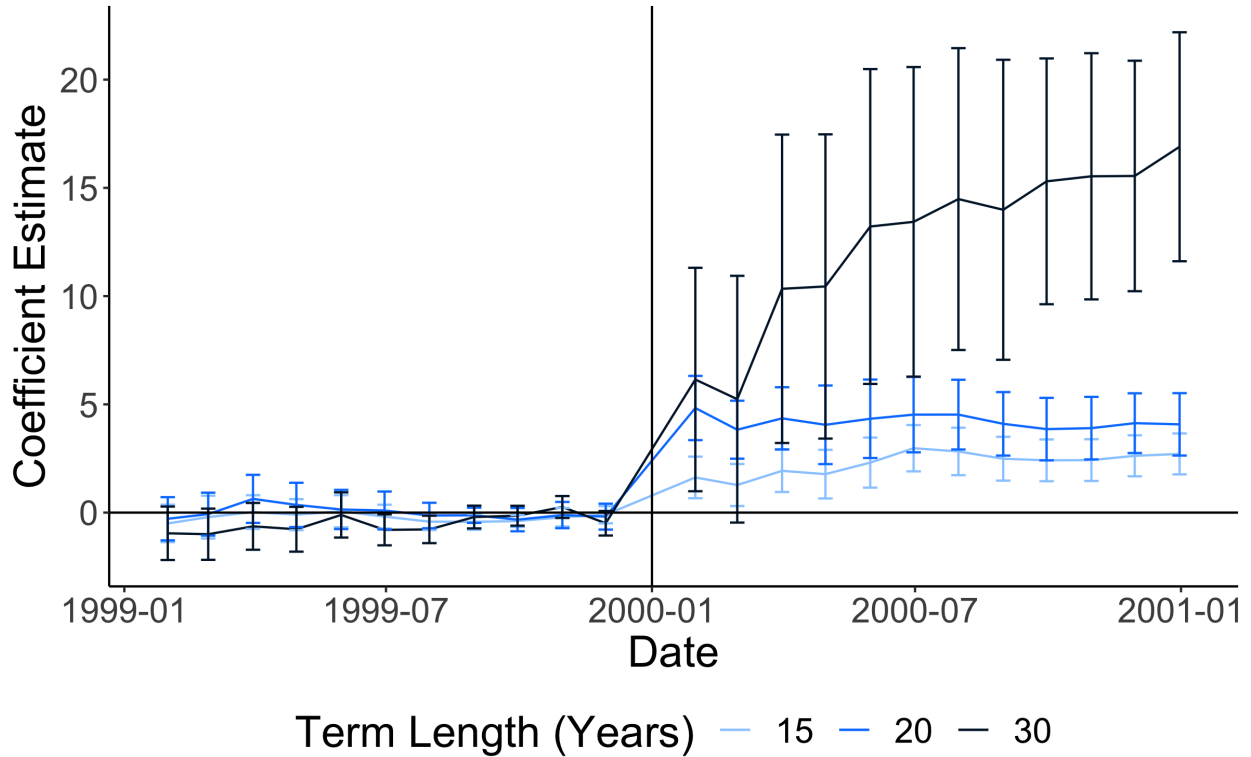
8 Figures and Tables

Figure 1: Institutional Setting



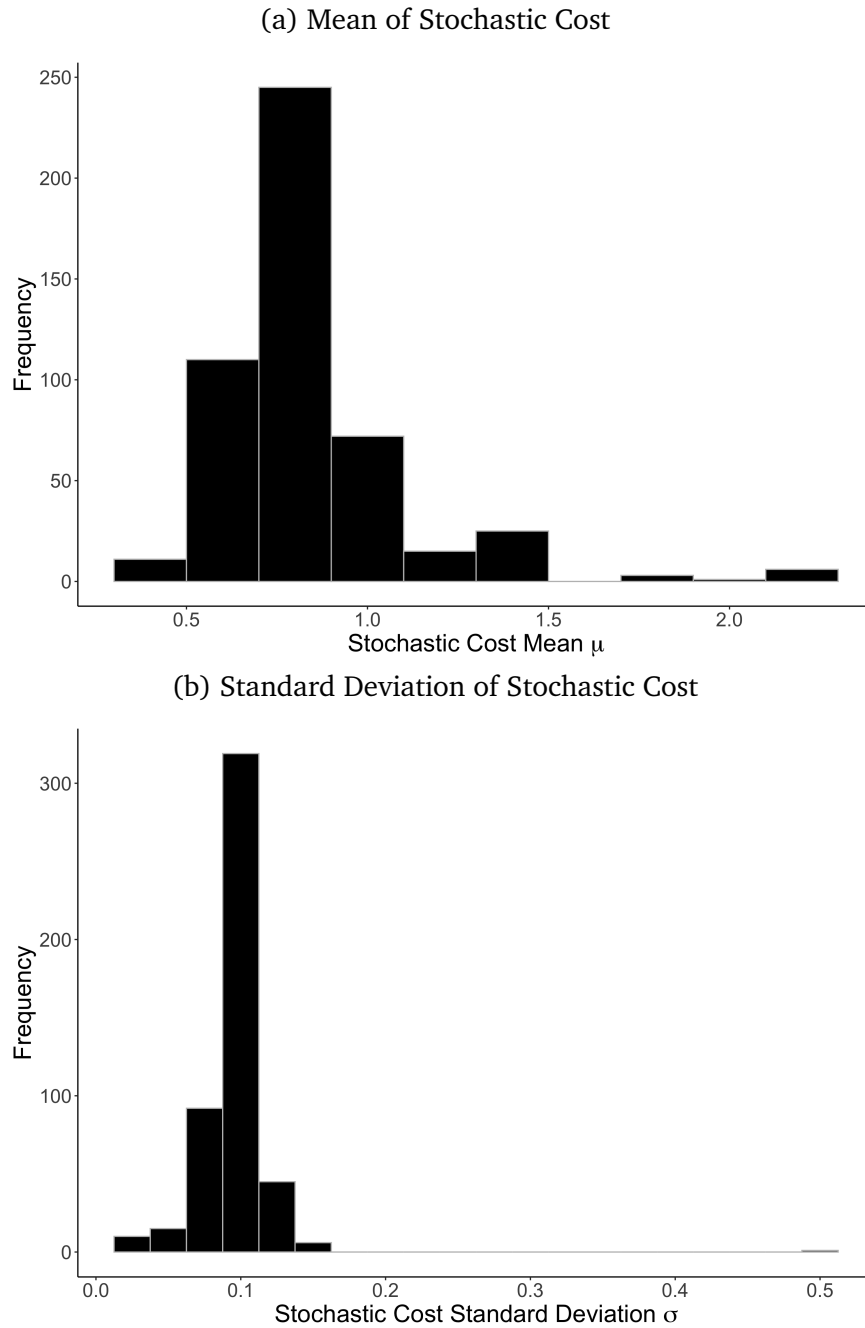
Note: Figure 1 summarizes the key institutional features of life insurance regulation and captives in the US for a sample insurer. The insurer is organized as an insurance group with an operating company through which it sells insurance contracts to consumers in all 50 states, including Massachusetts. The operating company is subject to nationally-set capital requirements and the contracts sold to consumers in Massachusetts are guaranteed by the Massachusetts state guaranty fund. The insurer’s operating company enters into a reinsurance agreement with its wholly-owned captive in Vermont, which transfers the contract liabilities off of the operating company’s balance sheet onto the captive’s balance sheet. The captive is subject to Vermont’s capital requirements set for captives, while Massachusetts consumers and state guaranty fund bear the cost if the insurer defaults.

Figure 2: Effect of Capital Requirements on Product Prices: Regulation XXX



Note: Figure 2 displays the difference-in-differences coefficient estimates of life insurance product prices of each term length around the adoption of Regulation XXX, corresponding to the regression specification in eq. (3). Observations are at the insurer by product by month level. Coefficient Estimate is in percentage points of the actuarial value of liabilities of each product, e.g., 5 means 5 percentage points. The reference product is 10-year guaranteed term life insurance. Standard error bars correspond to 95% confidence intervals with standard errors two-way clustered at the insurer and month levels.

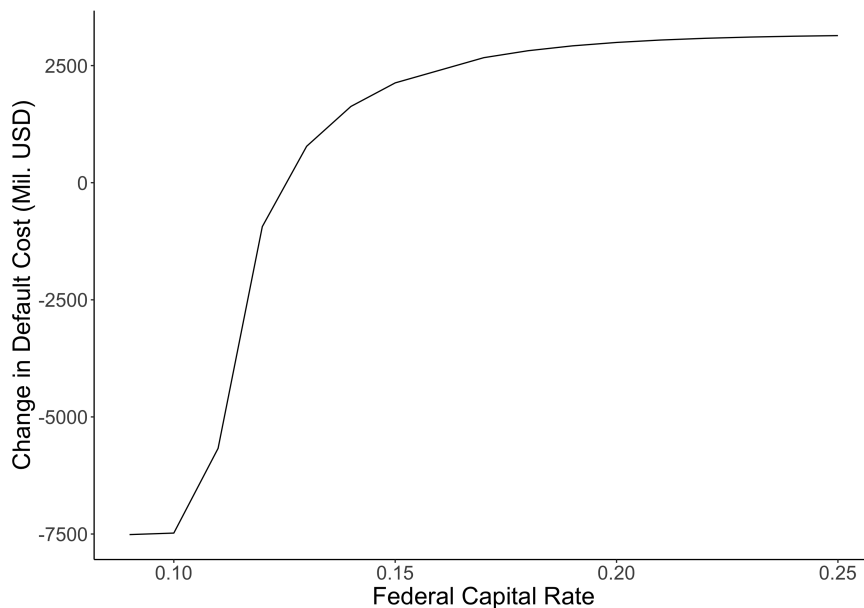
Figure 3: Calibrated Supply-Side Parameters



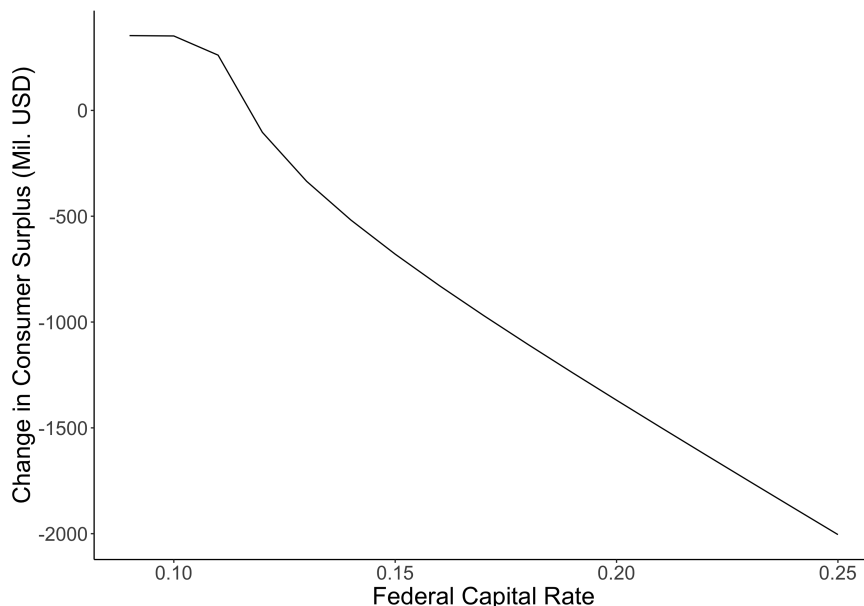
Note: Figures 3a and 3b report the distributions of the calibrated means and standard deviations of insurers' stochastic costs. Observations are at the insurer by year level from 2005 to 2019. The means and standard deviations are inverted from insurers' optimal pricing and default conditions following eq. (18). All values are expressed as multiples of the actuarial value of liabilities.

