

Congress of the United States
Washington, DC 20515

May 16, 2016

The Honorable Thomas E. Perez
Secretary
United States Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

The Honorable Jacob J. Lew
Secretary
United States Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

The Honorable John Koskinen
Commissioner
Internal Revenue Service
1111 Constitution Ave, NW
Washington, DC 20224

Dear Secretary Perez, Secretary Lew and Commissioner Koskinen,

We are following up on a letter from February 26, 2016 to request that you complete and release the forms and guidance for the Work Opportunity Tax Credit (WOTC) regarding the long-term unemployed. In addition, given the time it has taken to complete the forms and guidance, we request an additional 120 days of transitional relief, beyond May 31, to ensure that employers have the proper amount of time to receive the forms and guidance necessary.

It has been nearly six months since the law was signed to extend WOTC and to include provisions for hiring the long-term unemployed. The forms and guidance are necessary to ensure that employers have the certainty they need to hire the long-term unemployed. Without the forms, they are unable to request certification for new hires. The forms and guidance will provide the necessary instructions that states are waiting for in order to begin processing the new long-term unemployed WOTC category, as well as 2016 hires in the traditional categories.

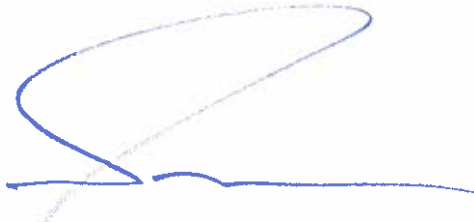
Specifically, we ask that the Department of Labor (DOL) issue its TEGL to the State Workforce Agencies (SWAs), providing instructions on certifying WOTC applications during the program's hiatus and going forward. We ask that DOL clarify in the TEGL how the new "Qualified Long-Term Unemployment Recipient (LTUR)" ETA 9175 form should be reviewed by SWAs. DOL created this new self-attestation form to enable screening for the long-term unemployed category; SWAs would benefit from specific instructions in the TEGL about how to process and certify this form in cases in which an individual either can't remember specific dates or leaves fields blank. There should be a level of flexibility provided to SWAs when assessing this form. We are concerned that SWAs may otherwise deny the certification. One solution would be to change the self-attestation to remove the requirement that employees provide specific dates. They would instead attest to the fact that they were unemployed for at

least 27 consecutive weeks and that during their period of continuous unemployment they received unemployment compensation.

Continued delay of issuance of the forms and guidance needed for WOTC has put states and employers in a difficult position to implement the new provisions. An extended transitional relief period will ensure that employers screening and hiring individuals, as well as state agencies, are fully prepared to comply with the forms and guidance, once issued. We further suggest that because it has taken so long to issue guidance and forms for the long-term unemployed, the requirement that applicant fill out the attestation should only be imposed prospectively from when the forms are publicly available. For those individuals hired in 2016 in the long-term unemployed category, IRS Form 8850 which requires them to attest that "...you are in a period of unemployment that is at least 27 consecutive weeks and for all or part of that period you received unemployment compensation," should be sufficient.

We appreciate your attention to this important matter and continue to urge the completion and issuance of the forms and guidance related to the WOTC, as well as an extension of the transitional relief for 120 days. Should you have any questions please do not hesitate to contact Drew Wayne (drew.wayne@mail.house.gov or 202-225-3161) in Rep. Reed's office or Elaina Houser (elaina.houser@mail.house.gov or 202-225-5751) in Rep. Pascrell's office.

Sincerely,



Tom Reed
Member of Congress



Bill Pascrell, Jr.
Member of Congress

CC: Shaun Donovan, Director of Office of Management and Budget