

United States Senate

WASHINGTON, DC 20510

July 21, 2020

The Honorable Steven Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

The Honorable Charles Rettig
Commissioner
Internal Revenue Service
1111 Constitutional Avenue, NW
Washington, D.C. 20224


Dear Secretary Mnuchin and Commissioner Rettig:

The impact of the COVID-19 pandemic continues to be felt by businesses across the United States. Navigating these uncertain times have become increasingly complicated by existing regulatory requirements which threaten to further upend these businesses. So, as the Administration continues its work to provide businesses with regulatory relief related to the COVID-19 pandemic, we respectfully request that you consider safe harbors and flexibility measures regarding compliance with the employer shared responsibility requirements under the Affordable Care Act, Code section 4980H.

As the sponsors of the *Employee Flexibility Act*, we are aware of how complex tracking employees' hours under 4980H for the full-time employee and applicable large employer definitions under normal circumstances can be. However, during the COVID-19 pandemic, with businesses being forced to close or significantly modify staffing needs, the compliance burdens and tracking requirements of Code section 4980H have been further compounded and may subject a business to an unforeseen tax penalty.

At a time when businesses are struggling, we request you provide employers with some relief and certainty. We believe safe harbors and flexibility measures for 4980H are consistent with the Regulatory Relief to Support Economic Recovery Executive Order 13924 and relief already given in other areas of the Code. We thank you for your attention to this request.

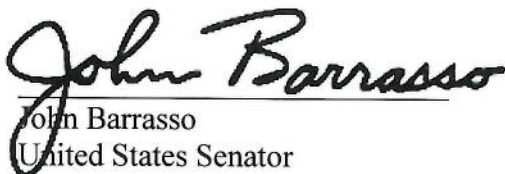
Sincerely,



Todd Young
United States Senator



Joe Manchin III
United States Senator



John Barrasso
United States Senator



Kyrsten Sinema
United States Senator