

Congress of the United States
Washington, DC 20515

December 1, 2020

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

The Honorable Charles P. Rettig
Commissioner
Internal Revenue Service
1111 Constitution Avenue, NW
Washington, DC 20220

Dear Secretary Mnuchin and Commissioner Rettig:

We are writing again to urge the Department of the Treasury and the Internal Revenue Service (IRS) to consider additional relief for individuals who have accumulated unused commuting benefits due to the ongoing pandemic.

We appreciate the Treasury Department's attention and response to our September 28, 2020 letter to Commissioner Rettig, which urged the IRS to issue further guidance related to unused qualified transportation fringe benefits and to consider additional relief for certain employees impacted by the COVID-19 crisis. The Department's response conveyed a willingness to keep our request in mind as Treasury continues discussions with IRS regarding the effects of the pandemic. We appreciate your stated commitment to working with Congress to consider whether additional relief is necessary. However, as we near the end of the year, the need to address this issue has become increasingly time sensitive.

As you know, many individuals and businesses continue to face disruptions due to the ongoing pandemic. COVID-19 cases in the United States are currently rising across all fifty states, and the possibility of a winter wave of the virus creates further uncertainty for businesses and employees. Additionally, certain relief measures enacted earlier this year to provide assistance in response to COVID-19 are set to expire at the end of 2020. As this crisis persists, more individuals are at risk of experiencing financial hardship and many continue to face uncertainty about their employment.

Although current IRS regulations governing commuter benefits provide the flexibility to allow compensation reductions to be stopped or reduced before the beginning of a pay period, the COVID-19 national emergency has resulted in a number of cases where individuals have accumulated unused commuter funds. Current regulations also require that an employee must forfeit any unused benefits upon termination from employment. This is concerning for employees who have been terminated or may face termination due to COVID-19. In some cases, these individuals will soon be forced to forfeit a significant amount of unused funds that they are no longer able to access as a result of this ongoing crisis and at no fault of their own.

Many workers and families are in critical need of financial assistance during these challenging economic times and could greatly benefit from direct access to their unused commuter funds for other essential purposes. Therefore, we urge you to consider any available options within the Department's regulatory authority to provide targeted relief for individuals who have accumulated unused transportation benefits due to the ongoing pandemic before the end of the year.

Thank you for your consideration.

Sincerely,



Kathleen M. Rice
Member of Congress



Thomas R. Suozzi
Member of Congress



Lee Zeldin
Member of Congress



Gregory W. Meeks
Member of Congress



Peter T. King
Member of Congress