Figure 4: Equilibrium Outcomes vs. Capital Rate: Federal Counterfactual

(a) Default Cost vs. Capital Rate: Federal Counterfactual

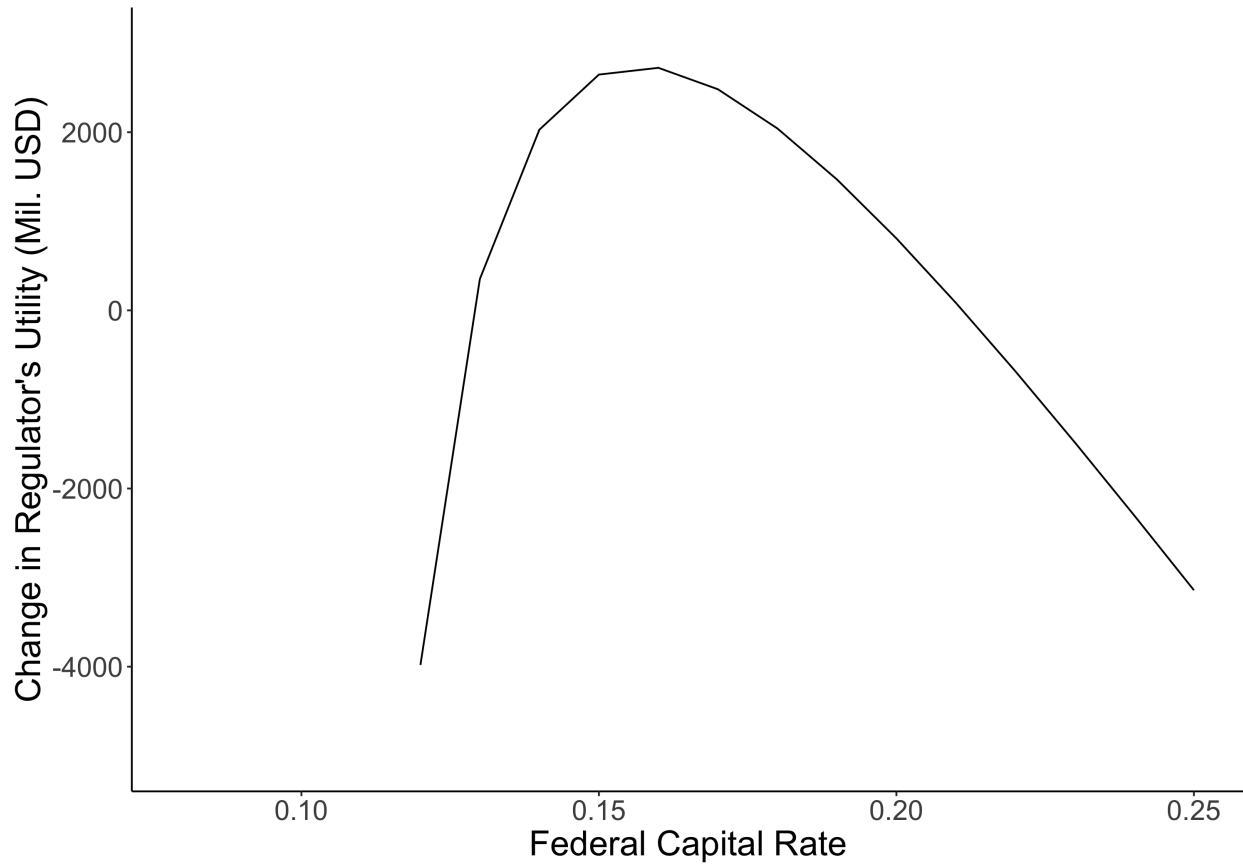


(b) Consumer Surplus vs. Capital Rate: Federal Counterfactual



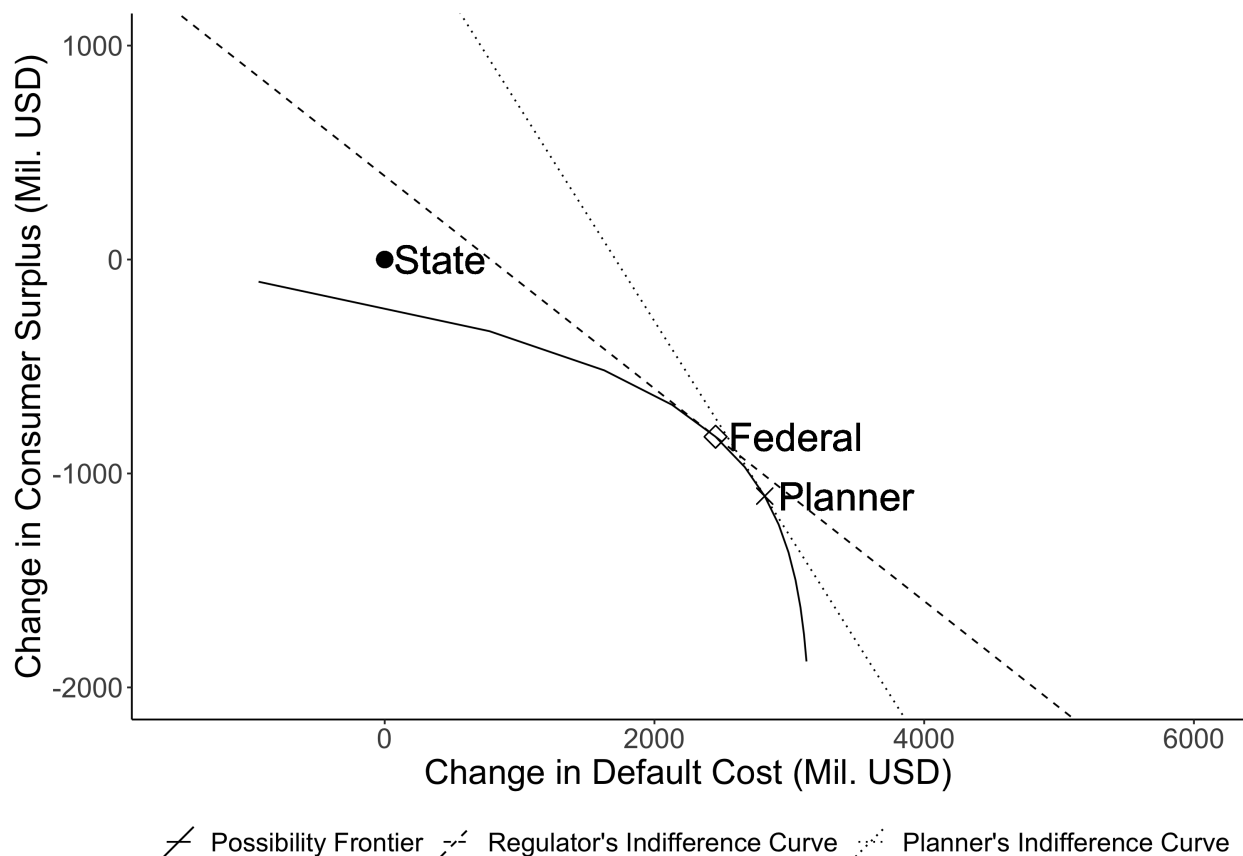
Note: Figures 4a and 4b report the national expected default costs and consumer surplus for different capital rates under a federal insurance regulator that sets a uniform federal capital rate. Federal Capital Rate is the uniform federal capital rate that a federal regulator sets, in decimal points. Default Cost and Consumer Surplus are estimated using 2019 market data and are changes in the respective terms relative to the observed equilibrium, in millions USD. A positive y-value in Figure 4a represents less insurer defaults, i.e., better, than the current state-based equilibrium. A positive y-value in Figure 4b represents higher consumer surplus, i.e., also better, than the current state-based equilibrium.

Figure 5: Regulator's Utility vs. Capital Rate: Federal Counterfactual



Note: Figure 5 reports total regulator's utility for different capital rates under a federal insurance regulator that sets a uniform federal capital rate. Federal Capital Rate is the uniform federal capital rate that a federal regulator sets, in decimal points. Regulator's Utility is the federal regulator's utility computed following eq. (8) using 2019 market data and is reported as the change relative to regulator's utility in the observed equilibrium, in millions USD.

Figure 6: Regulator's Production Possibility Frontier and Indifference Curves



Note: Figure 6 plots the regulator's production possibility frontier and indifference curves. All values are in millions USD in terms of changes from the current state-based equilibrium in 2019. The x-axis plots the change in expected default costs, where more positive values mean less default, i.e., better. The y-axis plots the change in consumer surplus, where more positive values mean more consumer surplus, i.e., better. The solid line plots the regulator's production possibility frontier, which is the set of default costs and consumer surpluses attainable by a federal regulator that sets a uniform federal capital rate. State is the current state-based equilibrium, which by definition is at (0,0). The dashed line plots the federal regulator's indifference curve based on the revealed preference estimates of state regulators' λ 's. Federal (diamond-shaped point) is the tangent point of the federal regulator's indifference curve and the production possibility frontier, which is the equilibrium that maximizes the federal regulator's utility. The dotted line plots the social planner's indifference curve, which is $\lambda_{\text{Consumer}} = \lambda_{\text{Default}} = 1$. Planner (x-shaped point) is the tangent point of the social planner's indifference curve and the production possibility frontier, which is the equilibrium that maximizes social welfare.

Figure 7: Regulator's Utility Change by State

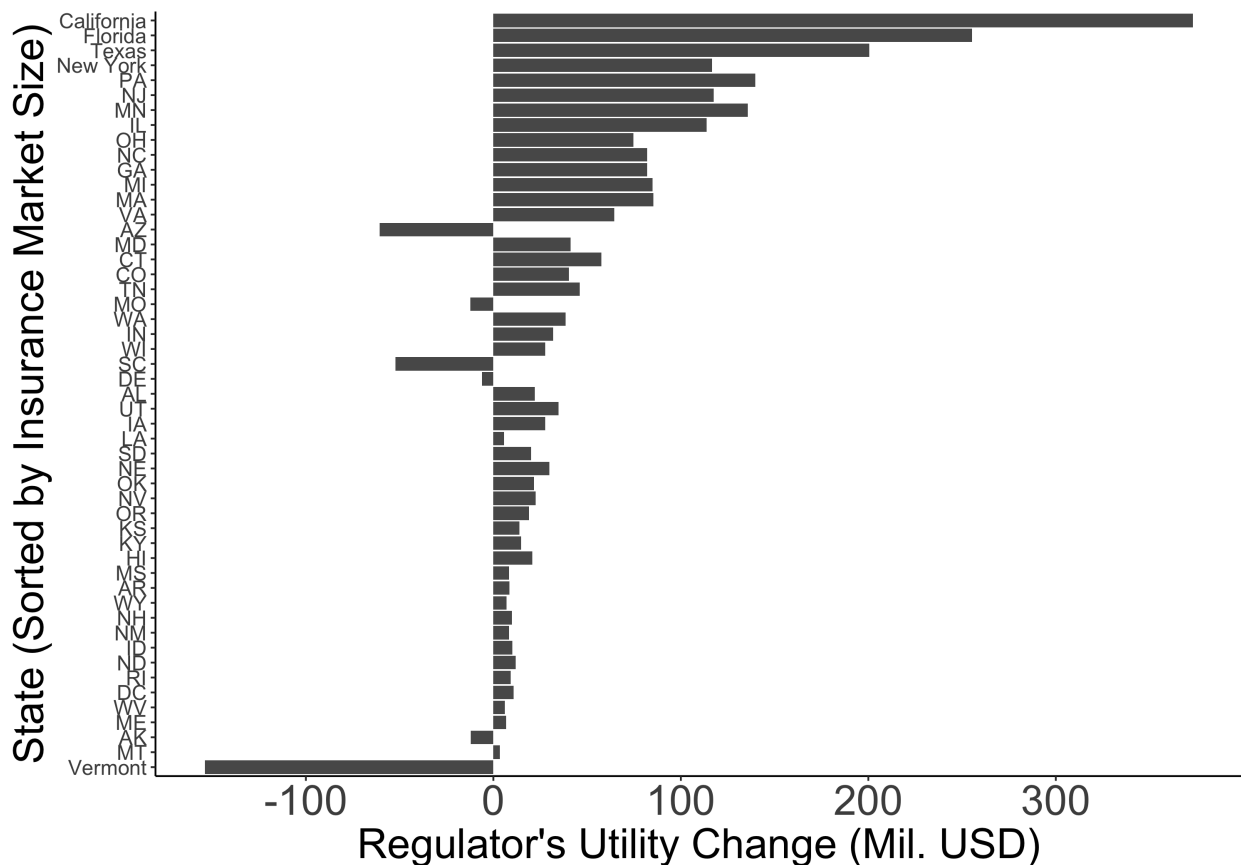
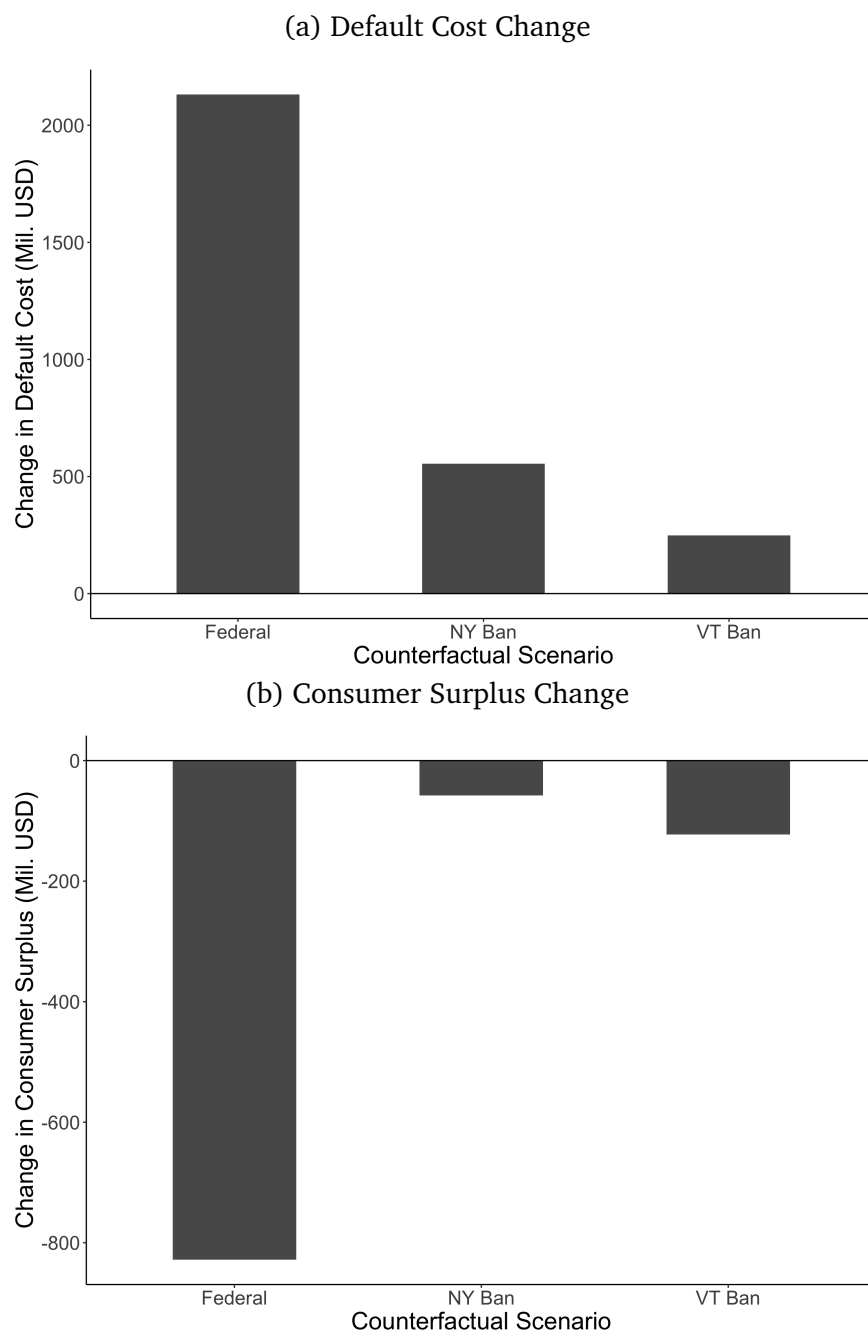


