

# Congress of the United States

## Washington, DC 20515

April 13, 2020

The Honorable Alex M. Azar II  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

The Honorable Steven T. Mnuchin  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue, NW  
Washington, D.C. 20220

The Honorable Eugene Scalia  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Dear Secretary Azar, Secretary Mnuchin, and Secretary Scalia:

We write regarding the pressing need for the Administration to support uninsured and underinsured Americans and ensure that they have access to comprehensive coverage amidst the coronavirus (COVID-19) pandemic. We reiterate our urgent request that the Administration immediately establish a new Special Enrollment Period (SEP) for millions affected by this ongoing economic and health crisis. It is imperative that uninsured and underinsured Americans have access to comprehensive coverage through Healthcare.gov during this crisis and that further steps be taken to assist Americans who could benefit today from existing SEPs.

As shown by the historic, unprecedented spike in new claims for unemployment benefits, millions of Americans have already lost their jobs because of COVID-19. Tragically, almost 17 million Americans have filed for unemployment benefits in the past 3 weeks and many more claims are expected in the coming months.<sup>1</sup> Since most Americans receive their health insurance through their employer, those losing their coverage along with their jobs need to know their options for obtaining insurance so they can keep themselves, their families, and their communities safe and healthy with access to health care. The Affordable Care Act's (ACA) Marketplaces and associated financial assistance can play a vital role in providing help to these families as well as others who lack access to affordable and comprehensive health coverage.

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<sup>1</sup> Department of Labor, Unemployment Insurance Weekly Claims (Apr. 9, 2020), <https://www.dol.gov/ui/data.pdf>.

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The federal Marketplace currently provides an SEP for people who lose their job-based health coverage. However, many remain unaware of how to sign up or the existence of financial assistance to lower their costs. Employers laying off or furloughing employees may also not know how to best communicate the availability of Marketplace coverage. Further, many people that lacked employer-sponsored insurance before the pandemic continue to struggle to enroll in comprehensive coverage. The Administration's promotion of non-ACA compliant junk plans, such as short-term limited duration plans and those offered by health care sharing ministries, causes further confusion and may expose consumers to substantial financial harm.

The COVID-19 pandemic also creates high levels of uncertainty that may make it difficult for consumers to complete the enrollment process on HealthCare.gov. Projecting annual household income may be especially daunting right now — potentially leading to inconsistencies with existing Marketplace data sources that may also require submission of certain documents or loss of financial assistance at a time when families are coping with job loss. It is incumbent on this Administration to streamline the enrollment process and take other measures to increase the awareness of coverage options that can benefit lower- and middle-income Americans.

With families facing crises on many fronts, the process for securing and maintaining comprehensive health coverage should be as straightforward as possible. Therefore, we request that answers be provided to the following questions by April 20, 2020:

1. What actions will the Administration take to increase awareness of an SEP to potentially eligible consumers? Please also provide a timeline of these actions.
2. How will the Administration reduce the burden on applicants through HealthCare.gov who may need to provide supporting documentation to prove loss of coverage?
3. How will the Administration reduce the burden on applicants through HealthCare.gov whose income data on file, such as a previous year's tax return, may trigger an income inconsistency?
4. Will the Administration provide additional protections with respect to tax filing reconciliation for applicants through HealthCare.gov who may struggle to accurately project their annual household income as a result of COVID-19?
5. What steps is the Administration taking to inform consumers about the lack of coverage non-ACA compliant plans may provide for COVID-19 and other serious medical conditions?

Thank you for your urgent attention to this matter.

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Sincerely,



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Richard E. Neal  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives



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Frank Pallone, Jr.  
Chairman  
Committee on Energy and Commerce  
U.S. House of Representatives



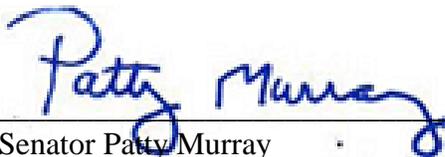
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Bobby Scott  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives



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Senator Ron Wyden  
Ranking Member  
Committee on Finance  
United States Senate



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Senator Patty Murray  
Ranking Member  
Committee on Health, Education, Labor, and Pensions  
United States Senate