

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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April 2, 2020

Office of the Chief Counsel
Attention: Michael Desmond
Internal Revenue Service (I.R.S.)
1111 Constitution Avenue, NW
Washington, DC 20224

RE: Immediate Guidance Requests for Taxpayers Affected by COVID-19

Dear Mr. Desmond,

The U.S. Chamber of Commerce appreciates the opportunity to provide feedback in light of the outbreak of the 2019 Coronavirus (COVID-19). The recently enacted Coronavirus Aid, Relief, and Economic Security (CARES) Act was a vital step in providing relief. Chamber members are already implementing many measures provided in the CARES Act, but to maximize the intended benefit they will need additional guidance in certain areas.

While the Chamber anticipates weighing in on additional issues, our initial focus is on recommendations which can immediately increase liquidity and cash flow so businesses can maintain operations and keep employees on payroll. The Chamber strongly urges the Treasury and the IRS to quickly address the three issues highlighted below.

- Timing for Refund Requests
 - Issue: The date for the filing Form 1139 has already passed for the 2018 calendar year. As such, in order to get refunds, companies would be required to file an amended Form 1120X, which delays access to these funds.
 - Proposal: The Chamber urges that Treasury and the IRS provide an extra six months from the end of the applicable year (calendar or fiscal) to file Form 1139.

- Upcoming Tax Filings and Payments
 - Issue: The Chamber appreciates the filing and payment relief provided in Notices 2020-18 and -20, as well as the delay by the Alcohol and Tobacco Tax and Trade Bureau of certain excise taxes. However, the Chamber is concerned that:
 - The ongoing impact of COVID-19 will extend well past the extension date of July 15th in Notice 2020-18.
 - Taxpayers' liquidity is impacted not only by the income taxes covered in Notices 2020-18 and -20, but by other taxes, such as excise taxes, including certain industry excise taxes where payments are remitted bi-weekly as well as the non-profit executive compensation excise tax due in May 2020.
 - Proposal: The Chamber urges the extension of filing and payment relief, ideally until April 15, 2021, but at a minimum until October 15, 2020, as provided in the initial draft of the CARES Act. Additionally, the Chamber urges that this payment

and filing relief be extended to additional taxes, such as those excise taxes listed above, that have immediate liquidity impacts.

- Fiscal Year Taxpayers

- Issue: Relief provided in Notice 2020-18 was only applicable to calendar year taxpayers.
- Proposal: The Chamber urges that this relief, and any subsequent relief, be applicable to both calendar and fiscal year taxpayers.

The Chamber appreciates the opportunity to provide this feedback and urges swift action on these items to ensure taxpayers can continue operations and maintain payrolls. We strongly urge Treasury and the IRS to continue to work closely with the business community during this time of uncertainty to ensure as little disruption as possible. We look forward to working with you to address these issues and help implement other pro-growth tax relief. Thank you for your time and attention.

Sincerely,



Caroline L. Harris

Cc: David J. Kautter, Assistant Secretary, Office of Tax Policy, U.S. Department of the Treasury