

119TH CONGRESS
2D SESSION

H. R. 9798

To amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to exempt certain employer-sponsored group health plans governed by ERISA from the Affordable Care Act’s Essential Health Benefits requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2026

Mr. ALLEN introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to exempt certain employer-sponsored group health plans governed by ERISA from the Affordable Care Act’s Essential Health Benefits requirements, and for other purposes.

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 “Employer Health Plan
5 Flexibility Act”.

1 **SEC. 2. EXEMPTING CERTAIN EMPLOYER-SPONSORED**
2 **GROUP HEALTH PLANS FROM THE AFFORD-**
3 **ABLE CARE ACT'S ESSENTIAL HEALTH BENE-**
4 **FITS REQUIREMENTS.**

5 (a) AMENDMENT TO ERISA.—Section 715 of the
6 Employee Retirement Income Security Act of 1974 (29
7 U.S.C. 1185d) is amended by adding at the end the fol-
8 lowing:

9 “(c) Notwithstanding any other provision of Federal
10 law, a group health plan sponsored by an employer and
11 governed by this Act shall not be required to provide cov-
12 erage for the Essential Health Benefits described in sec-
13 tion 1302(b) of the Patient Protection and Affordable
14 Care Act solely by reason of such Federal requirement.”.

15 (b) AMENDMENT TO THE PUBLIC HEALTH SERVICE
16 ACT.—Section 2707(a) of the Public Health Service Act
17 (42 U.S.C. 300gg–6(a)) is amended by inserting “This
18 section shall not apply to any employer-sponsored group
19 health plan governed by the Employee Retirement Income
20 Security Act of 1974.” at the end.

21 (c) CONFORMING AMENDMENTS.—The Secretary of
22 Health and Human Services shall revise applicable regula-
23 tions to reflect the exemption established under this Act.

1 **SEC. 3. PRESERVATION OF OTHER FEDERAL REQUIRE-**
2 **MENTS.**

3 Nothing in this Act shall be construed to exempt a
4 group health plan from compliance with—

5 (1) the portability and nondiscrimination provi-
6 sions of the Health Insurance Portability and Ac-
7 countability Act of 1996 (42 U.S.C. 201 et seq.);

8 (2) the Paul Wellstone and Pete Domenici Men-
9 tal Health Parity and Addiction Equity Act of 2008
10 (subtitle B of title V of division C of Public Law
11 110–343);

12 (3) the Consolidated Omnibus Budget Rec-
13 onciliation Act of 1985;

14 (4) fiduciary duties under the Employee Retire-
15 ment Income Security Act of 1974 (29 U.S.C. 1001
16 et seq.);

17 (5) Internal Revenue Code requirements appli-
18 cable to employer-sponsored health plans;

19 (6) Federal nondiscrimination requirements; or

20 (7) preventive services requirements, unless oth-
21 erwise provided by law.

22 **SEC. 4. EMPLOYER DISCLOSURE REQUIREMENTS.**

23 A group health plan claiming the exemption under
24 this Act shall annually provide participants with a notice
25 that includes—

- 1 (1) a description of benefits covered under the
- 2 plan;
- 3 (2) identification of any Essential Health Bene-
- 4 fits not covered;
- 5 (3) information regarding cost-sharing; and
- 6 (4) instructions for obtaining the Summary
- 7 Plan Description.

8 **SEC. 5. RULE OF CONSTRUCTION.**

9 Nothing in this Act shall—

- 10 (1) prohibit an employer from voluntarily pro-
- 11 viding all or part of the Essential Health Benefits;
- 12 (2) alter existing Employee Retirement Income
- 13 Security Act of 1974 (29 U.S.C. 1001 et seq.) pre-
- 14 emption; or
- 15 (3) affect State regulation of health insurance
- 16 issuers except as expressly provided.

17 **SEC. 6. EFFECTIVE DATE.**

18 The amendments made by this Act shall apply to plan

19 years beginning on or after January 1, 2028.

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