



(Original Signature of Member)

113TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To reform the verification and reporting processes for the health care premium and cost-sharing subsidies.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. BLACK introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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## A BILL

To reform the verification and reporting processes for the health care premium and cost-sharing subsidies.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining  
5 Verification for Americans Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Employer reporting requirements under the  
9 Patient Protection and Affordable Care Act (Public

1 Law 111–148) should strike the appropriate balance  
2 between sufficient reporting to enforce the law and  
3 protecting the privacy of individuals.

4 (2) Protection of the privacy of the primary in-  
5 sured individual and each other individual covered  
6 under the policy, which should include minimizing  
7 the transmittal of social security numbers, should be  
8 a priority when implementing reporting require-  
9 ments.

10 **SEC. 3. IMPROVING THE ACCURACY OF EXCHANGE DETER-**  
11 **MINATIONS OF ELIGIBILITY FOR PREMIUM**  
12 **ASSISTANCE TAX CREDITS.**

13 (a) **IN GENERAL.**—If an employer provides prospec-  
14 tive reporting for any calendar year under subsection (b),  
15 such employer shall be treated as making the return de-  
16 scribed in section 6056(b) of the Internal Revenue Code  
17 of 1986 for such year if such return contains, consistent  
18 with the requirements of subsection (c)(2), only informa-  
19 tion with respect to employees with respect to whom the  
20 employer has received a notification under section  
21 1411(e)(4)(B)(iii) of the Patient Protection and Afford-  
22 able Care Act (42 U.S.C. 18081(e)(4)(B)(iii)). If the pre-  
23 ceding sentence applies to any employer for any calendar  
24 year, such employer shall be treated as furnishing the  
25 statements required under section 6056(c) of such Code,

1 if the employer furnishes such statements to such employ-  
2 ees with respect to the information included in the return  
3 made under the preceding sentence.

4 (b) PROSPECTIVE REPORTING.—Not later than 60  
5 days after the date of the enactment of this Act, the Sec-  
6 retary of the Treasury, in consultation with the Secretary  
7 of Health and Human Services, the Secretary of Labor,  
8 and the Administrator of the Small Business Administra-  
9 tion, shall implement a reporting system under which an  
10 employer may elect to provide the following information  
11 with respect to a calendar year before the beginning of  
12 such year:

13 (1) The name, date, and employer identification  
14 number of the employer.

15 (2) A certification as to whether the employer  
16 offers to its full-time employees the opportunity to  
17 enroll in minimum essential coverage under an eligi-  
18 ble employer-sponsored plan (as defined in section  
19 5000A(f)(2) of the Internal Revenue Code of 1986)  
20 and whether the employer offers the spouses of such  
21 full-time employees the opportunity to enroll in such  
22 coverage.

23 (3) The months during the year for which cov-  
24 erage is generally available to full-time employees.

1           (4) A certification as to whether the coverage  
2 described in paragraph (2) satisfies the requirements  
3 to qualify for one of the affordability safe harbors  
4 promulgated by the Secretary of the Treasury for  
5 purposes of section 4980H of the Internal Revenue  
6 Code of 1986.

7           (5) A certification as to whether an employee's  
8 effective date of coverage is generally affected by a  
9 waiting period.

10       (c) REQUIREMENTS.—The reporting system estab-  
11 lished under subsection (b) shall provide for—

12           (1) the processes necessary to ensure that Ex-  
13 changes can access the information described in sub-  
14 section (b) to assist in verifying eligibility determina-  
15 tions for advance payment of the premium tax cred-  
16 its under section 36B of the Internal Revenue Code  
17 of 1986 and the cost-sharing subsidies under section  
18 1402 of the Patient Protection and Affordable Care  
19 Act (42 U.S.C. 18071); and

20           (2) guidance on how employers who voluntarily  
21 report in advance under this section could satisfy the  
22 report and statement requirements under sub-  
23 sections (b) and (c) of section 6056 of the Internal  
24 Revenue Code of 1986 by reporting only with re-  
25 spect to employees with respect to whom the em-



1           tion 1412(b)(2) applies, the information de-  
2           scribed in such section.”.

3 **SEC. 5. EVALUATING THE DEVELOPMENT AND UTILIZA-**  
4           **TION OF SYSTEMS FOR EXCHANGES TO NO-**  
5           **TIFY EMPLOYERS OF POTENTIAL EXCISE TAX**  
6           **LIABILITY UNDER THE EMPLOYER MANDATE.**

7           Not later than 90 days after the date of the enact-  
8           ment of this Act, the Comptroller General of the United  
9           State shall conduct a study evaluating, with respect to the  
10          period beginning on October 1, 2013, and ending on the  
11          date of the enactment of this Act—

12           (1) the notification of employers by Exchanges  
13          established under title I of the Patient Protection  
14          and Affordable Care Act that a full-time employee  
15          has been determined eligible for an advanced pre-  
16          mium assistance tax credit, as required by sub-  
17          section (c)(4)(B)(iii) of section 1411 of such Act (42  
18          U.S.C. 18081); and

19           (2) the extent to which the Secretary of Health  
20          and Human Services has established a separate ap-  
21          peals process for employers who have been notified  
22          that an employee has been determined eligible for an  
23          advanced premium assistance tax credit to challenge  
24          that eligibility determination, as required by sub-  
25          section (f)(2) of such section.

