

H.R. 2813, Self-Insurance Protection Act

As ordered reported by the House Committee on Education and the Workforce on June 6, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	0	0
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	Yes
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Mandate Effects	
		Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	No
Sources: CBO and staff of the Joint Committee on Taxation. * = between -\$500,000 and \$500,000.			

H.R. 2813 would amend the Employee Retirement Income Security Act of 1974 (ERISA) to exclude stop-loss policies from that act’s definition of health insurance coverage. Stop-loss policies insure against excess or unexpected losses and are obtained by self-insured group health plans or plan sponsors of a group health plan that self-insures. Excluding stop-loss policies from the definition of health insurance coverage would exclude those policies from being regulated by ERISA. The bill also would preempt state laws that prohibit group health plans from obtaining stop-loss policies.

CBO and the staff of the Joint Committee on Taxation (JCT) estimate that enacting H.R. 2813 would have insignificant effects on direct spending, revenues, and deficits over the 2023-2033 period. CBO and JCT’s analysis of state laws indicates that few states prohibit the sale of stop-loss coverage; thus, the bill’s preemption of state laws would affect only a small number of people.

H.R. 2813 would impose an intergovernmental mandate as defined by the Unfunded Mandates Reform Act (UMRA) by preempting any state laws that prevent certain group health plans from using stop-loss policies to insure against excess or unexpected claims losses. CBO estimates that the cost of the mandate would not exceed the intergovernmental

See also

[CBO’s Cost Estimates Explained](#), [CBO Describes Its Cost-Estimating Process](#), [Glossary](#)



threshold established by UMRA (\$99 million in 2023, adjusted annually for inflation). The bill would not impose any private-sector mandates.

The CBO staff contact for this estimate is Emily Vreeland (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by Chad Chirico, Director of Budget Analysis.

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel
Director, Congressional Budget Office