Figure 8: Unilateral Bans: Consumer's (New York) and Captives' (Vermont) States



Note: Figures 8a and 8b report the changes in default cost and consumer surplus under a federal regulator that sets a uniform federal capital rate (Federal), New York banning insurers selling in New York from using captives (NY Ban), and Vermont banning insurers from setting up captives in Vermont (VT Ban). A positive y-value in Figure 8a represents less insurer defaults, i.e., better, than the current state-based equilibrium. A positive y-value in Figure 8b represents higher consumer surplus, i.e., better, than the current state-based equilibrium. All values are in terms of changes from the current state-based equilibrium in 2019 and are reported in millions USD.

Table 1: Summary Statistics: Supply and Demand

(a) Supply-Side								
Variable	N	Mean	SD	P10	P25	Median	P75	P90
Assets	488	49.17	72.96	1.01	3.32	17.57	48.63	163.95
Liabilities	488	46.4	69.59	0.87	2.98	15.77	45.22	152.88
A.M. Best Rating	423	155.69	10.55	145	145	160	160	160
Risk-Based Capital Ratio	488	9.32	3.57	6.01	7.34	8.69	10.26	12.71
Liquidity	487	0.08	0.37	0	0.01	0.02	0.05	0.09
Leverage	488	0.9	0.1	0.83	0.89	0.92	0.95	0.97
Return on Equity	488	0.18	0.28	0.02	0.05	0.1	0.2	0.37
Gross Reserves	488	22.24	28.99	0.98	2.8	9.96	28.26	64.5
Price	488	1.09	0.27	0.88	0.94	1.03	1.13	1.39
P(Default)	488	0.81	0.37	0.67	0.67	0.67	0.81	1.19
Captive Share	488	0.13	0.28	0	0	0	0.09	0.64
Capital Rate	488	0.11	0.03	0.08	0.12	0.13	0.13	0.13

(b) Demand-Side								
Variable	N	Mean	SD	P10	P25	Median	P75	P90
Price	21588	1.56	0.41	1.23	1.32	1.46	1.62	1.99
Quantities	21588	15644.3	36661.35	40.12	534.65	3938.58	14793.52	38489.94
Market Share	21588	0.01	0.01	0	0	0	0.01	0.02

Note: Table 1 reports the summary statistics of insurers' financial variables and market data. Observations are at the insurer by year level in panel (a) and at the insurer by state by year level in panel (b) from 2005 to 2019. Assets is the total assets of the insurer, in billions. Liabilities is the total liabilities of the insurer, in billions. A.M. Best Rating is the insurer's financial rating given by A.M. Best converted from a letter grade to a numeric grade following A.M. Best guidelines, e.g., 160 is A+. Risk-Based Capital Ratio is the authorized control level capital ratio of the insurer, e.g., 1 means 100%. Liquidity is the insurer's cash plus short term investments divided by its total liabilities. Leverage is the insurer's total liabilities divided by its total assets. Return on Equity is the insurer's annualized income after taxes as a percent of average capital and surplus. Gross Reserves is the total reserves that the insurer has, including amounts reinsured with captives or reinsurers, in billions. Price is the price of each life insurance policy as a multiple of the actuarial value of its policy liabilities. P(Default) is the 10-year default probability of the insurer, in percentage points. Captive Share is the share of the insurer's total liabilities that are transferred to the captive, defined as reserve credit taken plus modified coinsurance reserve divided by gross reserves. Capital Rate is the overall capital rate of the insurer's operating companies and captives, defined following eq. (7). Quantities is the number of policies sold, defined as total premiums sold divided by the premiums per policy. Market Share is the share of total quantity sold by a given insurer.

Table 2: Summary Statistics: Captives and State Regulations

(a) Insurer-State-Year Level

Variable	N	Mean	SD	P10	P25	Median	P75	P90
1(Insurer has Captive in State)	7002	0.02	0.15	0	0	0	0	0
Captive Capital Rate	888	0.04	0.03	0	0	0.04	0.06	0.1
Captive Tax Rate	7002	0.21	0.59	0	0	0	0.03	0.5
Business Registrations	7002	10.25	4.15	6.37	7.51	9.02	12.02	15.35
Tourists	7002	0.72	1.37	0	0.05	0.24	0.61	2.37
1(Appointed Commissioner)	7002	0.81	0.4	0	1	1	1	1
Rep. Vote Share	7002	0.51	0.13	0.37	0.44	0.52	0.61	0.64
Share Sold in State	7002	0.02	0.03	0	0	0.01	0.02	0.05
1(Sells in State)	7002	1	0.05	1	1	1	1	1

(b) State-Year Level

Variable	N	Mean	SD	P10	P25	Median	P75	P90
Captive Capital Rate	32	0.04	0.03	0	0	0.04	0.06	0.1
Premiums Written	969	2.09	2.39	0.29	0.51	1.35	2.48	4.85
Captive Tax Rate	684	0.21	0.58	0	0	0	0.02	0.5
1(Allow Captives)	969	0.26	0.44	0	0	0	1	1
Business Registrations	969	55.05	68.89	7.43	12.34	35.43	66.59	110.08
Tourists	969	0.7	1.42	0	0.07	0.22	0.51	1.32
1(Appointed Commissioner)	969	0.78	0.41	0	1	1	1	1
Rep. Vote Share	969	0.51	0.12	0.37	0.44	0.51	0.59	0.64

Note: Table 2 reports the summary statistics of insurers' use of captives and states' captive regulations. Observations are at the insurer by state by year level in panel (a) and state by year level in panel (b) from 2005 to 2019. 1(Insurer has Captive in State) is an indicator variable for whether the insurer has a captive in the state each year. Captive Capital Rate is the state's capital rate for captives each year, defined as the sum of capital divided by the sum of liabilities of all captives in the state. Premiums Written is the total dollar amount of insurance sold in the state by all insurers, in billions USD. 1(Allow Captives) is an indicator variable for whether the state allows captives for life insurers. Captive Tax Rate is the tax rate on captive reinsurance, in percentage points. Business Registrations is the number of new business incorporations per one thousand residents in the state each year. Tourists is the number of tourists visiting the state each year, in millions. 1(Appointed Commissioner) is an indicator variable for whether the state insurance commissioner is appointed as opposed to elected. Rep. Vote Share is the vote share for the Republican candidate in the preceding presidential election. Share Sold in State is the share of the insurer's total premiums that are sold in the state. 1(Sells in State) is whether the insurer sells in the state.

Table 3: Motivating Evidence: Insurers' Choices of Captive Domiciles

	1(Captive) (1)	1(Captive) (2)
Capital Rate	-1.19** (0.51)	
Default Exposure		-0.01*** (0.002)
State and Insurer-State Controls	X	X
Insurer-Year FEs	X	X
Observations	888	7,002
R ²	0.29	0.03

Note: Table 3 reports the estimates corresponding to eq. (1). Observations are at the insurer by state by year level. The dependent variable is an indicator variable for whether the insurer has a captive in the state each year. The independent variable Capital Rate is the state's capital rate for captives each year, defined as the sum of capital divided by the sum of liabilities of all captives in the state. Default Exposure is total dollar amount of insurance sold in the state by all insurers, in billions USD, i.e., the Premiums Written. State Controls include Business Registrations, which is the number of new business incorporations per one thousand residents in the state each year, Tourists, which is the number of tourists visiting the state each year, in millions, 1(Appointed Commissioner), which is an indicator variable for whether the state insurance commissioner is appointed as opposed to elected, and Rep. Vote Share, which is the vote share for the Republican candidate in the preceding presidential election. Insurer-State Controls includes Share Sold in State, which is the share of the insurer's total premiums that are sold in the state, and 1(Sells in State), which is whether the insurer sells in the state. Standard errors are two-way clustered at the insurer and year levels and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 4: Motivating Evidence: Determinants of States' Captive Policies

	1(Allow Captives)	Capital Rate
	(1)	(2)
Default Exposure	-0.05** (0.02)	0.04** (0.02)
Business Environment	0.01 (0.02)	0.01 (0.01)
Amenities	0.03 (0.04)	-0.003 (0.12)
Rep. Vote Share	-0.22 (0.45)	-0.01 (0.15)
Year FEs	X	X
Observations	969	32
R ²	0.18	0.76

Note: Table 4 reports the estimates corresponding to eq. (2). Observations are at the state by year level. The dependent variable is an indicator variable for whether the state allows captives for life insurers in column (1) and the captive capital rate of the state each year in column (2). The independent variable Default Exposure is total dollar amount of insurance sold in the state by all insurers, in billions USD, i.e., the Premiums Written. Business Registration is the number of new business incorporations per one thousand residents in the state each year. Tourists is the number of tourists visiting the state each year, in millions. 1(Appointed Commissioner) is an indicator variable for whether the state insurance commissioner is appointed as opposed to elected. Rep. Vote Share is the vote share for the Republican candidate in the preceding presidential election. Standard errors are two-way clustered at the state and year levels and are reported in parentheses. *** p<0.01, ** p<0.05, * p<0.10.

Table 5: Effect of Capital Requirements on Product Prices: Regulation XXX

	Price	
	(1)	(2)
15-Year X 1(3 Months Post-Reg XXX)	2.14*** (0.37)	1.93*** (0.50)
20-Year X 1(3 Months Post-Reg XXX)	3.92*** (0.43)	4.35*** (0.73)
30-Year X 1(3 Months Post-Reg XXX)	11.11*** (3.09)	10.34*** (3.63)
Product FEs	X	
Insurer FEs	X	
Product Insurer FEs		X
Observations	3,264	3,264
R ²	0.79	0.88

Note: Table 5 reports the estimates corresponding to eq. (3). Observations are at the insurer by product by month level. The dependent variable is the price of the product in each month, defined as the net present value of premiums divided by the net present value of expected policy payouts. The independent variables h -Year X 1(3 Months Post-Reg XXX) report the difference-in-differences coefficient estimates for products with an h -year term length in March 2000, three months after the effective date of Regulation XXX. The reference product is 10-year term life insurance. Product refers to the term length (e.g., 20 years). Product Insurer refers to the interaction of term length and insurer. Standard errors are two-way clustered at the insurer and month levels and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 6: Consumer Demand Estimates

	(1)
Price	-2.19*** (0.66)
ln(Size)	2.38*** (0.16)
A.M. Best Rating	0.80*** (0.24)
Risk-Based Capital Ratio	-1.47** (0.75)
Liquidity	0.27 (0.36)
Return on Equity	0.07 (0.04)
Leverage	-1.52*** (0.28)
Obs.	21588
R2	0.517
Market FEs	X

Note: Table 6 reports the estimates corresponding to eq. (16). Observations are at the insurer by state by year level. The dependent variable is the market share. The independent variable Price is the price of each life insurance product as a multiple of the actuarial value of its liabilities. ln(Size) is the size of the insurer measured as the log of thousands of dollars of total liabilities of the insurer. A.M. Best Rating is the insurer's A.M. Best rating converted from a letter grade to a numeric grade following A.M. Best guidelines, e.g., 160 is A+. Risk-Based Capital Ratio is the authorized control level capital ratio of the insurer that year. Liquidity is the insurer's cash plus short-term investments divided by its total liabilities. Return on Equity is the insurer's annualized income after taxes as a percent of average capital and surplus. Leverage is the insurer's total liabilities divided by its net total assets. The instrumental variables for price are an indicator for whether the insurer uses captives and squared insurer characteristics following Kojien and Yogo (2016). All independent variables except Price are standardized. Standard errors are two-way clustered at the insurer and year levels and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 7: Liabilities Allocated to Captives vs. Capital Rate

	(1)
State Capital Rate	-9.67*** (3.27)
Constant	-0.37* (0.19)
Obs.	675
R2	0.011

Note: Table 7 reports the estimates corresponding to eq. (17). The dependent variable is the log share of the insurer's liabilities transferred to the captive minus the log share of the insurer's liabilities kept in the operating company each year. The independent variable is the state's captive capital rate $\kappa_{s,t}$ minus the operating company's capital rate $\kappa_{h,t}$, in decimal points. Observations are at the insurer by year level. Standard errors are two-way clustered at the insurer and year levels and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table 8: Regulators' Weight Estimates

	(1)	(2)	(3)	(4)
Default Cost	-1.54*** (0.57)	-1.25** (0.52)	-3.48*** (0.89)	-3.33*** (0.92)
Consumer Surplus			-7.02*** (2.29)	-7.45*** (2.51)
Year FEs		X		X
Observations	271	271	271	271
R ²	0.10	0.23	0.15	0.29

Note: Table 8 reports the estimates corresponding to eq. (15). The dependent variable is the partial derivative of state's tax revenues with respect to the capital rate, $\frac{\partial \text{Tax}_{s,t}}{\partial \kappa_{s,t}}$. The independent variable Default Cost is the partial derivative of the state's default cost with respect to the capital rate, $\frac{\partial \text{Default}_{s,t}}{\partial \kappa_{s,t}}$. Consumer Surplus is the partial derivative of the state's consumer surplus with respect to the capital rate, $\frac{\partial \text{ConsumerSurplus}_{s,t}}{\partial \kappa_{s,t}}$. Observations are at the state by year level. Standard errors are two-way clustered at the state and year levels and are reported in parentheses. *** p<0.01, ** p<0.05, * p<0.10.

