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May 6, 2026

Sent Via Email (REV.GCO@illinois.gov)

Brian Stocker
Illinois Department of Revenue
Legal Services Office
101 W. Jefferson Street
Springfield, Illinois 62706

Re: Request for Hearing - Amendments to 86 Ill. Adm. Code 100.2430.

Dear Mr. Stocker:

On behalf of the Council On State Taxation (COST), I respectfully request a hearing on the proposed amendments to regulation 86 Ill. Adm. Code 100.2430. The amendments to the regulation were published in the Illinois Register on April 24, 2026, therefore this request is timely as it is being made within 14 days of the publication of the proposed amendments.

COST is a nonprofit trade association based in Washington, DC. COST was formed in 1969 and today has a membership of approximately 500 major corporations engaged in interstate and international business. The organization's objective is to preserve and promote the equitable and nondiscriminatory state and local taxation of multijurisdictional business entities. Numerous COST members have operations in Illinois and are impacted by the amended regulations.

The Illinois Department of Revenue (Department) in response to specific provisions of the State's fiscal 2025 tax and revenue budget bill (H.B. 2755), has proposed to amend the regulation regarding the addition and subtraction modifications for entities that conduct at least 80 percent of their business outside the United States. The Department, with the proposed amendments, fails to adequately clarify when deductions will be allowed for interest expense and intangible expenses paid to foreign affiliates. Although the amendments are an attempt at clarification, they do not adequately address the statutory safe harbor provisions found in 35 ILCS 5/203(b)(2) (E-12) and (E-13). As a result, the amended regulations do not provide sufficient guidance to taxpayers attempting to comply with the statute. This failure will lead to litigation risks for the Department and potential penalties for taxpayers. COST will provide the Department with detailed comments prior to June 8, 2026, the close of the First Notice Period.

Thank you for your consideration of this matter.

Respectfully,

Marilyn Wethekam

cc: Director Harris, Illinois Department of Revenue
Bridget DiBattista, General Counsel Illinois Department of Revenue
Kim Schultz Executive Director, Joint. Committee on Admin Rules
COST Board of Directors
Patrick J. Reynolds, COST President & Executive Director