

October 16, 2017

The Honorable Jim Renacci
U.S. House of Representatives
Washington, DC 20515

The Honorable Kurt Schrader
U.S. House of Representatives
Washington, DC 20515

The Honorable Lynn Jenkins
U.S. House of Representatives
Washington, DC 20515

The Honorable Jim Costa
U.S. House of Representatives
Washington, DC 20515

The Honorable David Joyce
U.S. House of Representatives
Washington, DC 20515

Dear Representatives Renacci, Schrader, Jenkins, Costa and Joyce:

Thank you for your leadership in introducing, H.R. 3956, the “STARS Act of 2017.” This bipartisan legislation provides much needed clarity around the Patient Protection Affordable Care Act’s (ACA’s) definition and treatment of seasonal workers.

Seasonal small businesses continue to struggle with determining their employer size and employer shared responsibility requirements due to the law’s varying definitions of “seasonal.” When complying with the ACA, it is possible for the same worker to be a “seasonal worker” for the purpose of determining employer size, but not be considered a “seasonal employee” under an employer’s shared responsibility obligations. These various definitions create confusion for seasonal small businesses that struggle to comply with the law.

The STARS Act adopts the Treasury Department’s definition of seasonal employment while simplifying and aligning the seasonal provisions of the ACA to better enable employer compliance. This targeted approach provides seasonal employers with the clarity needed to assess their obligations under the ACA.

Specifically, the STARS Act:

- *Aligns* the separate definitions of “seasonal” found in statute and in the final regulation to the Treasury Department’s preferred definition from the final regulation on IRC §4980H (six months or less, customary, annual, recurring);
- *Simplifies* the determination of Applicable Large Employer size and the determination of a seasonal employee’s full-time status for the purposes of the ACA’s Employer Shared Responsibility provisions.

Thank you again for introducing the “STARS Act of 2017.” This well-crafted, bipartisan legislation appropriately addresses the unique challenges that seasonal

employment poses for small employer compliance with the ACA. By passing STARS, Congress can ensure that small seasonal employers with limited human resource capabilities have the tools and understanding necessary to comply with the ACA and to continue to grow their businesses. We look forward to working with you and members of Congress to address the challenges of seasonal employer compliance under the ACA and greatly appreciate your leadership on this issue.

Sincerely,

National Organizations

Agricultural Retailers Association
AmericanHort
American Farm Bureau Federation
American Horse Council
Associated Builders and Contractors
Associated General Contractors
Federation of Employers and Workers of America
Golf Course Superintendent Association of America
Mulch and Soil Council
National Association of Theatre Owners
National Christmas Tree Association
National Club Association
National Hispanic Landscape Alliance
National Onion Association
National Retail Federation
National Restaurant Association
Snow and Ice Management Association
Society for Human Resource Management
Society of American Florists
Tree Care Industry Association
United Fresh Produce Association
U.S. Apple Association

Regional, State, and Local Organizations

Alabama Nursery & Landscape Association
Arkansas Hospitality Association
Colorado Arborists and Lawn Care Professionals
Colorado Nursery and Greenhouse Association
Connecticut Nursery and Landscape Association
Farm Bureau Monterey
Florida Fruit & Vegetable Association
Florida Nursery, Growers & Landscape Association
Florida Restaurant and Lodging Association

Georgia Green Industry Association
Illinois Green Industry Association
Illinois Landscape Contractors Association
Indiana Restaurant and Lodging Association
Iowa Restaurant Association
Landscape Contractors Association MD-DC-VA
Louisiana Nursery & Landscape Association
Maine Arborist Association
Maine Landscape and Nursery Association
Maine Restaurant Association
Maryland Nursery, Landscape, and Greenhouse Association
Massachusetts Nursery and Landscape Association, Inc.
Massachusetts Restaurant Association
Michigan Nursery & Landscape Association
Michigan Restaurant Association
Minnesota Nursery & Landscape Association
Minnesota Restaurant Association
Mississippi Restaurant Association
Missouri Green Industry Alliance
Missouri Restaurant Association
Nevada Restaurant Association
New Jersey Landscape Contractors Association
New Mexico Restaurant Association
New York State Restaurant Association
North Carolina Green Industry Council
North Carolina Nursery and Landscape Association
North Carolina Restaurant and Lodging Association
Ohio Landscape Association
Oklahoma Restaurant Association
Oregon Association of Nurseries
Oregon Potato Commission
Oregon Restaurant and Lodging Association
Pennsylvania Landscape and Nursery Association
Pennsylvania Restaurant and Lodging Association
Puerto Rico Restaurant Association
Restaurant Association of Maryland
South Carolina Restaurant and Lodging Association
Texas Nursery & Landscape Association
Texas Restaurant Association
Texas Shrimp Association
Utah Restaurant Association
Virginia Christmas Tree Growers Association
Virginia Nursery & Landscape Association
Washington Association of Landscape Professionals
Washington State Nursery & Landscape Association
Washington State Potato Commission

West Virginia Nursery & Landscape Association
Wisconsin Green Industry Federation
Wisconsin Nursery and Landscape Association
Wisconsin Restaurant Association
Yuma Fresh Vegetable Association