Appendix

Table of Contents

A	Additional institutional details	61
A.1	Legal and political background of insurance regulation	61
A.2	Regulation XXX	62
A.3	Insurers' default risks	63
B	Additional data details	64
B.1	Summary statistics	64
B.2	Select variable definitions	64
B.3	Balance sheets of insurers and captives	65
B.4	Converting impairment rates to default probabilities	69
C	Additional reduced form results	70
C.1	Evidence on national pricing	70
C.2	Robustness checks for insurers' choices of captive domiciles	70
D	Model proofs and expressions	71
D.1	Components of state regulators' utility	74
E	Additional details for structural estimation	74
F	Additional results for structural estimation	75
F.1	Solving for the equilibrium for a unilateral ban by captive's state	75
G	Additional Figures and Tables	76

A Additional institutional details

A.1 Legal and political background of insurance regulation

State-based insurance regulation: Insurance has historically been regulated at the state-level, dating back to as early as 1851 with the first state insurance commissioner in New Hampshire. Over the years, judicial rulings by the US Supreme Court, including *Paul v. Virginia* (1869), and legislation by the US Congress, most notably the McCarran-Ferguson Act of 1945, have upheld states' rights to regulate and tax insurance and the state-based regulatory system. One of the principal reasons for this is that insurance contracts have historically not been interpreted as “transactions of commerce” and thus fall outside of federal interstate commerce regulations (US Supreme Court, 1869).

The legal justification for regulation of insurance is based on precedent established in the US Supreme Court ruling in *German Alliance Insurance Company v. Lewis* (1914), which stated that “[t]he business of insurance is so far affected with a public interest as to justify legislative regulation of its rates.” Economic rationale for regulating insurance is based on protecting the interests of consumers, who may not be fully informed or otherwise unsophisticated, and on monitoring the solvency of insurance companies to ensure that they can fulfill their obligations to consumers and to protect the stability of the financial sector, as insurers are one of the largest classes of financial intermediaries, with over \$8 trillion in assets held by life insurers in the US.

The two main objectives of modern insurance regulations are monitoring financial solvency of insurers and ensuring competitive and efficient insurance markets. States coordinate on regulations through the National Association of Insurance Commissioners (NAIC). The NAIC, officially a private organization of state insurance regulators, is the primary body that sets common regulatory standards and model insurance laws for states to adopt. One driver for cooperation between states is economies of scale of producing and setting regulations, for example the legal and actuarial expertise required to determine appropriate solvency regulations. Another driver for cooperation and uniformity between states is political pressure from the federal government to federalize insurance regulation, which would take over the regulation and taxation of insurance from the states and preempt state insurance laws, which would remove an important source of political power and tax revenue from state governments. The imperative to federalize insurance regulation stems from concerns of insurer insolvency due to perceived inconsistencies in state regulations. Most notably, after a series of large insurer insolvencies in the 1980s, US Congress introduced the Federal Insurance Insolvency Act of 1992, which proposed to take over solvency regulations from the states. In response to this threat of federal preemption, the states proposed and adopted an accreditation standard through the NAIC

that formalized uniform solvency requirements across states, allowing states to retain their rights to regulate and tax insurance. Specifically, a state can only be accredited if it adopts the NAIC’s model laws or laws substantially equivalent to them. Since then, the NAIC has become the primary issuer of solvency regulations, which it drafts through working groups consisting of representatives of state regulators, who vote on, debate, and adopt these standards with industry and interest group input. Today, each insurance company is regulated by the state that it is domiciled in according to these NAIC model laws, which state legislatures largely adopt, sometimes with minor differences.

Non-US domiciles: My paper focuses on insurance regulation and operations within the US. One limitation is that I do not have data on insurance markets in non-US domiciles where insurers may have captives domiciled, i.e., primarily Bermuda. This is unlikely to substantially affect my results because foreign captives have become significantly less important after 2017, when the US introduced a base erosion tax on transfers to foreign affiliates as part of the 2017 Tax Cuts (see e.g., Tang, 2021 for related work on evidence of this in the property and casualty insurance industry). Additionally, these domiciles tend to have smaller domestic markets than virtually all US states and are more likely to have captives, so not including them in my analysis likely understates the magnitude of regulatory competition and default externality.

A.2 Regulation XXX

Regulation XXX was an accounting standard adopted by the NAIC that substantially increased the capital requirements on life insurance products by increasing the reserves. Reserve requirements are calculated as a function of the present value of all premiums in the policy and the present value of all expected death benefits. Insurance companies are required to hold more reserves against the policy if the premiums are lower or if the expected death benefits are higher. Reserves are costly for insurers to hold because they have to raise capital to finance the reserves, which may be subject to external financing frictions.

Before Regulation XXX, reserves were calculated based on present value of all future premiums without accounting for lapsations, i.e., when the policyholder does not renew the policy. This was referred to as the “unitary” reserve basis. Insurance companies in turn designed products that had a lower initial fixed-term guaranteed level premium rate that significantly increased in later years of the policy. The present value of premiums, under the unitary reserve basis which assumes the policyholder will pay the much higher premiums after the initial fixed term, was much higher than the expected death benefits,

resulting in low levels of reserves required. In practice, policyholders often did not renew once the initial fixed term ended because of the high renewable premiums, making the products effectively a fixed-term guarantee product with a low present value of premiums, which would have required high levels of reserves if the reserve basis accounted for the lapse rates. In other words, the annually renewable premiums, which were rarely renewed by policyholders, decreased the reserves that the insurance companies were required to hold for the same fixed term guarantee term product.

In 2000, the NAIC adopted Regulation XXX, which required insurers to hold reserves that are the higher of the unitary reserve basis and the segmented reserve basis. The segmented reserve basis computed reserves for each segment of the policy, where segments are defined by the minimum duration “such that the ratio of the guaranteed gross premiums from one duration to the next exceeds the ratio of the valuation mortality rates at the comparable durations” (SOA 1995). In other words, segmented reserve bases would treat the initial fixed term guarantee as one segment against which insurers had to hold reserves, and the annually renewable segments as separate segments. Insurers therefore could no longer count the premiums annually renewable segments as total or unitary premiums to be collected, and so were required to hold higher reserves against the initial guaranteed term.

Regulation XXX increased reserve requirements more for longer-term products because the additional guarantee term years cover the policyholder at higher ages, so insurers are required to hold more excess reserves to pay for the policy payouts towards the end of the policy. For example, for a 30-year-old non-smoker male policyholder with regular health, a 20-year guaranteed term would cover the policyholder until age 50, while a 30-year guaranteed term would cover until age 60, and the expected policy payout, based on mortality rates, are higher per year from ages 51 to 60 than during the initial 20-year term.

A.3 Insurers’ default risks

One view of insurer solvency regulation is that life insurers have very stable liabilities, and so insurer defaults are not material risks. Another view, motivated in part by life insurer insolvencies in the 1980s and the 2008 financial crisis, suggests that solvency is a material consideration for insurers. For example, the historical insolvency probability of insurers over any 10-year period is around 1.6%, and during the 2008 financial crisis, multiple large US life insurers applied for and received bailout funding.²⁸

²⁸Based on impairment data from A.M. Best from 1977 to 2015. Kojien and Yogo (2016) estimate the default probability conditional on impairment is 22%, which is what I use in my estimations in Section 5.2.1. Life insurers that become impaired but which do not require state guaranty fund payouts are often acquired

There are several aspects of US life insurers' operations that may introduce significant volatility. On the liabilities side, life insurance companies do not just sell products with stable liabilities. The largest liability of US life insurance companies are variable annuities, which are structured products that have long-horizon (e.g., 10 years or more) minimum return guarantees. These products account for \$2 trillion, or over 35% of US life insurers' liabilities. In selling these products, insurers guarantee a minimum return and are essentially selling long-dated puts on the market, which become deeply in the money during market downturns. Insurers suffered large losses on variable annuity businesses during the 2008 financial crisis that directly led to higher default risks and the need for bailout funding. For example, the losses on the VA business for Hartford Life and Manulife, two of the largest insurers selling VAs, were close to 50% of their capital and surplus (Kojien and Yogo, 2015). On the asset side, life insurers can also face substantial investment risks, for example on non-agency RMBS in 2008 and corporate bonds.

B Additional data details

B.1 Summary statistics

Table 1a provides the summary statistics of the insurers' financial characteristics. Table 2a reports the summary statistics of the reinsurance agreements. Table 2b describes the summary statistics of the state captive insurance regulations and laws. Table 1b reports the summary statistics of the prices, quantities, and market shares at the insurer-state-year level.

B.2 Select variable definitions

I define life insurance price as the total premiums divided by the total expected payout. I select a 30-year-old non-smoking male in regular health buying life insurance with a \$250,000 face amount as the representative policyholder. A life insurance product's actuarial value is the dollar amount of expected policy payouts each year calculated following Kojien and Yogo (2015), where the mortality rates are based on the Society of Actuaries 2001 Valuation Basic Table. Quantities are defined as the total premiums divided by the premiums per policy. Because premiums sales data reports the total premiums across all product types, I assume that total premiums are proportional across product types for all insurance companies. I do not observe each company's market shares in each product type (e.g., if one insurer sells relatively more life insurance for males than by unimpaired companies (e.g., Harrington, 2015)).

for females than another insurer). A.M. Best rating is the financial strength rating given by A.M. Best to each insurance company each year, which I convert to a numeric grade following Kojien and Yogo (2018).

B.3 Balance sheets of insurers and captives

I now describe how captives affect insurers' balance sheets. Consider an insurer that owns an operating company and a captive. The operating company sells Q units of insurance policies at price P with actuarial value V per policy. The operating company cedes B units of policies through reinsurance to the captive.

The operating company's total assets A and liabilities L are

$$\begin{aligned} A &= A_0 + P \cdot (Q - B) \\ L &= V \cdot (Q - B) \end{aligned} \tag{20}$$

where A_0 are additional assets the operating company holds and policy liabilities are the operating company's only liabilities.

The operating company's *capital* K is equal to its assets minus liabilities:

$$K = A - L \tag{21}$$

Capital requirements are implemented through reserve requirements and risk-based capital requirements.²⁹ I define the operating company's *statutory capital*, K^{Stat} , as

$$K^{\text{Stat}} = A - L - \underbrace{\rho_{\text{Reserve}} \cdot L}_{\text{reserves}} \tag{22}$$

equal to capital minus reserves $\rho_{\text{Reserve}} \cdot L$. Reserves are meant to account for a degree of conservatism by increasing the value of liabilities under statutory accounting. For example, $\rho = 0.1$ means that an insurance policy that has an actuarial value of \$100 would be reported as a statutory liability of \$110.

Under risk-based capital requirements, operating companies must hold statutory capital in excess of a minimum amount based on its operations, which I summarise as a fraction

²⁹Reserve requirements are defined under Standard Valuation Law, Regulations XXX, and Actuarial Guidelines. Risk-based capital requirements are defined under the NAIC Risk-Based Capital (RBC) for Insurers Model Act, which requires the insurer the statutory capital to be held for each part of the insurance company's operations. The risks are classified into C-0 (Asset Risk - Affiliates), C-1 (Asset Risk - Other), C-2 (Insurance Risk), C-3 (Interest Rate Risk, Health Risk and Market Risk) and C-4 (Business Risk). For example, in C-1 (Asset Risk - Other), the insurance company is required to hold capital equal to 1.3% of the value of Class 2 (high quality) bonds.

