

United States Senate
WASHINGTON, DC 20510

April 7, 2020

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

Dear Secretary Azar,

We write to urge you to reopen the Affordable Care Act's (ACA) online marketplace through a unique Special Enrollment Period (SEP) to allow any American to enroll in a comprehensive health insurance plan. Currently, millions of Americans are uninsured and anxious, not only about what the possibility of contracting COVID-19 could mean for their health and that of their family, but also for their financial stability. Opening up the ACA marketplace would provide an easy pathway to coverage for those who under previous circumstances may have decided to forego health insurance or purchase a substandard, junk insurance plan, but now in a global pandemic are in vital need of comprehensive coverage to protect themselves, their families, and our broader community.

The Trump Administration's reported decision not to open an SEP, despite earlier congressional requests, and leave millions of Americans uninsured and underinsured during this unprecedented public health crisis will inevitably mean fewer individuals seeking testing and treatment—prolonging the spread of the disease—and will put more families in dire financial straits. The COVID-19 pandemic is also causing millions of people to lose their jobs and their employer-provided health insurance. We should be promoting comprehensive health insurance plans to all those impacted, not looking to divert funds appropriated to support hospitals, or promoting junk insurance plans that don't have to provide coverage for needed services or offer consumer protections.

When the ACA was passed, Congress included the authority to establish SEPs because we understood that everyday Americans may face extenuating circumstances for which they should not be penalized. It is inexcusable for you not to exercise that authority during perhaps the largest extenuating circumstance of our lifetimes, and to choose to lock out millions of Americans from the ACA exchanges because they failed to predict a sweeping global pandemic. Furthermore, the Administration's continued promotion of junk plans which are not required to comply with consumer protections that limit out-of-pocket costs or coverage of essential health

benefits, including those that are needed to pay for the treatment and prevention of COVID-19 such as hospital care, emergency care, laboratory services, or preventive services, leave many Americans vulnerable. Families already struggling to make ends meet in light of the global economic downturn should not be exposed to potential financial ruin because of a lack of comprehensive insurance coverage.

An additional benefit of opening an SEP is that it would publicize to all Americans who have lost their jobs that the exchanges are open again and that they can enroll in high-quality health insurance, providing at least a modicum of reassurance during these deeply troubling times. Given the millions of job losses in recent weeks and the likelihood of millions more in the near future, now is the time to open up the health insurance marketplace to everyone so that people know that losing their job does not mean they must also lose access to health insurance coverage.

We believe opening an ACA SEP is the clearest way to cover the millions of uninsured and underinsured Americans in the 38 states that use the federal platform, and to provide comprehensive protections for COVID-19-related treatment and prevention. In a demonstration of the dramatic demand for such a move, all but one of the 13 state-based marketplaces have opened an SEP, with such high levels of interest that many are now extending the period by several weeks.

We urge you to put aside the partisan politics of the past, and to expand health coverage to millions of Americans by opening an SEP expeditiously.

Sincerely,

Senator Christopher S. Murphy
Senator Richard Blumenthal
Senator Robert P. Casey, Jr.
Senator Kirsten Gillibrand
Senator Martin Heinrich
Senator Tina Smith
Senator Chris Van Hollen
Senator Richard J. Durbin
Senator Angus S. King, Jr.
Senator Margaret Wood Hassan
Senator Amy Klobuchar
Senator Mazie Hirono
Senator Tim Kaine
Senator Doug Jones

Senator Tammy Baldwin
Senator Joe Manchin III
Senator Jon Tester
Senator Jeffrey A. Merkley
Senator Elizabeth Warren
Senator Dianne Feinstein
Senator Sherrod Brown
Senator Gary C. Peters
Senator Tammy Duckworth
Senator Jeanne Shaheen
Senator Kamala D. Harris
Senator Tom Udall
Senator Tom Carper
Senator Jack Reed