

United States Senate

WASHINGTON, DC 20510

October 15, 2016

The Honorable Jack Lew
Secretary of the Treasury
1500 Pennsylvania Ave. N.W.
Washington, D.C. 20220

Dear Secretary Lew,

As United States Senators from North Carolina, we write to you concerning tax filing deadline postponements for the thousands of North Carolina taxpayers affected by Hurricane Matthew. We appreciate the Department's and the Internal Revenue Service's (IRS) efforts so far to grant relief to certain counties.

As you may know, our offices has been in contact with your Department regarding our belief that the law, specifically 26 U.S.C. 7508A, grants you the authority to postpone certain tax deadlines by reason of a Presidentially declared disaster. The statute provides that postponements can be granted to "a taxpayer determined by the Secretary to be affected by a federally declared disaster..." A "federally declared disaster" is defined by 26 U.S.C. 165(i)(5) as "any disaster subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act." As of October 15, a total of 36 North Carolina counties have been declared a major disaster area by the President under the Stafford Act, with 23 of those counties being granted designations for both Individual and Public Assistance.

As of now, the Treasury Department and the IRS have only granted filing extensions to those taxpayers in counties with Individual Assistant (IA) designations. We believe that both statute and regulation (26 CFR 301.7508A-1) provide you with the authority to issue extensions for all 36 counties in North Carolina that the President has declared as federal disaster areas, and any additional counties the President may declare in the future.

As we have witnessed firsthand by visiting these areas, the disaster in North Carolina is still ongoing, making it very difficult to begin the recovery process or fully assess the damages inflicted on our state. Many taxpayers in these areas are facing a tax filing deadline this Monday, October 17, and the threat of onerous penalties if they do not meet it. The flooding and effects of Hurricane Matthew make the task of meeting the deadlines nearly impossible for them. We ask that you take immediate action to use the authority available in statute to provide relief to these taxpayers in North Carolina as soon as possible.

Sincerely,



Richard Burr
United States Senator



Thom Tillis
United States Senator