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November 8, 2013

**VIA ELECTRONIC SUBMISSION** ([www.regulations.gov](http://www.regulations.gov))

Internal Revenue Service  
P.O. Box 7604  
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Washington, DC 20044

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Senior Vice President

Dear Sir or Madam:

Re: Comments to 2 Separate Notices of Proposed Rulemakings on Reporting Requirements Under the Affordable Care Act: (REG-132455-11) and (REG-136630-12)

The Business Roundtable is an association of chief executive officers of leading U.S. companies. Together, our members' companies employ more than 16 million individuals and provide health care coverage to over 40 million American workers, retirees, and their families. Business Roundtable is invested in addressing health care costs that hamper essential economic growth. For that reason, Business Roundtable has been critically engaged on the issue of health care reform and has an interest in seeing an implementation of the Affordable Care Act (ACA) that provides employers with the flexibility they need to continue providing critical benefits to employees and their families.

This letter provides comments in response to two separate notices of proposed rulemakings, published on September 9, 2013, which are the "Information Reporting of Minimum Essential Coverage" that involves reporting requirements under Section 6055 of the Internal Revenue Code (IRC) and the "Information Reporting by Applicable Large Employers on Health Insurance Coverage offered under Employer-Sponsored Plans" that relates to applicable large employers who are required to report information under Section 6056 of the IRC. The second proposed rulemaking is the subject of our comments. We appreciate your consideration and look forward to working with you on developing the most efficient, business-minded, and workable approach to ensuring appropriate and sufficient information reporting.

First and foremost, Business Roundtable notes that employers who offer affordable coverage that meets minimum value standards have undertaken significant financial and administrative burdens to ensure compliance with these requirements, established under the Affordable Care Act. These employers have long recognized the value of ensuring that their employees have access to high-quality health insurance and have taken many complicated steps to continue their practice of offering coverage. As proposed, the reporting requirements are complex and costly and implementing them would impose additional financial and administrative burdens exclusively on these compliant employers. We strongly encourage the Internal Revenue Service (IRS) to take this into consideration as you develop final rules and permit such employers flexibility to comply.

We recommend that employers who offer coverage be allowed to provide a certification to the IRS that they are offering affordable and minimum value coverage to those workers who are reasonably expected to work full time (and their dependents). Such certification would be provided in lieu of reporting. This approach will ensure that compliant employers are spared unnecessary costs and administrative burdens, while providing sufficient information to the IRS for the purposes of the 6055 and 6056 reporting requirements. Minimizing this burden on employers will ultimately help ensure that employees have continued access to high-quality coverage through their workplace.

Another option is to identify methods to inform the IRS and the relevant individuals through the W-2 form. This would show that the employer has offered the employee minimum value and affordable coverage. This could be supplemented with other educational information from employers that broadly describe the coverage options and compliance with the requirements.

We also request that the IRS consider the following additional recommendations. First, Business Roundtable is concerned with the proposed requirement that employers provide information (e.g., a Tax Identification Number (TIN) or birthdate) for employees' dependents. Employers are often not provided with and may not have access to such information, especially in cases where an employee's dependent declines to enroll in coverage that is offered to the employee. Similarly, we note that the Social Security numbers of employees' adult children are not always available to employers and, in turn, employers may be unable to provide those to the IRS. We urge the IRS to continue working with the business community to develop workable alternatives or safe harbors that ensure employers will not be responsible for obtaining such information about employees' dependents.

Further, Business Roundtable believes that there is significant duplication in the information to be gathered by the proposed 6055 and 6056 reporting requirements. While we continue to maintain that a singular certification, as discussed above, would be entirely sufficient for ACA-compliant employers, we also recommend that the IRS combine the proposed reportings into a singular form. This approach would minimize any burden associated with the required reporting without reducing the amount of information reported.

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Finally, we believe employees will be provided sufficient notice that they are being offered minimum value, affordable coverage through both the yearly notices required under section 18B of the Fair Labor Standards Act of 1938 (established under section 1512 of the ACA) and annual open enrollment materials. Requiring employers to provide additional notice that the coverage offered meets these standards will unnecessarily impose both financial and administrative burdens. We have had some preliminary estimates of the cost to produce these reports and anecdotally some have stated that it could cost \$56 per employee or \$26 per covered life.

The Business Roundtable sincerely appreciates your consideration of these recommendations. We remain committed to ensuring that employers can continue providing high-quality coverage to their employees, in compliance with the ACA, by working with the IRS and other Departments to develop business-minded, efficient, and workable regulations. Maria Ghazal, Vice President and Counsel at the Business Roundtable, is available at your convenience to discuss any of these matters further.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary W. Loveman". The signature is fluid and cursive, with a long horizontal line extending from the end.

Gary Loveman  
Chairman, President and Chief Executive Officer  
Caesars Entertainment Corporation  
Chair, Health and Retirement Committee  
Business Roundtable

GL/mg