ρ_{RBC} of the actuarial value of liabilities:

$$K^{\text{Stat}} \geq \rho_{\text{RBC}} \cdot L \quad (23)$$

So the operating company's capital must exceed the sum of reserves and minimum statutory capital under risk-based capital requirements:

$$K \geq (\rho_{\text{RBC}} + \rho_{\text{Reserve}}) \cdot L \quad (24)$$

Now, the captive's assets \widehat{A} and liabilities \widehat{L} are

$$\begin{aligned} \widehat{A} &= \widehat{A}_0 + V \cdot B \\ \widehat{L} &= V \cdot B \end{aligned} \quad (25)$$

where \widehat{A}_0 are additional assets on the captive's balance sheet to satisfy capital requirements. The captive's only purpose is to assume reinsurance from the operating company, so it holds no other liabilities. The captive's capital is

$$\widehat{K} = \widehat{A} - \widehat{L} \quad (26)$$

Captives' capital requirements differ from those for operating companies. First, state captive regulators can allow captives to count certain types of assets that are not admissible as assets under NAIC statutory accounting, such as letters of credit and parental guarantees, whose economic values may differ from their reported values due to liquidity risk or default risk of the parent company. For the operating company to deduct the reinsured liabilities from its balance sheet, the captive must report asset values in excess of liabilities equal to the NAIC reserve requirement, which can be satisfied with these nonadmissible assets. Denoting the captive's assets as the sum of admissible assets \widehat{A}^A and nonadmissible assets \widehat{A}^N :

$$\widehat{A} = \widehat{A}^A + \widehat{A}^N \quad (27)$$

and let $\gamma \cdot \widehat{A}^N$ be the nonadmissible assets' reported value minus actuarial value. Then the asset requirement is:

$$\underbrace{\widehat{A} + \gamma \cdot \widehat{A}^N}_{\text{reported assets}} - \widehat{L} \geq \underbrace{\rho_{\text{Reserve}} \cdot \widehat{L}}_{\text{NAIC reserves}} \quad (28)$$

Second, captives report under GAAP reserve requirements $\widehat{\rho_{\text{Reserve}}}$ which are lower than

NAIC reserve requirements, $\widehat{\rho_{\text{Reserve}}} < \rho_{\text{Reserve}}$. Define the captive's *reported statutory capital* as

$$\widehat{K}_{\text{Reported}}^{\text{Stat}} = \underbrace{\widehat{A} + \gamma \cdot \widehat{A}^N}_{\text{reported assets}} - \widehat{L} - \widehat{\rho_{\text{Reserve}}} \cdot \widehat{L} \quad (29)$$

Third, captives are not subject to risk-based capital requirements. Instead, its reported statutory capital only needs to exceed a fixed minimum amount \overline{K} (\$250,000 in most states):

$$\widehat{K}_{\text{Reported}}^{\text{Stat}} \geq \overline{K} \quad (30)$$

And because $\widehat{\rho_{\text{Reserve}}} < \rho_{\text{Reserve}}$, for K sufficiently small, eq. (28) binds and eq. (30) does not bind. So eq. (28) implies that the captive's capital must satisfy:

$$\widehat{K} \geq \rho_{\text{Reserve}} \cdot \widehat{L} - \gamma \cdot \widehat{A}^N \quad (31)$$

Consolidating the operating company's and captive's balance sheets shows that captives decrease the capital the insurance company is required to hold by alleviating the risk-based capital requirement and allowing nonadmissible assets to be counted as assets:

$$\begin{aligned} K + \widehat{K} &= (\rho_{\text{RBC}} + \rho_{\text{Reserve}}) \cdot V \cdot (Q - B) + \rho_{\text{Reserve}} \cdot (V \cdot B) - \gamma \cdot \widehat{A}^N \\ &= \underbrace{(\rho_{\text{RBC}} + \rho_{\text{Reserve}}) \cdot V \cdot Q}_{\text{capital required without captives}} - \underbrace{(\rho_{\text{RBC}} \cdot V \cdot B + \gamma \cdot \widehat{A}^N)}_{\text{decrease in required capital}} \end{aligned} \quad (32)$$

B.3.1 Converting statutory capital to economic capital

I next describe the insurer's statutory balance sheet and how I convert it to economic values. To match the line items on the statutory balance sheet, let the insurance company sell Q units of a representative T -year term policy, each with annual premiums Premiums_t and expected payout Payouts_t in year t . Denote the present value of annual premiums from years t_1 to t_2 as $P_{t_1, t_2} = \sum_{s=t_1}^{t_2} \frac{1}{(1+r)^s} \text{Premiums}_s$, where r is the discount rate, and analogously the present value of expected payouts from years t_1 to t_2 as $V_{t_1, t_2} = \sum_{s=t_1}^{t_2} \frac{1}{(1+r)^s} \text{Payouts}_s$.

The insurer holds bonds with value B . So its assets in year $t = 0$ equal the present value of premiums plus the bonds. Its liabilities equal the present value of expected payouts. Its capital equals assets minus liabilities.

By year $t > 0$, the insurer received annual premiums P_0, P_1, \dots, P_t , and paid out payouts V_0, V_1, \dots, V_t . So its net cash from these paid premiums and payouts is $\sum_{s=0}^t (P_s - V_s)$, and

Assets		Liabilities	
$P_{0,T}$	Future premiums	$V_{0,T}$	Future payouts
B	Bonds	K_t	Capital

the present value of future premiums is $\sum_{s=t+1}^T P_s$ and the present value of future payouts is $\sum_{s=t+1}^T V_s$. Its balance sheet now looks like the below, where it's clear that the insurer's

Assets		Liabilities	
$P_{t+1,T}$	Future premiums	$V_{t+1,T}$	Future payouts
$P_{0,t} - V_{0,t}$	Cash		
B	Bonds	K_t	Capital

capital is the same as before, it just earned the premiums from years 0 to t and paid out payouts in the same period.

The insurer's statutory balance sheet differs from the balance sheet above in two ways. First, it reports the present value of future payouts minus the present value of future premiums as reserves R_t . Second, it reports capital as the sum of excess reserves and statutory capital $K_{\text{Stat},t}$:

Assets		Liabilities	
$P_{0,t} - V_{0,t}$	Cash	$V_{t+1,T} - P_{t+1,T}$	Reserves
B	Bonds	$(V_{t+1,T} - P_{t+1,T}) \cdot \rho$	Excess reserves
		$K - (V_{t+1,T} - P_{t+1,T}) \cdot \rho$	Statutory capital

where ρ is the excess reserve requirement. Its statutory reserves is equal to reserves plus excess reserves.

The insurer's capital ratio in the model is $\kappa_{k,t} = K_t/V_{t+1,T}$, where

$$\begin{aligned}
 K_t &= \underbrace{K_{\text{Stat},t}}_{\text{statutory capital}} + \underbrace{(V_{t+1,T} - P_{t+1,T}) \cdot \rho}_{\text{excess reserves}} \\
 V_{t+1,T} &= \underbrace{(V_{t+1,T} - P_{t+1,T}) \cdot (1 + \rho)}_{\text{statutory reserves}} \cdot \underbrace{\frac{1}{1 + \rho}}_{\text{excess reserve req.}} \cdot \underbrace{\frac{V_{t+1,T}}{V_{t+1,T} - P_{t+1,T}}}_{\text{future payouts to reserves ratio}}
 \end{aligned} \tag{33}$$

$K_{\text{Stat},t}$ is the insurer's statutory capital from statutory balance sheets. $(V_{t+1,T} - P_{t+1,T}) \cdot (1 + \rho)$ is the insurer's statutory reserves from statutory balance sheets. I compute the excess reserve requirement ρ as the sum of total statutory reserves divided by the sum of total GAAP reserves minus one for all publicly-traded insurers that only have US subsidiaries. I exclude insurers with non-US subsidiaries because GAAP reserves do not separately report reserves on policies sold only within the US, whereas statutory reserves are only for policies sold in the US. Excess reserves can then be computed as $\rho/(1 + \rho)$ times statutory reserves.

I calibrate the future payouts to reserves ratio using data from a model office following FASB US GAAP Financial Reporting Taxonomy Implementation Guide Series. Finally, eq. (33) also implies that capital ratio $\kappa_{k,t}$ is a linear transformation of the statutory capital rate $K_{\text{Stat},t}/L_{\text{Stat},t}$, which can be seen by defining $L_{\text{Stat},t}$ as the statutory reserves and ω as the future payouts to reserves ratio:

$$\begin{aligned} \frac{K_t}{V_{t+1,T}} &= \frac{K_{\text{Stat},t} + L_{\text{Stat},t} \cdot \rho / (1 + \rho)}{L_{\text{Stat},t} \cdot 1 / (1 + \rho) \cdot \omega} \\ &= \frac{K_{\text{Stat},t}}{L_{\text{Stat},t}} \cdot \frac{1 + \rho}{\omega} + \frac{\rho}{\omega} \end{aligned} \quad (34)$$

completing the mapping from statutory balance sheet to economic values.

B.3.2 Imputing states with missing captive capital rates in structural estimation

For insurers which have captives in states with no captive capital rate data, I estimate the captive capital rate by assuming insurers choose states to setup captives in a discrete choice problem, so more insurers setting up captives in a state implies that the state has a lower captive capital rate, consistent with the evidence in Table 3. Specifically, I assume the utility of an insurer choosing state j is a function of the state captive capital rate: $\beta^{\text{Cap}} \cdot \kappa_{j,t} + \xi_{j,t} + \epsilon_{i,j,t}$. So the share of insurers with captives in state j in year t , $B_{j,t}^{\text{Cap}}$, is given by $\ln(B_{j,t}^{\text{Cap}}) = \beta^{\text{Cap}} \cdot \kappa_{j,t} + \ln(\sum_{l \in S} \exp(\beta^{\text{Cap}} \cdot \kappa_{l,t} + \xi_{l,t})) + \xi_{j,t}$. I then estimate this equation on the state-years with captive capital rate data, and invert it assuming $\xi_{j,t} = 0$ to get $\kappa_{j,t}$ for state-year with missing captive capital rates. I only make this imputation for estimating the regulator's λ_{Default} and $\lambda_{\text{Consumer}}$ weights and for the counterfactuals, not for the motivating evidence in Section 3 or the results in Table 7.

B.4 Converting impairment rates to default probabilities

Since not all impairments lead to defaults, I compute default probabilities as the impairment probability multiplied by the probability of life insurers becoming insolvent conditional on being impaired following Kojien and Yogo (2016).³⁰ I use a default probability conditional on impairment of 22% based on Kojien and Yogo (2016), which assumes that there are no defaults without impairments, and recover for each A.M. Best

³⁰Impairment is defined as “official regulatory action taken by an insurance department, ... [including] involuntary liquidation because of insolvency as well as other regulatory processes and procedures such as supervision, rehabilitation, receivership, conservatorship, a cease-and-desist order, suspension, license revocation, administrative order, and any other action that restricts a company’s freedom to conduct its insurance business as normal” (A.M.Best (2015)).

rating level the empirical default probability:

$$P(\text{Default}|\text{Rating})_{k,t} = P(\text{Impairment}|\text{Rating})_{k,t} \cdot P(\text{Default}|\text{Impairment})_{k,t} \quad (35)$$

I then calculate the empirical default probabilities of each insurer each year as the annual empirical default probability of the A.M. Best rating level that the insurer was assigned that year.³¹ I compute the annual empirical default probability as the h -year impairment rate reported by A.M. Best, divided by the number of years h , and multiplied by the default probability conditional on impairment, 22%. I use $h = 15$ years which is the longest horizon reported by A.M. Best. For example, if an insurer had a 15-year impairment probability of 3%, then I calculate its default probability each year as $3\%/15 \cdot 22\% = 0.044\%$.

C Additional reduced form results

C.1 Evidence on national pricing

Insurers set national prices on life insurance products, with the exception of New York due to its extraterritoriality laws. Several factors contribute to this national pricing behavior. First, mortality risks, once controlling for other observable characteristics of the insured, do not vary substantially across geography. Second, insurers may face regulatory scrutiny and public relations concerns arising from perceived discrimination caused by differential prices by geography, which could violate redlining laws and the Unfair Trade Practices Act. In addition, state regulators also have the right to limit the set of factors that insurers use to price policies, including geography, and further regulatory scrutiny may be placed on insurers that use geography to price insurance, especially if geography correlates with protected factors such as race. Table A1 reports a regression of product prices on product-year and product-year-state fixed effects and shows that state fixed effects add no explanatory power.

C.2 Robustness checks for insurers' choices of captive domiciles

In this section, I conduct a battery of robustness exercises and alternative empirical strategies to rule out alternative explanations, omitted variables, and reverse causality concerns regarding the drivers of insurers' demand for captives in Section 3.1.

Table A3 reports the same estimates as eq. (1) on the intensive margin, using the log

³¹This is a conservative assumption because it assumes that the ratings account for insurers' use of captives. An alternative assumption that ratings do not account for captives, for example as discussed in Koijen and Yogo (2016), would lead to a larger estimated default cost.

dollar amount of total liabilities reinsured with captives as the dependent variable. The economic magnitudes imply that a 1 p.p. increase in the captive capital rate decreases the amount reinsured with captives by each insurer in the state by 16.73 log points.

I also employ a partial identification approach following Oster (2019) to quantify the magnitude to which any unobservable characteristics would have to be to rationalize a null effect of capital rates on insurers' choices of states for captives. The approach estimates the relative magnitudes of selection on unobservables and selection on observables from the regression coefficient estimates and R-squared values. The threshold value $\bar{\delta}$ from the test provides a sufficient statistic that describes how important the unobservables have to be relative to observables under a zero effect. I find that my threshold value $\delta = 2.8$, which exceeds the threshold recommended by Oster (2019). Intuitively, the unobservable characteristics have to be at least 2.8 as important as the observables characteristics to rationalize captive capital rate having zero effect on insurers' choices of captive domicile, which is unlikely especially given that the characteristics that states advertise and promote that are important to insurers are already accounted for.

