

# COALITION FOR TAX COMPETITION

April 24, 2002

The Honorable Max Baucus  
Chairman  
Committee on Finance  
United States Senate  
219 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Baucus:

American-based companies must pay tax to the IRS on income earned in other nations. This "worldwide" system of taxing corporate income is very anti-competitive, causing many companies to give up their U.S. charters and instead become foreign-based companies. These "expatriations" are legal, but have become controversial. Lawmakers likely will choose from two options in deciding how best to respond to this development.

One option is tax reform. Lawmakers could take a number of steps to make the internal revenue code more competitive. The U.S. corporate income tax rate, for instance, is the fourth highest in the developed world. Lower tax rates would make America more attractive. Policy makers also could eliminate the corporate alternative minimum tax. Another option is to reduce the tax bias against investment by shifting from "depreciation" to "expensing." Last but not least, Congress could junk "worldwide" taxation and instead shift to a "territorial" system that would tax companies only on their U.S. income.

The other option is to preserve "worldwide" taxation and instead impose restrictions on the ability of companies to re-charter in other jurisdictions.

The first option – tax reform – is the correct answer. If bad tax law is driving companies to re-charter in other jurisdictions, the obvious solution is to improve U.S. tax law. This market-based approach will make America more competitive. Fiscal protectionism, by contrast, is bad policy. We all understand that high-tax California should not be allowed to stop companies from moving to low-tax Nevada. We also should understand that the federal government should not be able to stop companies from escaping bad U.S. tax law.

This issue already has been clouded by demagoguery. Some assert that companies choosing to re-charter in other jurisdictions will evade or avoid U.S. tax. This is not true. All corporations, regardless of where they are based, pay tax to the IRS on all profits they earn in the United States. Some also claim that "expatriation" is unpatriotic and hurts America. This is nonsense. Re-chartering helps U.S. workers and U.S. shareholders since the newly formed company still maintains its U.S. operations, but now is able to more effectively compete with businesses that operate overseas.

Corporate relocation is yet another reason why lawmakers should fix the internal revenue code. Companies are relocating because excessive tax burdens and worldwide taxation make it very difficult for U.S.-chartered firms to compete. Instead of making a bad system even worse by imposing more burdens on U.S.-based companies, lawmakers should reform the tax system. Lower tax rates and territorial taxation are just two of many options that would improve the internal revenue code.

Sincerely,

Andrew F. Quinlan -- President, Center for Freedom and Prosperity  
Daniel Mitchell -- Senior Fellow, The Heritage Foundation  
Veronique de Rugy -- Fiscal Policy Analyst, The Cato Institute  
Paul Beckner -- President, Citizens for a Sound Economy  
David R. Burton -- Senior Fellow, Prosperity Institute  
James Cox -- Executive Director, Association of Concerned Taxpayers  
Stephen J. Entin -- President, Institute for Research on the Economics of Taxation  
Tom Giovanetti -- President, Institute for Policy Innovation  
Kevin Hassett -- Resident Scholar, American Enterprise Institute  
Lawrence Hunter -- Chief Economist, Empower America  
Charles W. Jarvis -- Chairman, United Seniors Association  
Karen Kerrigan -- Chairman, Small Business Survival Committee  
James L. Martin -- President, 60 Plus Association  
Edwin Moore -- President, The James Madison Institute  
Steve Moore -- President, The Club for Growth  
Grover Glenn Norquist -- President, Americans for Tax Reform  
John Pugsley -- Chairman, The Sovereign Society  
Richard Rahn -- Senior Fellow, Discovery Institute  
Gary and Aldona Robbins -- Fiscal Associates, Inc.  
Tom Schatz -- President, Council for Citizens Against Government Waste  
Eric Schlecht -- Director of Congressional Relations, National Taxpayers Union  
Fred L. Smith -- President, Competitive Enterprise Institute  
Lewis K. Uhler -- President, National Tax Limitation Committee  
Paul M. Weyrich -- National Chairman, Coalitions for America  
Christopher Whalen -- The Whalen Consulting Group

\* Organizational affiliations are included for identification purposes only.

cc: Senate Minority Leader Trent Lott  
Senator Charles Grassley  
House Majority Leader Richard Armey  
Representative William Thomas  
Representative Charles Rangel  
Secretary Paul O'Neill  
Dr. Glenn Hubbard  
Dr. Larry Lindsey