



June 6, 2022

Internal Revenue Service, Treasury Department
CC:PA:LPD:PR (REG-114339-21)
Room 5203
Internal Revenue Service, P.O. Box 7604
Ben Franklin Station, Washington, DC 20044

Submitted Electronically via regulations.gov

Re: Comments on Proposed Rule: Affordability of Employer Coverage for Family Members of Employees (REG-114339-21)

Dear Sir or Madam:

Business Group on Health writes in response to the Internal Revenue Service's request for comments pertaining to the Affordable Care Act (ACA) affordability provisions covered in the notice of proposed rulemaking (NPRM) listed above. We appreciate the Service's targeted approach in the NPRM and request that the practical implementation, including any subsequent recordkeeping, Form 1094-C or 1095-C updates, and other administrative requirements also be narrowly focused and as minimally burdensome as possible.

Business Group on Health represents a [network of more than 440 of today's largest and most progressive employers](#), including 72 Fortune 100 companies, providing health coverage for 60 million workers, retirees and their families in 200 countries. Business Group members – innovative employer plan sponsors – are leading the way and encouraging others by providing strong health plan offerings, adopting alternative payment models, managing the total cost of care, promoting health equity, furthering population health, and keeping people well.

The Business Group appreciates the desire to help expand access to subsidized ACA marketplace coverage and acknowledges the Service's effort to do so without disrupting employer plan risk pools, benefit plan designs, or administrative operations. Beyond the rulemaking phase, we expect that there may be subregulatory requirements issued to

implement a new final rule. For example, these changes may drive new or clarified Q&As on the IRS's ACA-related webpages or updates to Forms 1094/95-C. We urge the Service to carefully consider any such changes, consult with the employer community prior to such changes, and adopt only the minimum changes necessary that are the least administratively disruptive, costly, and burdensome.

In order to comply with the ACA's employer shared responsibility provisions and reporting requirements, Business Group members have invested heavily in administrative tools and services. This investment ensures that millions of employees receive appropriate offers of coverage and produces millions of informational returns annually. We are concerned that implementation requirements flowing from these rules, if finalized, may require significant rework and additional administrative investment by employers if not appropriately tailored and limited. We would be happy to engage with the Service in developing the implementation guidance in order to help identify workable changes, avoid unnecessary resource depletion, and keep the employer investment focused on providing robust coverage to employees and families.

Thank you for your consideration. We would welcome the opportunity to discuss these comments or any other matters impacting employer plan sponsors. Please feel free to contact me (kelsay@businessgrouphealth.org) or Garrett Hohimer, Director, Policy and Advocacy (hohimer@businessgrouphealth.org) to discuss further.

Sincerely,

Ellen Kelsay
President and CEO