D Model proofs and expressions

In this section, I provide the solution to the model. For ease of notation, I provide the expressions for a given insurer i in a given time t , so I omit the i and t subscripts. I begin with the insurer's default decision, eq. (11), which can be rewritten as:

$$\frac{1}{1+r_t}E = -Q(P - \tilde{L}) + b - \kappa(b + Q). \quad (36)$$

Substitute eq. (36) into the insurer's equity value (eq. 11):

$$\begin{aligned} E &= \int_{-\infty}^{\bar{L}} -Q(\tilde{L} - \bar{L})f(\tilde{L})d\tilde{L} - \kappa(b + Q) - \theta\kappa(b + Q) - \tau BQ \\ &= -Q\mathbb{E}[\tilde{L} - \bar{L}|\tilde{L} < \bar{L}] \kappa\mathbb{P}(\tilde{L} < \bar{L}) - (1 + \theta)\kappa(b + Q) - \tau BQ. \end{aligned} \quad (37)$$

So the insurer's equity value can be rewritten as:

$$\begin{aligned} \frac{1}{1+r}E &= -\Pi(\bar{L}) + b - \kappa(b + Q) \\ -P + \bar{L} + b/Q - \kappa(1 + b/Q) &= \frac{1}{1+r} \left[-\mathbb{E}[\tilde{L} - \bar{L}|\tilde{L} < \bar{L}] \mathbb{P}(\tilde{L} < \bar{L}) - (1 + \theta)(1 + b/Q) - \tau B \right]. \end{aligned} \quad (38)$$

This means that the default threshold \bar{L} can be written in terms of observables:

$$\bar{L} = \frac{P - \frac{1}{1+r} (\mu - \sigma\Lambda) \Phi + \left(1 - \frac{1+\theta}{1+r}\right) \kappa (1 + b/Q) - b/Q - \frac{1}{1+r} \tau B}{1 - \frac{1}{1+r} \Phi}.$$

Next, I solve for the insurer's optimal pricing first-order condition. The insurer sets price to maximize its equity value:

$$\begin{aligned} \max_P E &= \int_{-\infty}^{\bar{L}} \left[Q \left(P - \tilde{L} \right) + \frac{1}{1+r} E - b \right] f(\tilde{L}) d\tilde{L} - \int_{\bar{L}}^{\infty} \kappa (b + Q) f(\tilde{L}) d\tilde{L} - \theta \kappa (b + Q) - \tau B Q \\ &= \left[Q \left(P - \mathbb{E} \left[\tilde{L} - \bar{L} \mid \tilde{L} < \bar{L} \right] \right) + \frac{1}{1+r} E - b \right] \Phi - \kappa (b + Q) (1 - \Phi) - \theta \kappa (b + Q) - \tau B Q \end{aligned}$$

Solving this yields the following first-order condition:

$$P = (1 - \varepsilon^{-1})^{-1} \left[\mathbb{E} \left[\tilde{L} \mid \tilde{L} \leq \bar{L} \right] + \frac{\kappa (1 - \Phi) + \theta \kappa + \tau B}{\Phi} \right]$$

where $\varepsilon = -\frac{\partial Q}{\partial P} \frac{P}{Q}$ is elasticity of demand, so $\frac{\partial Q}{\partial P} = -\frac{P}{\varepsilon}$. This proves the pricing first-order condition eq. (13).

Next, I solve for the means and variances of the stochastic cost distributions μ and σ . First, I invert the CDF of \tilde{L} :

$$\begin{aligned} \Phi^{-1} (1 - \rho) &= \frac{\bar{L} - \mu}{\sigma} \\ \text{where } \rho &= 1 - \Phi \left(\frac{\bar{L} - \mu}{\sigma} \right) \text{ is the default probability and } \mu = \bar{L} - \sigma \Phi^{-1}. \end{aligned} \tag{39}$$

Substituting the above into the expression for insurers' default condition (eq. 38) yields:

$$\begin{aligned} - (P - \bar{L} + \kappa) + (1 - \kappa) b/Q &= \frac{1}{1+r} \left[-\mathbb{E} \left[\tilde{L} - \bar{L} \mid \tilde{L} < \bar{L} \right] P \left(\tilde{L} < \bar{L} \right) - (1 + \theta) \kappa (1 + b/Q) - \tau B \right] \\ &= \frac{1}{1+r} \left[(\Phi^{-1} + \Lambda) \sigma \Phi - (1 + \theta) \kappa (1 + b/Q) - \tau B \right]. \end{aligned} \tag{40}$$

Now, combine the insurer's optimal pricing condition with the expression for the mean

stochastic cost μ in eq. (39):

$$\Phi \left(P - \mathbb{E} \left[\tilde{L} \mid \tilde{L} < \bar{L} \right] + \frac{Q}{\partial Q / \partial P} \right) = \kappa (1 - \Phi) + \theta \kappa + \tau B$$

$$\bar{L} = \sigma (\Phi^{-1} + \Lambda) + P + \underbrace{\frac{Q}{\partial Q / \partial P} - \frac{\kappa (1 - \Phi) + \theta \kappa + \tau B}{\Phi}}_Z$$
(41)

Then I first solve for μ assuming σ is known by substituting eq. (41) into eq. (39):

$$\mu = \bar{L} - \sigma \Phi^{-1}$$

$$\mu = \sigma \Lambda + P + \frac{Q}{\partial Q / \partial P} - \frac{\kappa (1 - \Phi) + \theta \kappa + \tau B}{\Phi}.$$

Finally, I solve for σ by substituting eq. (41) into eq. (40):

$$-(P + \kappa) + (1 - \kappa)b/Q + \bar{L} = \frac{1}{1+r} \left[(\Phi^{-1} + \Lambda) \sigma \Phi - (1 + \theta) \kappa (1 + b/Q) - \tau B \right]$$

$$-\kappa + b/Q - \kappa b/Q + \frac{1 + \theta}{1+r} \kappa (1 + b/Q) + \frac{Q}{\partial Q / \partial P} - \frac{\kappa (1 - \Phi) + \theta \kappa + \tau B}{\Phi} =$$

$$\sigma (\Phi^{-1} + \Lambda) \left[\frac{1}{1+r} \Phi - 1 \right] - \frac{1}{1+r} \tau B$$

which after simplifying yields:

$$\sigma = \frac{\frac{Q}{\partial Q / \partial P} - \frac{\kappa(1-\Phi)+\theta\kappa}{\Phi} - \left(\frac{1}{\Phi} - \frac{1}{1+r}\right) B + \left(\frac{\theta-r}{1+r}\right) \kappa (1 + b/Q) + b/Q}{(\Phi^{-1} + \Lambda) \left(-1 + \frac{1}{1+r}\Phi\right)}. \blacksquare$$

D.1 Components of state regulators' utility

Consumer surplus and producer surplus are given as follows:

$$\begin{aligned} \text{ConsumerSurplus}_{j,t} &= \frac{M_{j,t}}{\alpha} \left(\ln \left(\sum_i \exp(-\alpha P_{i,t} + \gamma X_{i,t} + \xi_{i,j,t}^{\text{Cons}}) \right) + C \right) \\ \text{ProducerSurplus}_{j,t} &= \sum_i \left(\underbrace{\int_{-\infty}^{\bar{L}_{i,t}} Q_{i,j,t} (P_{i,t} - \tilde{L}_{i,t}) f(\tilde{L}) d\tilde{L}}_{\text{profits, if no default}} - \underbrace{\int_{\bar{L}_{i,t}}^{\infty} \kappa_{i,t} \left(1 + \frac{b_{i,t}}{Q_{i,t}}\right) Q_{i,j,t} f(\tilde{L}) d\tilde{L}}_{\text{loss of required capital, if default}} \right. \\ &\quad \left. - \underbrace{\theta \kappa_{i,t} \left(1 + \frac{b_{i,t}}{Q_{i,t}}\right) Q_{i,j,t}}_{\text{cost of capital}} - \underbrace{\tau B_{i,t,j(i,t)} Q_{i,j,t}}_{\text{tax paid}} \right) \end{aligned}$$

where C is the Euler-Mascheroni constant.

E Additional details for structural estimation

In each year, for a given set of capital rates $\kappa_{s,t}$, I solve for the equilibrium as characterized in Section 4.4. The sufficient parameters to characterize the equilibrium are a set of liabilities allocations $B_{i,t}$, insurer prices $P_{i,t}$, and default thresholds $\bar{L}_{i,t}$, which I obtain in the following steps:

1. Solve for the shares of liabilities allocated to captives $B_{i,t}$ that satisfy the insurers' optimal liabilities allocation (eq. 17).
2. Start from an initial guess of prices $P_{i,t}$ and default thresholds $\bar{L}_{i,t}$.
3. Given guessed prices $P_{i,t}$, solve for market clearing quantities $Q_{i,s,t}$.
4. Check whether prices $P_{i,t}$ satisfy the optimal pricing condition (eq. 13) and whether default thresholds $\bar{L}_{i,t}$ satisfy the optimal default condition (eq. 11).

The equilibrium is described by $3K$ equations and $3K$ parameters, where K is the number of insurers, including K optimal captive allocation conditions that pin down the shares allocated $B_{i,t}$, K optimal pricing conditions that pin down insurer prices $P_{i,t}$, and K optimal default conditions that pin down default thresholds $\bar{L}_{i,t}$. I use a non-linear equation solver (the “nleqslv” package in R with step length tolerance 10^{-11} and function value tolerance 10^{-11}) to solve for the $3K$ parameters.

F Additional results for structural estimation

F.1 Solving for the equilibrium for a unilateral ban by captive's state

As discussed in Section 4.2, I do not observe the unobserved utility terms $\xi_{i,s,t}^{\text{Ext}}$ in states' choices of captive domiciles, because I do not observe insurers' preferences over all domiciles. I address this problem following the standard in the demand estimation literature by assuming that the unobserved utility $\xi_{i,s,t}^{\text{Ext}}$ follows a Type 1 extreme value distribution. Specifically, I model insurers' utility of choosing a state s to setup a captive as:

$$V_{i,s,t}^{\text{Ext}} = \beta^{\text{Ext}} \kappa_{s,t} + \xi_{s,t}^{\text{State}} + \xi_{i,s,t}^{\text{Ext}} \quad (42)$$

which implies that the log of share of insurers that choose each state, $s_{s,t}^{\text{Ext}}$, is

$$\ln(s_{s,t}^{\text{Ext}}) - \ln(s_{0,t}^{\text{Ext}}) = \beta^{\text{Ext}} \kappa_{s,t} + \xi_{s,t}^{\text{State}} \quad (43)$$

where $s_{0,t}^{\text{Ext}}$ is the share of insurers that do not use captives, i.e., the outside option. I estimate the above equation using OLS to obtain β^{Ext} . I then implement the following estimation procedure:

1. Compute the probability of each insurer k , that had a captive in the banning state s , choosing alternative state s' to setup a captive, which can be derived as

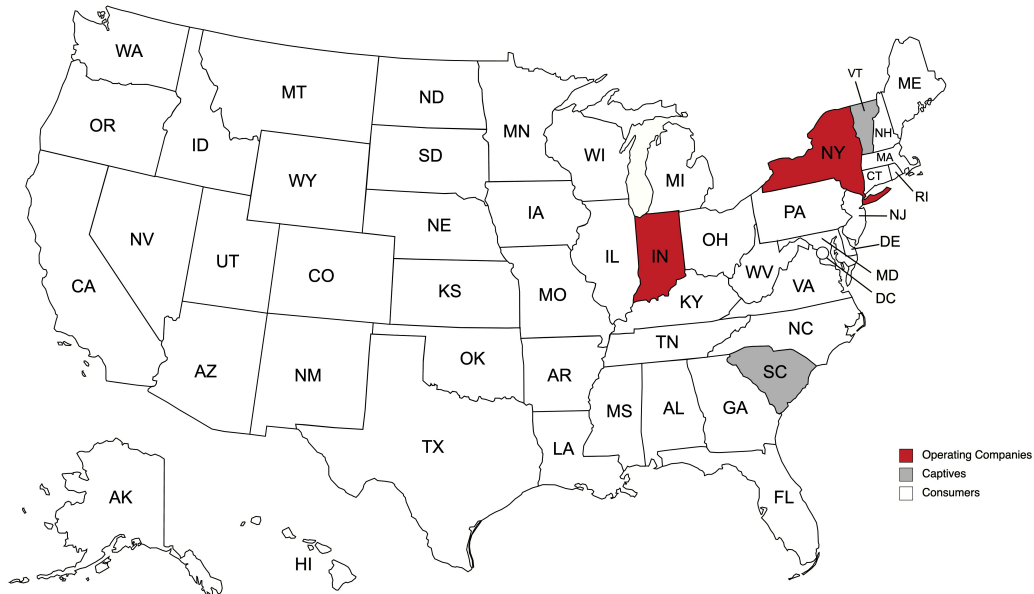
$$P(\text{Insurer } k \text{ chooses state } s') = \frac{\exp(\beta^{\text{Ext}} \kappa_{s',t} + \xi_{s',t}^{\text{State}})}{1 + \sum_{l \in S \setminus s} \exp(\beta^{\text{Ext}} \kappa_{l,t} + \xi_{l,t}^{\text{State}})}$$

2. Draw i.i.d. shocks from a uniform distribution from 0 to 1 for each insurer that had a captive in state s under the unilateral supply-side ban, and order the alternative states such that each alternative state s' corresponds to a closed interval within $[0,1]$ with length $P(\text{Insurer } k \text{ chooses state } s')$. The insurer domiciles its captive in state s' if the drawn i.i.d. shock is within the interval of state s' .
3. Re-solve capital allocation and optimal pricing and default for each draw.
4. Compute expected default cost, tax revenue, and consumer surplus for each draw.
5. Compute average equilibrium outcomes over 1000 draws.

