



February 1, 2021

***Submitted Electronically Via Federal Rulemaking Portal: [www.regulations.gov](http://www.regulations.gov)***

Internal Revenue Service  
Attn: CC:PA:LPD:PR (Notice 2020-76) Room 5203  
P.O. Box 7604  
Ben Franklin Station  
Washington, D.C. 20044

***RE: Notice 2020-76 Transition Relief Related to Health Coverage Reporting Required by Sections 6055 and 6056 for 2020***

To Whom It May Concern:

The U.S. Chamber of Commerce (“the Chamber”) submits these comments to the Internal Revenue Service (“IRS”) in response to Notice 2020-76 (“Notice”) which provides transition relief for 2020 related to health coverage reporting required by Sections 6055 and 6056 of the the Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010 (collectively referred to as “PPACA”).<sup>1</sup> This Notice extends the due date for certain 2020 information-reporting requirements under sections 6055 and 6056 of the Internal Revenue Code (Code) from January 31, 2021, to March 2, 2021. This notice also provides relief from penalties for certain aspects of the 2020 information-reporting requirements under sections 6055 and 6056.

Our member companies struggle under normal and usual circumstances to comply with the reporting requirements by the due dates. With the many significant disruptions caused by the pandemic and the extremely detrimental impact on businesses, this past year has created even greater compliance challenges. We strongly support: the extension of the deadline for providing a statement to employees per Section 6056; the recognition of good faith efforts to provide the most accurate and correct information possible, and; the relief regarding the furnishing requirement under 6055. Further, we urge the IRS to make permanent these three forms of relief. Finally, we urge the IRS to revise the requirement that insurers and TPAs must repeatedly solicit social security numbers. The IRS no longer needs these social security numbers to impose a penalty associated with the individual mandate.

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<sup>1</sup> The Patient Protection and Affordable Care Act, Pub. L. No. 111-148, amended by Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152 (2010).

## Overview

The Chamber appreciates that it is important to report coverage information to IRS so that the employer shared responsibility and premium tax credit provisions can be enforced. We strongly support the relief offered for 2020 and urge the IRS to make this relief permanent. The Chamber's members indicate the savings in mailing costs alone will be significant with no detrimental ramifications to the effective enforcement and implementation of the shared responsibility and premium tax credit provisions.

As a result, we encourage the IRS to permanently:

- Delay the due date for providing individuals with the statements in Forms 1095-B and 1095-C;
- Grant relief for furnishing Form 1095-B to individuals; and
- Offer good faith relief for reporting and furnishing Forms 1095-B and 1095-C.

### **Permanently Delay the Due Date to Provide to Individuals the Statement in Form 1095-B and Form 1095-C under Sections 6055 and 6056**

We urge the IRS to permanently delay the due date by which statements must be provided to individuals under Sections 6055 and 6056, providing certainty and continuity for employers and insurers. Permanently granting businesses an additional 30 days to provide this statement to individuals will also allow employers to focus on first providing Form W-2 to employees by the January 31<sup>st</sup> deadline. By granting this additional time, the IRS will make it easier for employers and insurers to take advantage of the time in future years.

### **Permanently Grant Relief for Furnishing Statements Required by Section 6055**

The relief permitting self-insured employers and insurers to provide a notice on a website that Form 1095-B is available on request will produce tremendous savings and is appropriate given the tax penalty is zero for failing to comply with the individual shared responsibility requirement beginning in 2019. Taxpayers no longer need to receive documentation showing they have minimum essential coverage for federal income tax purposes. Therefore, it is appropriate to have this information furnished only on request to those individuals who want it or to those individuals living in a state that requires such documentation due to local individual coverage mandate requirements. This modification will reduce unnecessary costs. Individuals will still be informed of the availability of statements and yet insurers and employers will be spared the expense of sending the statement to every taxpayer, most of whom have no need for these statements.

Again, we believe the IRS should formalize this relief permanently. With this approach set by regulation, it will make it easier for insurers and self-insured employers required to provide statements to take advantage of this revised approach.

Further, the IRS should revise its web pages that still refer to some evidence of coverage being required to support filing an individual federal income tax return. For example, in a Q & A entry,<sup>2</sup> the IRS describes the need to keep documentation to support responding to a question about minimum essential coverage (MEC). Filers do not need documentation of MEC for filling out their tax return. This Q & A and similar outdated provisions on the IRS website should be updated to eliminate this sort of information.

### **Permanently Offer Good-Faith Relief for Reporting and Furnishing Information under Sections 6055 and 6056**

The Chamber urges the IRS to rethink its description that the relief for 2020 as the “final” extension of good faith reporting relief under Code Sections 6055 and 6056. Instead, we strongly recommend that the IRS make this relief permanent too. Employers continue to struggle to collect accurate data from various vendors. Affording employers and insurers this good faith relief will help businesses meet their obligations without penalizing them for difficulties beyond their control.

### **Waive Requirement to Repeatedly Solicit Social Security Numbers**

Just as the statement of coverage provided to individuals under Section 6055 is no longer necessary for the majority of the nation’s tax-payers, the majority of individuals will not need to provide their social security numbers in order to facilitate the imposition of the individual mandate penalty. We encourage the IRS to waive subsequent solicitation requirements and only preserve the requirement to solicit social security numbers upon enrollment.

## **V. CONCLUSION**

We urge the IRS to permanently grant these three forms of relief to employers and insurers and continue to work carefully, pragmatically and cooperatively with the numerous stakeholders to minimize unnecessary costs and burdens. The IRS and Treasury should issue final forms and final instructions as soon as possible. We look forward to continuing to work together in the future.

Sincerely,



Katie Mahoney  
Vice President, Health Policy  
U.S. Chamber of Commerce

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<sup>2</sup> <https://www.irs.gov/affordable-care-act/questions-and-answers-about-health-care-information-forms-for-individuals#collapseCollapsible1606221447520>