

# United States Senate

WASHINGTON, DC 20510

May 8, 2024

## VIA ELECTRONIC TRANSMISSION

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

Dear Secretary Becerra:

We write today to express our deep concern with the Biden administration's announcement of a new rule allowing individuals protected by the 2012 Deferred Action for Childhood Arrivals (DACA) program to obtain health care coverage through Obamacare.<sup>1</sup> Specifically, President Biden announced that an estimated 100,000 immigrants—who do not have legal status in our country—will be able to participate in subsidized Affordable Care Act (ACA) health care plans over the next year. At a time when our nation has endured record numbers of illegal immigrants crossing the southern border, this announcement sends a clear message: fixing the manufactured border crisis is the last thing that the Biden administration wants to do. In Biden's economy, inflation is on the rise while job growth is slowing down. Unemployment is at a two-year high, and foreign born workers are flooding the workforce. Struggling American taxpayers are already on the hook for the costs of housing and welfare for illegal immigrants. And now, with this misguided rule, President Biden is asking these same hardworking, taxpaying Americans to foot the bill for illegal immigrants' health care. This new policy is not only unjust, it is economically unsustainable for millions of American citizens.

In announcing this rule, President Biden purports to be the champion for migrant children. However, under your watch, this administration has actually *lost track* of over 85,000 migrant children, many of whom have been trafficked and subjected to dangerous and exploitative situations. It is clear based on your previous congressional testimony that you have no interest in locating these innocent children. Instead, your main priority—evidenced by your announcement of this health care giveaway to immigrants—is to distract from President Biden's national security and humanitarian crisis occurring at the border. When America's borders are open and our citizens' wallets are hurting, the last thing this administration should be doing is providing free health care coverage to immigrants. The American people deserve answers on such a disastrous policy.

Please respond to the following questions by May 15, 2024:

1. Under this new rule, precisely how many immigrants will be able to enroll in ACA or state-based health care plans?

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<sup>1</sup> Adam Shaw, *These Illegal Immigrants Are Eligible for Obamacare After Biden Rule Change*, FOX NEWS (May 3, 2024, 10:05 AM), <https://www.foxnews.com/politics/these-illegal-immigrants-eligible-for-obamacare-after-biden-rule-change>.

2. If every DACA recipient eligible under your Department's rule applies for such health care coverage, exactly how much will that cost American taxpayers per year?
3. Is this coverage limited to individual plans for DACA recipients, or does such coverage extend to family plans covering relatives—many of whom are illegally present in our country—as well?
4. Does your Department intend to provide subsidized health care coverage to the nearly 10 million illegal immigrants who have flooded across the border who are not participants in the DACA program?
5. Will you commit to testifying before Congress to outline in greater detail this plan to provide taxpayer-funded health care to DACA recipients?
6. What is the legal justification for permitting these individuals to access this health care coverage without explicit congressional authorization?

Thank you for your attention to this urgent matter.

Sincerely,



Marsha Blackburn  
United States Senator



Mike Lee  
United States Senator



Kevin Cramer  
United States Senator



JD Vance  
United States Senator