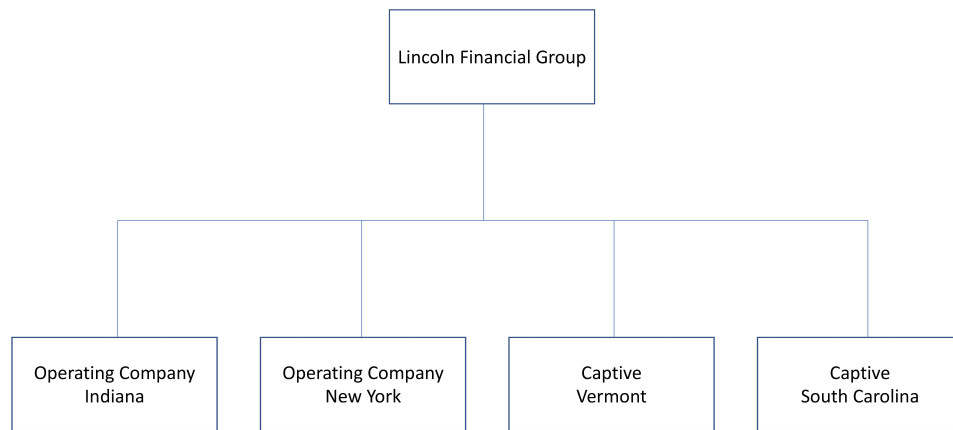
G Additional Figures and Tables

Figure A1: Organization Structure: Lincoln

(a) Geographic Locations

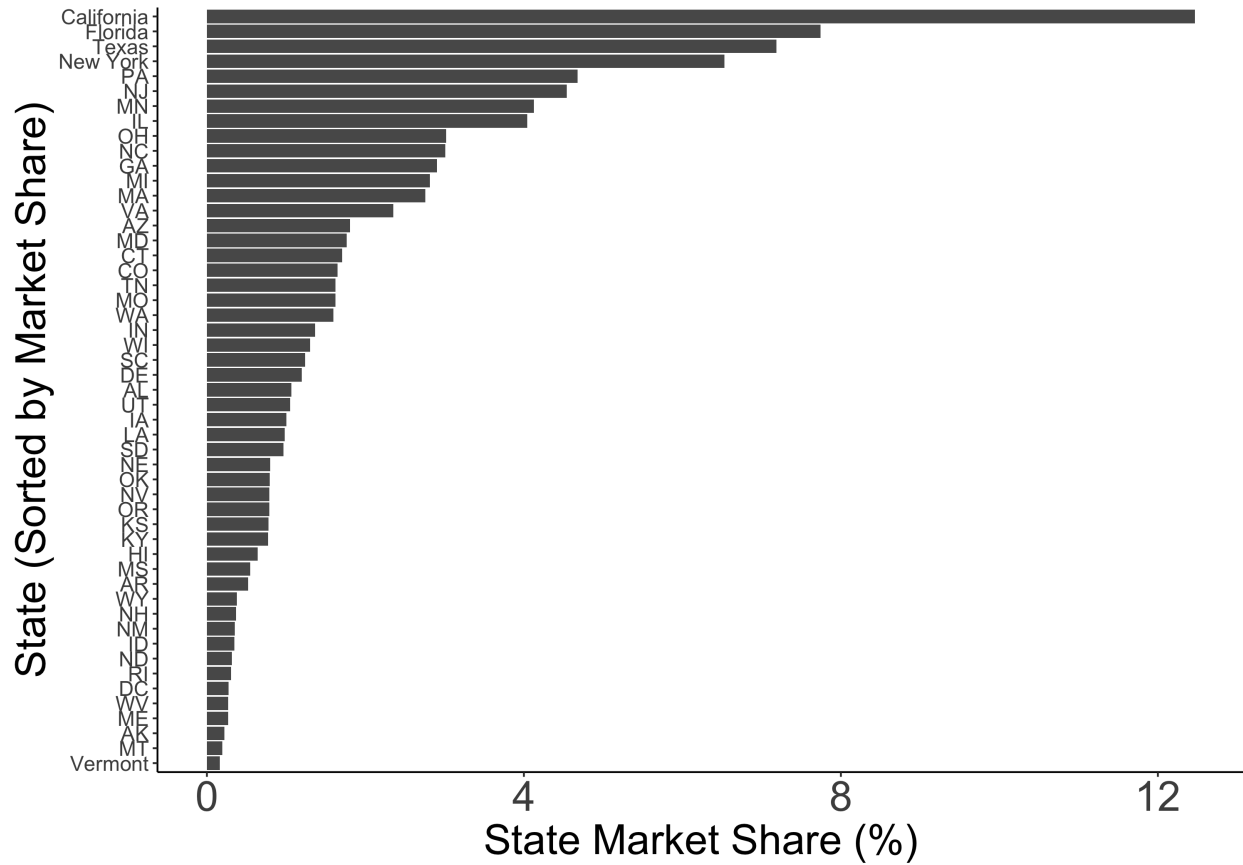


(b) Organization Structure



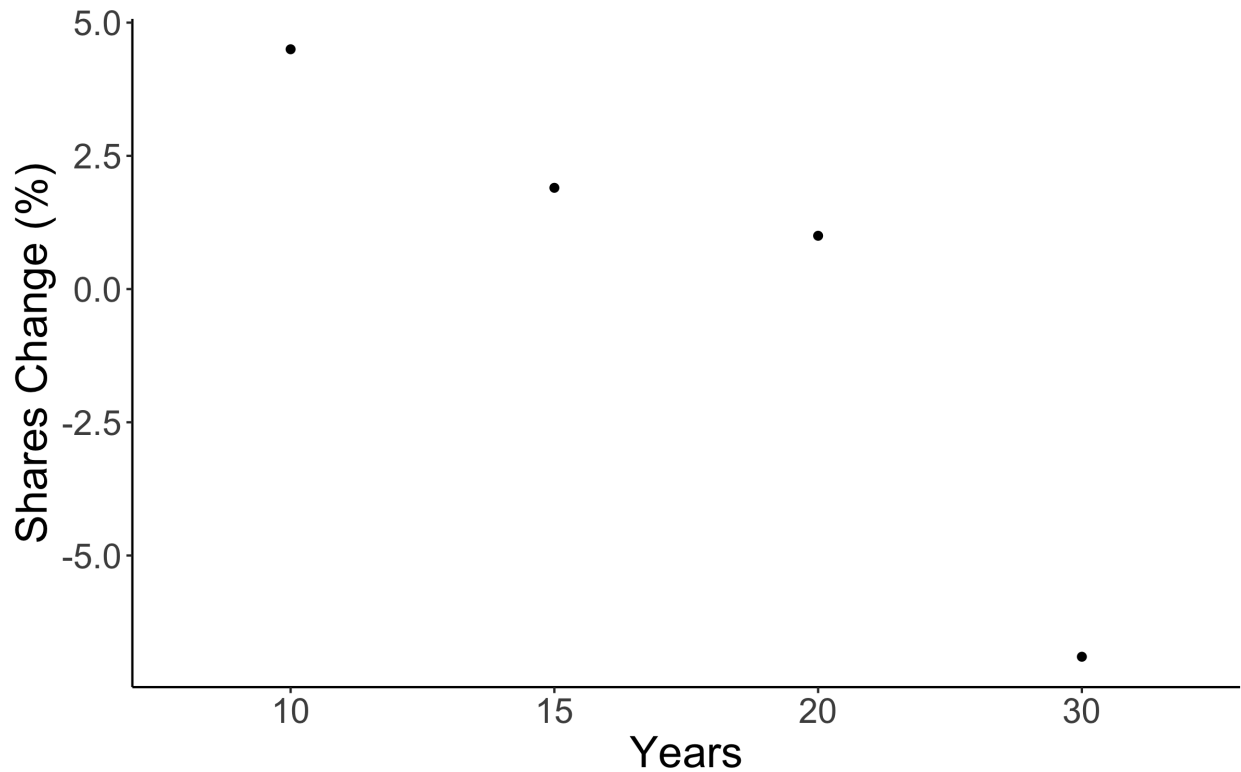
Note: Figure A1 reports the corporate structure of Lincoln Financial Group. Lincoln's main operating company is the Lincoln National Life insurer domiciled in Indiana and it has captives in Vermont, South Carolina, and Barbados (not reported). Lincoln sells insurance in all 50 states. Lincoln also has an operating company in New York that it sells policies in New York through due to extraterritoriality laws in New York.

Figure A2: State Insurance Market Sizes



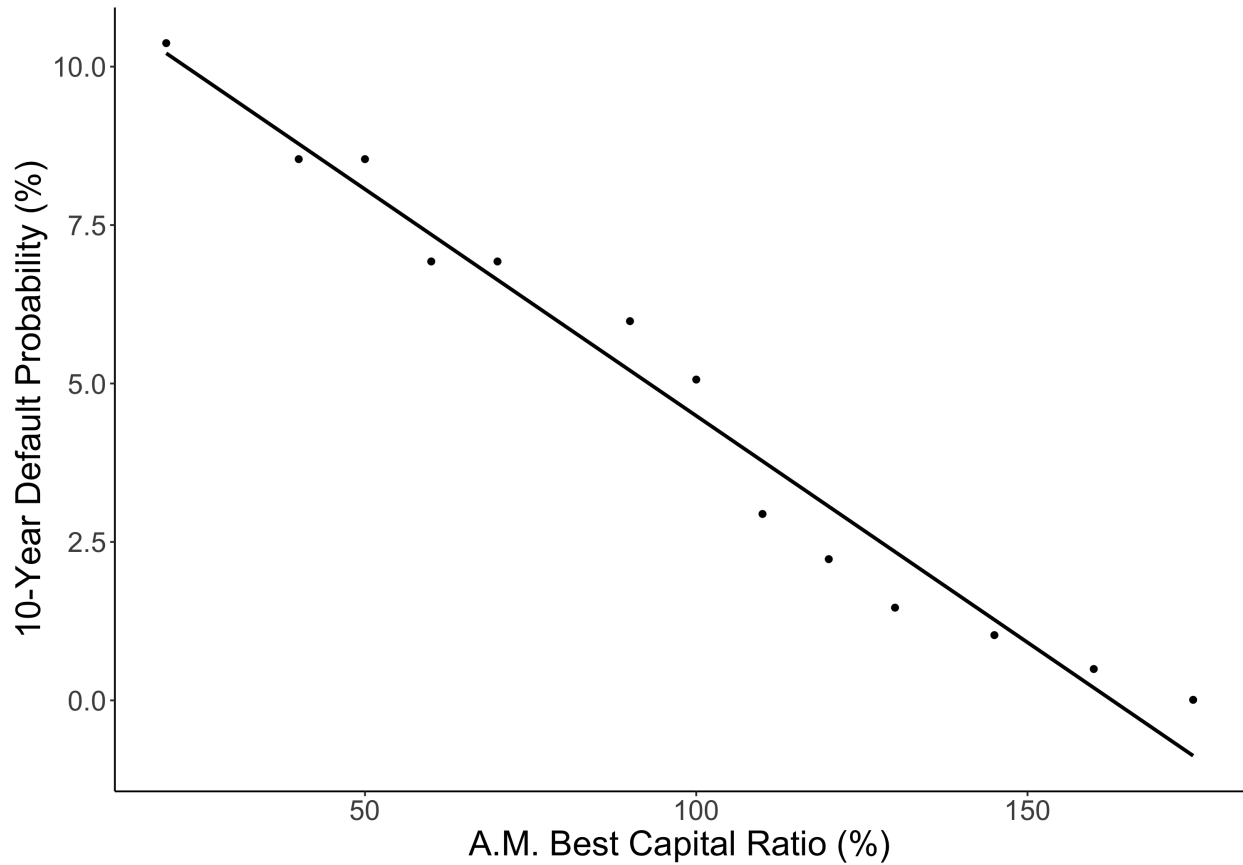
Note: Figure A2 reports the share of the total insurance premiums sold in each state in 2019. Market Share is the total dollar of life insurance premiums sold in the state divided by the total dollar of life insurance premiums sold in all states times 100. States are ranked in descending order by Market Share.

