

SUPPORTING STATEMENT
Internal Revenue Service (IRS)
Reporting of health insurance coverage
OMB Control Number **1545-2252**

1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION

Under the Patient Protection and Affordable Care Act, Public Law 111-148, and the Health Care and Education Reconciliation Act, Public Law 111-152, health insurance issuers, employer-sponsored self-insured plans, government-sponsored programs, and other persons who provide minimum essential coverage must report information concerning individuals who are enrolled in the coverage

TD 9660 contains final regulations relating to the requirement for providers of minimum essential coverage (as defined in section 5000A(f)) to report to the IRS certain information about individuals covered by minimum essential coverage and to provide a statement to the individuals.

The IRS developed Form 1095-B, *Health Coverage*, to report this information about individuals who are covered by minimum essential coverage. Form 1094-B, *Transmittal of Health Coverage Information Returns*, serves as a transmittal for Form 1095-B.

There are no changes being made to this form at this time. IRS is making this submission for renewal purposes.

2. USE OF DATA

Health coverage providers and certain employers provide health coverage statements to covered individuals. The information returns and transmittal forms for the Affordable Care Act (ACA) are:

Form 1094-B, *Transmittal of Health Coverage Information Returns* - Providers of minimum essential coverage are required to file Forms 1094-B and 1095-B to report coverage. Filers use Form 1094-B (transmittal) to submit Forms 1095-B (returns).

Form 1095-B, *Health Coverage* - Health insurance providers (for example, health insurance companies) send this form to individuals they cover, with information about who was covered and when. The collection of information is necessary to determine whether individuals are enrolled in minimum essential coverage.

3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN

Electronic filing of Form 1094-B and Form 1095-B is currently available.

4. EFFORTS TO IDENTIFY DUPLICATION

The information obtained through this collection is unique and is not already available or use or adaption from another source.

5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES

It has been determined that these final regulations are not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations.

All the ACA forms, including Forms 1094-B and 1095-B, were designed with minimizing taxpayer burden in mind. Care was taken to require that issuers provide only the information necessary to fulfill their reporting obligations. Both large and small businesses benefit from this approach to forms design.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES

The information required on this form is needed to ensure proper compliance with tax laws. A less frequent collection on federal programs would result in the IRS being unable to determine whether individuals are covered by minimum essential coverage.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

There are no special circumstances requiring data collection to be inconsistent with Guidelines in 5 CFR 1320.5(d)(2).

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments on Form 1094-B and Form 1095-B.

A Federal Register Notice (87 FR 1485) was published regarding these forms on January 11, 2022, inviting public comments. No comments were received.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

No payment or gift has been provided to any respondents.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 U.S.C. 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

A privacy impact assessment (PIA) has been conducted for information collected under this request as part of the “Affordable Care Act (ACA)” system and a Privacy Act System of Records notice (SORN) has been issued for this system under; IRS 24.030- Individual Master File, IRS 24.046-Customer Account Data Engine Business Master File, and IRS 34.037- Audit Trail and Security Records System. The Internal Revenue Service PIAs can be found at <http://www.irs.gov/uac/Privacy-Impact-Assessments-PIA>.

Title 26 USC 6109 requires inclusion of identifying numbers in returns, statements, or other documents for securing proper identification of persons required to make such returns, statements, or documents and is the authority for social security numbers (SSNs) in IRS systems.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

Form 1095-B, *Health Coverage*, was created for reporting information on whom received minimum essential coverage. Form 1094-B, *Transmittal of Health Coverage Information Returns*, is used to transmit Form 1095-B.

Form	Description	# Respondents	# Responses Per Respondent- Approximate	Total Annual Responses	Hours Per Response	Total Burden
1094-B	Transmittal of Health Coverage Information Returns	30,000	1	30,000	.16667 (10 minutes)	5,000
1095-B	Health Coverage	30,000	4,167	125,000,000	.01666667 (1 minute)	2,083,333
TOTAL		30,000		125,030,000		2,088,333

The following regulations impose no additional burden. Please continue to assign OMB number 1545-2252 to these regulations.

1.6055-1

1.6055-2

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

The IRS currently estimates the cost burden on respondents to be nominal. To ensure more accuracy and consistency across its information collections, IRS is currently in the process of revising the methodology it uses to estimate burden and costs. Once this methodology is complete, IRS will update this information collection to reflect a more precise estimate of burden and costs.

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

The Federal government cost estimate is based on a model that considers the following three cost factors for each information product: aggregate labor costs for development, including annualized startup expenses, operating and maintenance expenses, and distribution of the product that collects the information.

The government computes cost using a multi-step process. First, the government creates a weighted factor for the level of effort to create each information collection product based on variables such as complexity, number of pages, type of product and frequency of revision. Second, the total costs associated with developing the product such as labor cost, and operating expenses associated with the downstream impact such as support functions, are added together to obtain the aggregated total cost. Then, the aggregated total cost and factor are multiplied together to obtain the aggregated cost per product. Lastly, the aggregated cost per product is added to the cost of shipping and printing each product to IRS offices, National Distribution Center, libraries, and other outlets. The result is the Government cost estimate per product.

The government cost estimate for this collection is summarized in the table below.

<u>Product</u>	<u>Aggregate Cost per Product (factor applied)</u>	<u>Printing and Distribution</u>	<u>Government Cost Estimate per Product</u>
Form 1094-B	\$ 89,031	0	\$ 89,031
Form 1095-B	\$ 68,486	0	\$ 68,486
Instructions	\$ 39,950	0	\$ 39,950
Total	\$ 197,467	0	\$ 197,467

15. REASONS FOR CHANGE IN BURDEN

There are no changes being made to this form at this time. IRS is making this submission for renewal purposes.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	125,030,000	0	0	0	0	125,030,000
Annual Time Burden (Hr.)	2,088,333	0	0	0	0	2,088,333

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

There are no plans for tabulation, statistical analysis, and publication.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

IRS believes that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the regulations sunsets as of the expiration date. Taxpayers are not likely to be aware that the Service intends to request renewal of the OMB approval and obtain a new expiration date before the old one expires.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT

There are no exceptions to the certification statement.

Note: The following paragraph applies to all the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained if their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.