



Congress of the United States
House of Representatives
Washington, DC 20515

November 9, 2021

The Honorable Janet Yellen
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, D.C. 20220

Dear Secretary Yellen:

We are writing to urge you to exercise your authority as Treasury Secretary to grant temporary relief under Section 473 of the Internal Revenue Code (IRC) to businesses using the Last-In, First-Out (LIFO) inventory accounting method who cannot maintain inventory due to the current major foreign trade interruptions caused by the pandemic.

The COVID-19 pandemic, compounded by ongoing disruptions in global supply chains, has resulted in shortages of critical materials from lumber to semiconductors. This has made it difficult for many manufacturers, retailers and wholesalers to maintain inventory. According to the [Biden Administration](#), while retailers had 43 days of inventory in February 2020 before the pandemic began, as of June 2021, they had just 33 days of inventory. This is an unprecedented situation, which could take many months to correct.

Businesses using the LIFO inventory method must maintain a minimum level of inventory at year-end or risk triggering a recapture tax. Absent further action by the U.S. Department of Treasury, businesses that already are facing uncertainty about cash flow, working capital and inventory levels due to the global supply chain disruptions will incur the additional burden of significant, unanticipated tax liabilities.

Section 473 of the IRC, “Qualified Liquidations of LIFO Inventories,” authorizes the Treasury Secretary to provide relief from the recapture tax if “any embargo, international boycott, or other major foreign trade interruption, has made difficult or impossible” to replace inventory for “any class of goods for any class of taxpayers.” It is our view that the widespread disruption of global supply chains is clearly the type of major foreign trade interruption Congress intended to address with Section 473. This relief would permit businesses to replace their inventory over a three-year period, giving them time to restock their inventory as production normalizes. Also, providing

businesses relief from having to pay a LIFO inventory recapture tax liability will allow them to retain earnings as they recover from the pandemic, invest in their businesses and employees and replenish inventory.

Congress enacted Section 473 precisely for the type of situation occurring right now: the unforeseen and dire consequences of a worldwide pandemic, as well as a supply chain crisis, which is significantly interrupting global commerce. We urge you to grant Section 473 relief at the soonest opportunity to provide relief to businesses using LIFO, so that they can retain their employees and protect local communities from the harmful ripple effects of these problematic circumstances.

Sincerely,



Daniel T. Kildee
MEMBER OF CONGRESS



Jodey C. Arrington
MEMBER OF CONGRESS

_____/s/_____
Mark Amodei
MEMBER OF CONGRESS

_____/s/_____
Earl Blumenauer
MEMBER OF CONGRESS

_____/s/_____
Jake Auchincloss
MEMBER OF CONGRESS

_____/s/_____
Suzanne Bonamici
MEMBER OF CONGRESS

_____/s/_____
Cindy Axne
MEMBER OF CONGRESS

_____/s/_____
Brendan F. Boyle
MEMBER OF CONGRESS

_____/s/_____
Joyce Beatty
MEMBER OF CONGRESS

_____/s/_____
Anthony G. Brown
MEMBER OF CONGRESS

_____/s/_____
Don Beyer
MEMBER OF CONGRESS

_____/s/_____
Julia Brownley
MEMBER OF CONGRESS

_____/s/_____
Sanford D. Bishop, Jr.
MEMBER OF CONGRESS

_____/s/_____
Matt Cartwright
MEMBER OF CONGRESS

_____/s/_____
Jim Cooper
MEMBER OF CONGRESS

_____/s/_____
J. Luis Correa
MEMBER OF CONGRESS

_____/s/_____
Angie Craig
MEMBER OF CONGRESS

_____/s/_____
Charlie Crist
MEMBER OF CONGRESS

_____/s/_____
Madeleine Dean
MEMBER OF CONGRESS

_____/s/_____
Peter DeFazio
MEMBER OF CONGRESS

_____/s/_____
Antonio Delgado
MEMBER OF CONGRESS

_____/s/_____
Debbie Dingell
MEMBER OF CONGRESS

_____/s/_____
Mike Doyle
MEMBER OF CONGRESS

_____/s/_____
Tom Emmer
MEMBER OF CONGRESS

_____/s/_____
Ron Estes
MEMBER OF CONGRESS

_____/s/_____
Dwight Evans
MEMBER OF CONGRESS

_____/s/_____
A. Drew Ferguson, IV
MEMBER OF CONGRESS

_____/s/_____
Michelle Fischbach
MEMBER OF CONGRESS

_____/s/_____
Chuck Fleischmann
MEMBER OF CONGRESS

_____/s/_____
Vicente Gonzalez
MEMBER OF CONGRESS

_____/s/_____
Josh Gottheimer
MEMBER OF CONGRESS

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Jim Hagedorn
MEMBER OF CONGRESS