Figure A3: Effect of Capital Requirements on Quantities: Regulation XXX



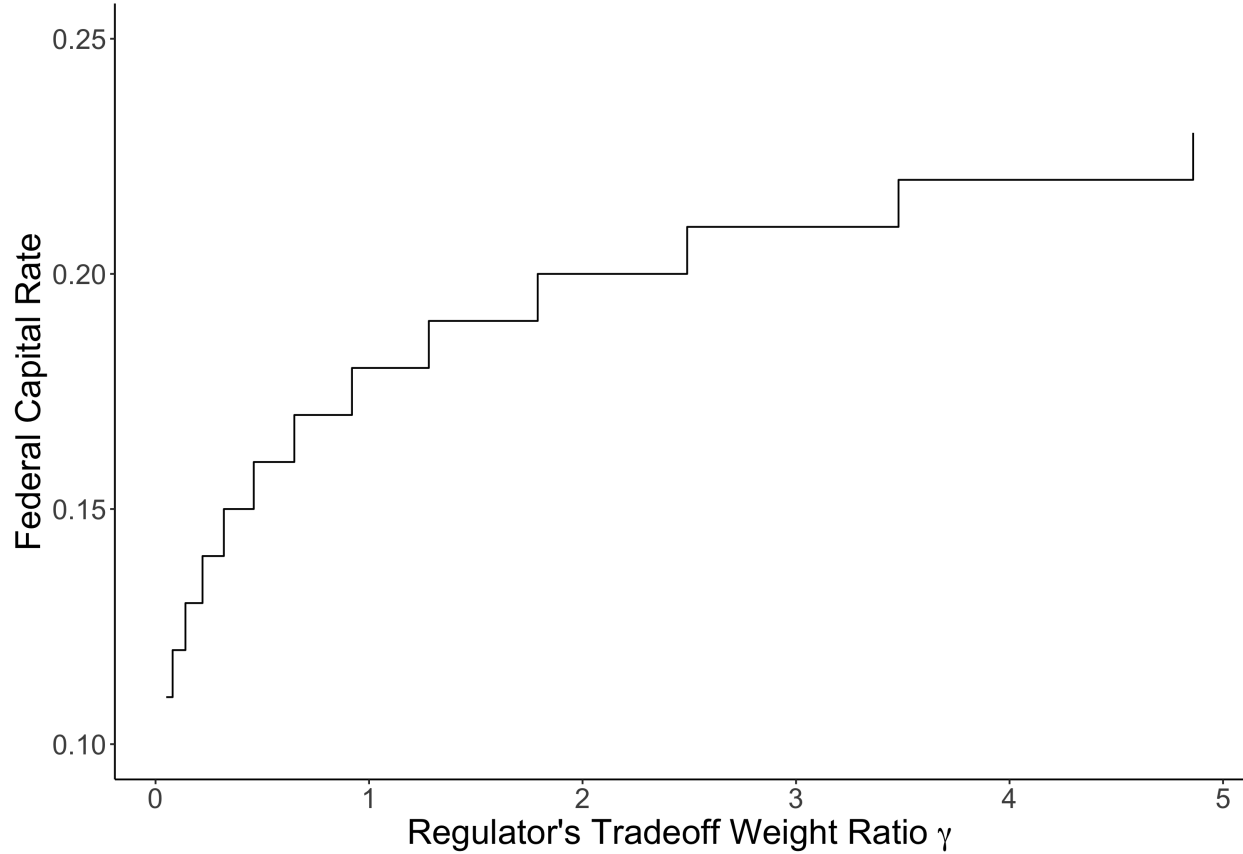
Note: Figure A3 displays the change in shares sold of products of each term length from the one year before (1999) to after (2000) Regulation XXX. Shares sold is the number of policies sold of a given term length divided by the total number of policies of all term lengths sold that year. A negative number indicates a decrease in shares sold relative to products of other term lengths.

Figure A4: Insurers' Capitalization vs. Default Probability



Note: Figure A4 reports the relationship between insurers' capital ratios and 10-year default probabilities. Capital ratios are converted from the A.M. Best ratings following Kojien and Yogo (2016). The ranges for bin in the binned scatterplot are equal in width, so each bin could contain different numbers of observations. Default probabilities are based on historical A.M. Best data. Observations are at the insurer-by-year level.

Figure A5: Mapping Regulators' Tradeoff Weights to Equilibria



Note: Figure A5 plots the uniform capital rate that the federal regulator would choose under different tradeoff weight ratios $\gamma = \lambda_{\text{Default}}/\lambda_{\text{Consumer}}$. Higher γ values correspond to the regulator valuing default costs more relative to consumer surplus. For example, going from $\gamma = 1$ to $\gamma = 2$ means that the regulator would go from being indifferent between \$1 of expected default costs and \$1 of consumer surplus to being indifferent between \$1 of expected default costs and \$2 of consumer surplus. Federal Capital Rate is in decimal points, discretized to the nearest 0.01.

Table A1: Evidence of National Life Insurance Pricing

	Price			
	(1)	(2)	(3)	(4)
Insurer-Product-Year FEs	X			
Insurer-Product-Year-State FEs		X		
Insurer-Year FEs			X	
Insurer-Year-State FEs				X
p-value		1		1
Observations	13,322	13,322	13,322	13,322
R ²	1.00	1.00	0.97	0.97

Note: Table A1 reports the results of a regression of life insurance product prices for the representative product (30-year-old non-smoking male in regular health buying \$250,000 of life insurance) on insurer, product type, year, and state fixed effects. Observations are at the insurer by product type by year by state level. The independent variables are interactions of the named sets of fixed effects, e.g., Insurer-Product-Year FEs are fixed effects of the interaction of insurer by product by year. p-value is for likelihood ratio tests comparing columns (1) vs. (2) in column (2), and (3) vs. (4) in column (4), respectively. The results show that life insurance product prices do not vary across states, conditional on insurer, product type, and year.

Table A2: Effect of Capital Requirements on Product Prices: Regulation XXX, Robustness

	(1)	(2)
15-Year X 1(3 Months Post-Reg XXX)	3.63*** (0.98)	
20-Year X 1(3 Months Post-Reg XXX)	8.84*** (1.48)	
30-Year X 1(3 Months Post-Reg XXX)	21.12*** (7.38)	
15-Year X 1(Post-Reg XXX)		2.35*** (0.52)
20-Year X 1(Post-Reg XXX)		4.09*** (0.81)
30-Year X 1(Post-Reg XXX)		12.64*** (3.45)
Product Insurer FEs	X	X
Specification	Pct. Price	Pre-Post
Observations	2,576	3,264
R ²	0.61	0.87

Note: Table A2 reports the estimates corresponding to the estimates in eq. (3) under alternative empirical specifications. Observations are at the insurance company by product by month level. The dependent variable is the price of the product in each month, as a percentage of the price of the same product offered by the same insurance company immediately before Regulation XXX, i.e., December 31, 1999 in column (1), and the net present value of premiums divided by the net present value of expected policy payouts in column (2). The independent variables h -Year X 1(3 Months Post-Reg XXX) report the difference-in-differences coefficient estimates for products with a term length equal to h -years in March, 2000, three months after the implementation of Regulation XXX. h -Year X 1(Post-Reg XXX) report the pre/post difference-in-differences coefficient estimates for products with a term length equal to h -years, where all periods before and after Reg XXX are each pooled into a single time period. The reference product is 10-year guaranteed term life insurance. Product refers to the term length (e.g., 30 years), Insurer refers to the insurance company, and Product Insurer refers to the interaction of term length and insurance company. Specification refers to an alternative specification where the outcome variable is the dollar price of the product divided by the December 1999 (i.e., month before Regulation XXX) dollar price of the same product in column (1) and an alternative specification using a pre/post specification in column (2). Standard errors are clustered at the insurance company level and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table A3: Insurers' Choice of States for Captives, Intensive Margin

	ln(Amount)
Capital Rate	-16.73* (7.46)
State and Insurer-State Controls	X
Insurer-Year FEs	X
Observations	888
R ²	0.29

Note: Table A3 reports the estimates corresponding to the estimates in eq. (1), with the dependent variable being the log amount of liabilities transferred to the captive. Observations are at the insurer by state by year level. The dependent variable is the log of dollar amount of liabilities the insurer transfers to the captive in the state each year. The independent variable Capital Rate is the captive capital rate of the state each year. State Controls include Business Environment, which is the number of new business incorporations per capita in the state each year, Amenities, which is the number of tourists visiting the state each year, 1(Appointed Commissioner), which is an indicator variable for whether the state insurance commissioner is appointed as opposed to elected, Vote Share (Republican), which is the vote share for the Republican candidate in the preceding presidential election. Insurer-State Controls includes Share Sold in State, which is the share of the insurer's total premiums that are sold in the state, and 1(Sells in State), which is whether the insurer sells in the state. Standard errors are two-way clustered at the insurer-by-year level and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table A4: Correlation Between Capital and Default

	(1)	(2)	(3)
Risk-Based Capital Ratio	-0.28*** (0.09)	-0.28** (0.10)	-0.27** (0.10)
ln(Size)		-0.63*** (0.19)	-0.65*** (0.19)
Liquidity		-0.01 (0.01)	-0.02 (0.01)
Return on Equity		0.89 (0.82)	0.90 (0.82)
Leverage		7.40*** (2.34)	7.68*** (2.40)
Constant	1.62*** (0.41)	4.13*** (1.26)	
Obs.	19834	18704	18704
R2	0.001	0.015	0.017
Year FEs			X

Note: Table A4 reports the estimates of a linear probability model of insurer defaults. Observations are at the insurer by year level. The dependent variable is an indicator variable for whether the insurer became insolvent within 10 years, in percentage points. The independent variable Risk-Based Capital Ratio is the NAIC risk-based capital ratio of the insurer, in decimal points. ln(Size) is the size of the insurer measured as the log dollars of total liabilities of the insurer. Liquidity is the insurer's cash plus short-term investments divided by its total liabilities. Return on Average Equity is the insurer's annualized income after taxes as a percent of average capital and surplus. Leverage is the insurer's total liabilities divided by its net total assets. Year FEs indicate year fixed effects. Standard errors are two-way clustered at the insurer and year levels and are reported in parentheses.

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

Table A5: Consumer Demand Estimates, Alternative Instruments

	(1)
Price	-5.18*** (0.92)
ln(Size)	1.97*** (0.28)
A.M. Best Rating	1.42*** (0.28)
Risk-Based Capital Ratio	0.42 (1.40)
Liquidity	8.36*** (1.43)
Return on Equity	-0.06 (0.07)
Leverage	-1.90*** (0.46)
Obs.	9710
R2	0.250
Market FEs	X
IV	Hausman

Note: Table A5 reports the estimates corresponding to the estimates in eq. (16). Observations are at the insurance company by state by year level. The dependent variable is the market share. The independent variable Price is the price of each life insurance policy as a multiple of its reserve value. ln(Size) is the size of the insurer measured as the log dollars of total liabilities of the insurer. A.M. Best Rating is the financial strength rating given by A.M. Best to each insurance company each year converted from a letter grade to a numeric grade following Koijen and Yogo (2018). Risk-Based Capital Ratio is the authorized control level capital ratio of the insurer that year. Liquidity is the insurer's cash plus short-term investments divided by its total liabilities. Return on Average Equity is the insurer's annualized income after taxes as a percent of average capital and surplus. Leverage is the insurer's total liabilities divided by its net total assets. The instrumental variables for price of life insurance products are Hausman et al. (1994)-style instruments, which are prices of annuity products sold by the same insurer in the first year it started reporting annuity prices, usually before 2005. All independent variables except Price are standardized. Standard errors are two-way clustered at the insurance company and year levels and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table A6: Demand Estimation: First Stage

	(1)	(2)
ln(Size) Sq.	0.08*** (0.03)	
A.M. Best Rating Sq.	0.27*** (0.08)	
Risk-Based Capital Ratio Sq.	-0.92** (0.37)	
Liquidity Sq.	0.01 (0.03)	
Return on Equity Sq.	-0.00 (0.00)	
Leverage Sq.	-0.08*** (0.02)	
1(Uses Captives)	0.00 (0.03)	
Annuity Price: 50 Male		-0.79*** (0.21)
Annuity Price: 55 Male		1.38*** (0.39)
Annuity Price: 60 Male		-0.72*** (0.14)
Annuity Price: 65 Male		0.39*** (0.09)
Annuity Price: 70 Male		0.19 (0.12)
Annuity Price: 75 Male		-0.49*** (0.14)
Obs.	21588	9710
R2	0.331	0.579
F Statistic	327.64	682.33
IV	Kojien-Yogo	Hausman

Note: Table A6 reports the first-stage of the instrumental variables estimates corresponding to eq. (16). Observations are at the insurance company by state by year level. The dependent variable is the price of the life insurance policy. Sq. in the dependent variable names indicates that it is the square of the characteristic's numerical value. A.M. Best Rating is the financial strength rating given by A.M. Best to each insurance company each year converted from a letter grade to a numeric grade. A.M. Best Capital Ratio is the capital adequacy ratio reported by A.M. Best in their ratings. Leverage is the insurer's total liabilities divided by its net total assets. Liquidity is the insurer's cash plus short-term investments divided by its total liabilities. Return on Average Equity is the insurer's annualized income after taxes as a percent of average capital and surplus. Annuity Price is the price of the annuity, expressed in thousands of dollars. All independent variables except Annuity Price are standardized. Standard errors are clustered at the company-year level and are reported in parentheses. *** $p < 0.01$, ** $p < 0.05$, * $p < 0.10$.

Table A7: Insurers' Stochastic Cost Distribution Estimates

Statistic	N	Mean	St. Dev.	Min	Pctl(25)	Median	Pctl(75)	Max
$\mu_{i,t}$	488	0.86	0.27	0.45	0.71	0.80	0.91	2.29
$\sigma_{i,t}$	488	0.10	0.03	0.03	0.10	0.10	0.11	0.51

Note: Table A7 reports summary statistics of the estimates of insurers' stochastic cost distribution parameters $\mu_{i,t}$ and $\sigma_{i,t}$ corresponding to eq. (18). The parameters are denoted in units of the actuarial value of a representative policy. Observations are at the insurer by year level.