OMB Control Number: 1545-2252

To the IRS/Treasury:

I am writing to respectfully urge that you reconsider any proposal to eliminate Forms 1094-B and 1095-B or reduce the reporting requirements.

The requirement to report coverage to the IRS and individuals on Forms 1094-B and 1095-B acts in accordance with the individual mandate under the Affordable Care Act (ACA). Although the penalty for noncompliance of the individual mandate under the ACA has been reduced to zero, the statutory requirement for individuals to maintain Minimum Essential Coverage (MEC) remains in effect under federal law, the IRS is only currently not enforcing the mandate due to the reduction in penalty.

Furthermore, Form 1095-B serves a vital role by verifying whether an individual has MEC which is especially important for the Marketplace and state-based exchanges that rely on accurate information to determine eligibility for Premium Tax Credits (PTC). The IRS has the ability to cross reference taxpayers' coverage via Form 1095-B to see whether they already have MEC and thus not be eligible for a PTC. In addition to the federal Marketplace and state-based exchanges being able to use the data that is reported on Form 1095-B, several states have enacted their own individual mandates with financial penalties associated. Many of these states allow the federal 1095-B forms to be utilized for their reporting requirements. Thus, removing the reporting requirement of Forms 1094-B and 1095-B would disrupt coordination between state and federal policies, requiring states with reporting requirements to develop and update annually their own version of the form. Additionally, it is anticipated without the federal reporting requirement, additional states would start requiring businesses to file forms showing which individuals have MEC for the year.

In conclusion, I urge the Treasury and the IRS to maintain the reporting requirements of Forms 1094-B and 1095-B as it is essential for legal consistency, the Marketplace and state-based exchanges when reviewing the PTC eligibility, and federal-state coordination for utilizing the same 1095-B forms.