



June 15, 2023

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

Dear Mr. President:

Republicans in the U.S. House of Representatives are moving rapidly to pass legislation, the CHOICE Arrangement Act (H.R. 3799), that would enable discrimination in the workplace by codifying the Trump-era regulation which created Individual Coverage Health Reimbursement Arrangements (ICHRAs) – a policy you pledged to review in 2021 that continues to remain in place. After introduction just last week, the House Rules Committee is scheduled to bring the bill, introduced by Representative Kevin Hern (R-OK), to the floor next week.

This follows quick passage of the legislation last week in the House Ways and Means Committee. Democrats on the Committee attempted to amend the bill to guard against discrimination, but Republicans defeated the amendment and the bill passed on a party-line vote. House Republicans' alarming action underscores the urgent need for you to use your authority to rescind this Trump regulation, protect health equity, and prevent health discrimination in the workplace. We urge you to strongly and unequivocally state your opposition to this discriminatory legislation.

You continue to have the power to not just stop this bill, but to undo the dangerous policy it is attempting to codify. ICHRA plans invite discrimination into the workplace and threaten the stability of the Affordable Care Act exchanges, jeopardizing the progress our country has made to improve health care access, affordability, and equity. This harmful policy exacerbates health disparities by enabling some employers to cherry pick employee populations – dividing workers into classes, shifting costs onto other businesses, and abandoning those who are more costly and often the most vulnerable.

More than two years ago, through [Executive Order 14009](#), you made a promise to review and potentially rescind this deeply flawed policy, which is antithetical to your health equity and coverage goals. Now is the time for you to follow through on your commitment. Without swift executive action, the policy allowing health discrimination will remain in place at the expense of American workers and their families.

We continue to applaud you for your commitment to health equity, but there is no time to waste on this regulation. We look forward to seeing immediate action on ICHRAs to ensure American workers have access to the high-quality health coverage they have earned.

Sincerely,

Keep US Covered  
AIDS United  
American Nurses Association  
American Psychiatric Association  
Business Forward  
Community Catalyst  
Little Lobbyists  
Small Business Majority