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COMMITTEE ON THE BUDGET

July 18, 2023

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

The Honorable Janet Yellen  
Secretary  
Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

Dear President Biden, Secretary Becerra, and Secretary Yellen:

I appreciate your recent actions to protect American families by cracking down on junk insurance and urge you to further strengthen this important effort by repealing an additional Trump-era policy establishing Individual Coverage Health Reimbursement Arrangements (ICHRA)—a convoluted and discriminatory policy that threatens to leave millions of vulnerable Americans underinsured and unprotected.

As you know, ICHRAs permit an employer to stop offering health coverage and instead provide a voucher to their employees to go shop around for their own insurance. Forcing those with the least to find affordable and comprehensive coverage in a sea of junk plans and misleading marketing, ICHRAs leave workers vulnerable to ending up with inadequate coverage. With no oversight to ensure workers are not misled into junk coverage, employees merely have to self-attest that they purchased ACA-compliant insurance, even though they may not understand the fine print and caveats of their plan.

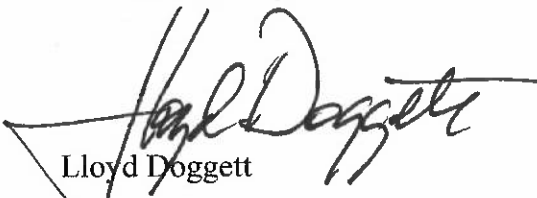
Further, employers are permitted to risk shift and discriminate against low wage and vulnerable employees. Under this Trump-era policy, employers may pick and choose classes of workers

who will be offered an ICHRA and provide comprehensive employer-sponsored coverage to other classes of employees. One survey found that 60% of large firms intended to offer ICHRAs only to low wage workers. The Joint Committee on Taxation and Congressional Budget Office recently estimated that 95% of the likely 2 million workers who will be placed in an ICHRA by 2032, would have otherwise been enrolled in employer-provided coverage with Affordable Care Act (ACA) protections.

Last month, House Republicans passed H.R. 3799, the CHOICE Arrangement Act, which seeks to codify this Trump ICHRA regulation. I am concerned that this is yet another effort by Republicans to undermine the ACA and codify a bad policy that encourages workplace discrimination. I appreciated the Statement of Administration Policy (SAP) released before the House vote strongly opposing this legislation and noting the Administration “will not support policies that would disrupt our health care system, reverse our progress, undermine the ACA, and hurt consumers and small businesses by removing critical health care protections that have been in place for years.” As noted in the SAP, we should instead find opportunities to build upon the ACA and focus on ensuring health care is affordable.

Two years ago, the Administration began a review of Trump-era policies, which promoted and expanded junk insurance, including the deeply flawed ICHRA policy. I urge you to strengthen your recent actions to protect consumers from junk plans and discrimination by repealing the ICHRA rule. I remain committed to opposing Republican efforts to subvert and kill the ACA by a thousand cuts and look forward to working with you to remove barriers and ensure affordable and equitable health coverage for all Americans.

Sincerely,



Lloyd Doggett

Ranking Member, House Ways & Means Health Subcommittee