1 **SEC. 6. PROTECTING DEPENDENT PRIVACY.**

2 (a) **IN GENERAL.**—Paragraph (1) of section 6055(b)  
3 of the Internal Revenue Code of 1986 is amended by add-  
4 ing at the end the following flush sentence:

5 “For purposes of subparagraph (B)(i), in the case of  
6 an individual other than the primary insured, if the  
7 person required to make the return does not collect  
8 or maintain information on the TINs of such indi-  
9 viduals (other than for purposes of this section), the  
10 individual’s name and date of birth may be sub-  
11 stituted for the individual’s name and TIN.”.

12 (b) **EFFECTIVE DATE.**—The amendment made by  
13 this section shall apply to returns the due date for which  
14 is after December 31, 2013.

15 **SEC. 7. ELECTRONIC STATEMENTS.**

16 (a) **STATEMENTS FROM EMPLOYERS.**—Subsection  
17 (c) of section 6056 of the Internal Revenue Code of 1986  
18 is amended by adding at the end the following new para-  
19 graph:

20 “(3) **ELECTRONIC DELIVERY.**—The statement  
21 required to be furnished to any employee under  
22 paragraph (1) may be furnished to such employee  
23 electronically if such employee has consented to re-  
24 ceive such statement electronically. For purposes of  
25 the preceding sentence, if an employee has con-  
26 sented, before the date of the enactment of this

1 paragraph, to electronically receive, from the person  
2 furnishing such statement, other documents used in  
3 filing the employee's return of tax, such employee  
4 shall be treated as having consented to receive such  
5 statement electronically unless such employee re-  
6 quests that such consent not apply to such state-  
7 ment.”.

8 (b) STATEMENTS FROM INSURANCE PROVIDERS.—

9 Subsection (c) of section 6055 of the Internal Revenue  
10 Code of 1986 is amended by adding at the end the fol-  
11 lowing new paragraph:

12 “(3) ELECTRONIC DELIVERY.—The statement  
13 required to be furnished to any individual under  
14 paragraph (1) may be furnished to such individual  
15 electronically if such individual has consented to re-  
16 ceive such statement electronically. For purposes of  
17 the preceding sentence, if an individual has con-  
18 sented, before the date of the enactment of this  
19 paragraph, to electronically receive, from the person  
20 furnishing such statement, other documents con-  
21 taining private health information, such individual  
22 shall be treated as having consented to receive such  
23 statement electronically unless such individual re-  
24 quests that such consent not apply to such state-  
25 ment.”.

1 (c) **EFFECTIVE DATE.**—The amendments made by  
2 this section shall apply to statements the due date for  
3 which is after December 31, 2013.

4 **SEC. 8. DELAYING PROVISION OF ACA PREMIUM AND COST-**  
5 **SHARING SUBSIDIES UNTIL ELIGIBILITY**  
6 **VERIFICATION PROCESS FOR SUCH SUB-**  
7 **SIDIES IS COMPLETE.**

8 (a) **IN GENERAL.**—Notwithstanding any other provi-  
9 sion of law, no premium tax credit under section 36B of  
10 the Internal Revenue Code of 1986 or reduced cost-shar-  
11 ing under section 1402 of the Patient Protection and Af-  
12 fordable Care Act (42 U.S.C. 18071) shall be allowed with  
13 respect to any individual for any coverage month which  
14 begins after December 31, 2014, and before the date on  
15 which the process to verify, in accordance with section  
16 1411 of the Patient Protection and Affordable Care Act  
17 (42 U.S.C. 18081), the estimated household income and  
18 coverage requirements of such individual for purposes of  
19 determining eligibility for, and the accurate amount of,  
20 such credit or reduction, respectively, has been completed.  
21 For purposes of the previous sentence, the verification  
22 process described in such sentence with respect to an indi-  
23 vidual shall not be treated as complete unless a manual  
24 or electronic review has been completed of applicable infor-  
25 mation required to be submitted by such individual under

1 section 1411(b) of such Act (42 U.S.C. 18081(b)) and any  
2 inconsistency of such information with records of the Sec-  
3 retary of the Treasury, Secretary of Homeland Security,  
4 or the Commissioner of Social Security has been resolved.

5 (b) TREATMENT OF INDIVIDUAL MANDATE.—Not-  
6 withstanding any other provision of law, no penalty shall  
7 be imposed under section 5000A of the Internal Revenue  
8 Code of 1986 with respect to an individual for any  
9 month—

10 (1) with respect to which such individual would  
11 (but for subsection (a)) be allowed a premium tax  
12 credit under section 36B of the Internal Revenue  
13 Code of 1986; and

14 (2) which begins after December 31, 2014, and  
15 before the date on which the verification process de-  
16 scribed in subsection (a) has been completed, in ac-  
17 cordance with such subsection, with respect to the  
18 eligibility of such individual for such credit.