_____/s/_____
Brian Higgins
MEMBER OF CONGRESS

_____/s/_____
Chrissy Houlahan
MEMBER OF CONGRESS

_____/s/_____
Bill Huizenga
MEMBER OF CONGRESS

_____/s/_____
Sara Jacobs
MEMBER OF CONGRESS

_____/s/_____
Chris Jacobs
MEMBER OF CONGRESS

_____/s/_____
David P. Joyce
MEMBER OF CONGRESS

_____/s/_____
John Joyce, M.D.
MEMBER OF CONGRESS

_____/s/_____
Marcy Kaptur
MEMBER OF CONGRESS

_____/s/_____
Mike Kelly
MEMBER OF CONGRESS

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Young Kim
MEMBER OF CONGRESS

_____/s/_____
Ron Kind
MEMBER OF CONGRESS

_____/s/_____
Raja Krishnamoorthi
MEMBER OF CONGRESS

_____/s/_____
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_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
Doug LaMalfa
MEMBER OF CONGRESS

_____/s/_____
Doug Lamborn
MEMBER OF CONGRESS

_____/s/_____
Brenda L. Lawrence
MEMBER OF CONGRESS

_____/s/_____
Tracey Mann
MEMBER OF CONGRESS

_____/s/_____
Kathy Manning
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_____/s/_____
Lucy McBath
MEMBER OF CONGRESS

_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
David B. McKinley, P.E.
MEMBER OF CONGRESS

_____/s/_____
Carol D. Miller
MEMBER OF CONGRESS

_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
Alex X. Mooney
MEMBER OF CONGRESS

_____/s/_____
Joseph D. Morelle
MEMBER OF CONGRESS

_____/s/_____
Frank J. Mrvan
MEMBER OF CONGRESS

_____/s/_____
Tom O'Halleran
MEMBER OF CONGRESS

_____/s/_____
Jimmy Panetta
MEMBER OF CONGRESS

_____/s/_____
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_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
Scott H. Peters
MEMBER OF CONGRESS

_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
Kathleen M. Rice
MEMBER OF CONGRESS

_____/s/_____
Mike D. Rogers
MEMBER OF CONGRESS

_____/s/_____
Deborah K. Ross
MEMBER OF CONGRESS

_____/s/_____
C. A. Dutch Ruppersberger
MEMBER OF CONGRESS

_____/s/_____
Tim Ryan
MEMBER OF CONGRESS

_____/s/_____
Mary Gay Scanlon
MEMBER OF CONGRESS

_____/s/_____
Kurt Schrader
MEMBER OF CONGRESS

_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
David Scott
MEMBER OF CONGRESS

_____/s/_____
Brad Sherman
MEMBER OF CONGRESS

_____/s/_____
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MEMBER OF CONGRESS

_____/s/_____
Lloyd Smucker
MEMBER OF CONGRESS

_____/s/_____
Greg Stanton
MEMBER OF CONGRESS

_____/s/_____
Pete Stauber
MEMBER OF CONGRESS

_____/s/_____
Michelle Steel
MEMBER OF CONGRESS

_____/s/_____
Haley Stevens
MEMBER OF CONGRESS

_____/s/_____
Thomas R. Suozzi
MEMBER OF CONGRESS

_____/s/_____
Eric Swalwell
MEMBER OF CONGRESS

_____/s/_____
Dina Titus
MEMBER OF CONGRESS

_____/s/_____
Norma J. Torres
MEMBER OF CONGRESS

_____/s/_____
Lori Trahan
MEMBER OF CONGRESS

_____/s/_____
Juan Vargas
MEMBER OF CONGRESS

_____/s/_____
Marc Veasey
MEMBER OF CONGRESS

_____/s/_____
Jackie Walorski
MEMBER OF CONGRESS

_____/s/_____
Brad R. Wenstrup, D.P.M.
MEMBER OF CONGRESS

_____/s/_____
Roger Williams
MEMBER OF CONGRESS

cc: Lily Batchelder, Assistant Secretary, Office of Tax Policy
Brian Deese, Director, National Economic Council