



**For Immediate Release
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COALITION TO PROTECT INTERSTATE COMMERCE

ELEVEN MORE BUSINESSES SIGN-ON TO URGE HOUSE JUDICIARY COMMITTEE TO TAKE SWIFT ACTION ON THE “BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2008”

(Washington, DC)— Eleven businesses have signed-on to the latest letter from the Coalition to Protect Interstate Commerce (CPIC), joining more than 100 businesses already signed on the letter, to urge House Judiciary Committee Chairman John Conyers, Jr., and Subcommittee on Commercial and Administrative Law Chairwoman Linda Sanchez to support and take Committee action on H.R. 5267, the Business Activity Tax Simplification Act of 2008.

The eleven businesses to sign-on to the May 2nd letter include: California Bankers Association; California Taxpayers Association; Fischer & Wieser Specialty Foods, Inc.; Harry & David; H.J. Heinz Company; Macy's, Inc.; Nestle Holdings, Inc.; Saks Incorporated; Source Atlantique, Inc.; Synopsys, Inc.; and the Virginia Chamber of Commerce.

The Business Activity Tax Simplification Act of 2008 would create bright line tests to ensure that states continue to have the ability to tax businesses that operate within their borders, employ people and have property within their boundaries, and utilize the services those states and municipalities provide. However, the legislation also clarifies that ‘doing business in a state’ does not mean simply having customers in the state.

The text of the May 2, 2008 letter follows:

May 2, 2008

Chairman John Conyers, Jr.
Chairwoman Linda Sanchez
House Judiciary Committee and
Subcommittee on Commercial and Administrative Law
United States House of Representatives
Washington, DC 20515-0539

Re: H.R. 5267, Business Activity Tax Simplification Act of 2008

Dear Chairman Conyers & Chairwoman Sanchez:

The below-listed businesses, trade associations and taxpayer groups strongly support H.R. 5267, the Business Activity Tax Simplification Act of 2008 (“BATSA”), and respectfully ask that the Committee consider the legislation and report it to the full House as soon as possible.

BATSA, recently introduced by Representatives Rick Boucher (D-VA) and Bob Goodlatte (R-VA) with strong bipartisan support among members of the Judiciary Committee, would clarify the constitutional requirement for a physical presence nexus standard governing state assessment of corporate income taxes and comparable taxes on a business. Specifically, the bill would articulate a bright-line physical presence nexus standard that includes owning or leasing any real or tangible property, or assigning one or more employees to perform certain activities in the state for more than fifteen days in a taxable year. In addition, the bill would modernize P.L. 86-272 – which prohibits states from assessing net income taxes against a business if its only contact with the state involves the solicitation of orders for tangible personal property – so that it applies also to intangible property and services and so that it covers taxes that have replaced net income taxes.

BATSA would ensure fairness, minimize costly litigation for both state governments and taxpayers and create the kind of legally certain and stable business environment that encourages business to make investments, expand interstate commerce and create new jobs. At the same time, the bill would ensure that businesses continue to pay business activity taxes to states that provide them with direct benefits and protections.

Thank you in advance for considering our request. We look forward to working with you, your staff and all members of the House Judiciary Committee on the Business Activity Tax Simplification Act.

Sincerely,

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Agilent Technologies, Inc.
American Bankers Association
AeA (American Electronics Association)
American Express
American Home Furnishings Alliance
American Homeowners Grassroots Alliance
American Hotel & Lodging Association
American Legislative Exchange Council
Americans for Tax Reform
American Trucking Associations
Apple Inc.
Bank of America
Bay Beyond, Inc.
Bayer Corporation
Beall's Inc.
Best Buy Co., Inc.
BMC Software
Broadcast Cable Financial Management Association
Business and Institutional Furniture Manufacturers Association (BIFMA) International
Business Roundtable
Business Software Alliance
CA, Inc.
California Bankers Association
California Taxpayers Association
Capital One
CBS Corporation
Citigroup
Comcast
CompTIA
Consumer Electronics Association
Council On State Taxation
Delphi Corporation
Discovery Communications, LLC
Eastman Chemical Co.
EDS
Expedia, Inc.
Filemaker, Inc.
Financial Services Roundtable
Firehouse Restaurant Group
Fischer & Wieser Specialty Foods, Inc.
General Electric Co.

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GXS, Inc.
Harry & David
H.J. Heinz Company
The Home Depot
Hope Trucking, Inc.
HSBC-North America
i2 Technologies
IAC
Illinois Chamber of Commerce
Information Technology Association of America
International Business Machines Corporation
International Foodservice Distributors Association
International Franchise Association
Investment Company Institute
Johnson & Johnson
JPMorgan Chase & Co.
Keowee Systems, Inc.
Limited Brands
Macy's, Inc.
Magazine Publishers of America
Mary Kay Inc.
Meredith Corporation
Microsoft
Morgan Stanley
Mortgage Bankers Association
Motion Picture Association of America
National Association of Broadcasters
National Association of Chain Drug Stores
National Association of Manufacturers
National Foreign Trade Council
National Marine Manufacturers Association
National Retail Federation
National Taxpayers Union
The Neiman Marcus Group, Inc.
Nestle Holdings, Inc.
Neutral Posture, Inc.
Nevada Development Authority
New Jersey Bankers Association
New Jersey Technology Council
News Corporation
Newspaper Association of America

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New York Bankers Association
North American Association of Food Equipment Manufacturers
Partnership for New York City
Pasta Valente
Roche
Safeway Inc.
Saks Incorporated
sanofi-aventis U.S. Inc.
Seaworthy Publications, Inc.
Securities Industry and Financial Markets Association
Software & Information Industry Association
Software Finance and Tax Executives Council
Source Atlantique, Inc.
Sun Microsystems, Inc.
Synopsis, Inc.
Taco Bell Corporation
The Talbots, Inc.
Time Warner Inc.
The TJX Companies, Inc.
Trendway Corp.
U.S. Chamber of Commerce
UPS
U.S. Bancorp
Vermeer Corporation
Virginia Bankers Association
Virginia Chamber of Commerce
Wachovia Corporation
The Walt Disney Company
Wells Fargo
Women Impacting Public Policy
Women Presidents' Organization
Wendy's International, Inc.
Yum! Brands

cc: Members, House Judiciary Committee