

Congress of the United States
Washington, DC 20515

June 15, 2020

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

The Honorable Seema Verma
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma:

We write to express our continued concerns regarding the Administration's inaction in responding to the needs of uninsured and underinsured Americans amidst the coronavirus disease of 2019 (COVID-19) pandemic. On April 13, 2020 – two months ago – we wrote to the Departments of Health and Human Services (HHS), Labor, and Treasury requesting information on the steps the Administration would take to ensure robust access to health insurance coverage through the Marketplaces created by the Affordable Care Act (ACA) for millions of American families. Our request for this information, as well as our request for related data, has gone unanswered, which is unacceptable and part of a troubling trend of this Administration ignoring its constitutional obligations to respond to Congressional oversight requests. The Administration's failure to provide this information leaves Congress and the public in the dark as we work to respond to the COVID-19 pandemic.

COVID-19 continues to devastate communities all throughout the country and the health and economic security of millions of Americans has been threatened in recent months. More than 44 million Americans have filed for unemployment benefits since mid-March and this number continues to climb each week.¹ The rapid loss of jobs has resulted in tens of millions of people losing employer-sponsored health insurance, and yet, HHS has provided virtually no support to the uninsured and underinsured during this historic crisis. Estimates show that more than 20 million people who lose employer-sponsored health coverage may become eligible for either Medicaid or Marketplace coverage, and yet this Administration still has not released any data on how many people are enrolling in coverage they are eligible for.² We once again

¹ U.S. Employment and Training Administration, Initial Claims [ICSA], retrieved from FRED, Federal Reserve Bank of St. Louis (fred.stlouisfed.org/series/ICSA) (June 4, 2020).

² Kaiser Family Foundation. *As Unemployment Skyrockets, KFF Estimates More than 20 Million People Losing Job-Based Health Coverage Will Become Eligible for ACA Coverage through Medicaid or Marketplace Tax Credits* (May 13, 2020) (www.kff.org/coronavirus-covid-19/press-release/as-unemployment-skyrockets-kff-estimates-more-than-20-million-people-

reiterate our request that the Administration establish a broad Special Enrollment Period (SEP), available to all Americans, in order to help address the ongoing economic and health crisis.

Additionally, HHS has failed to respond to our requests to understand how it is applying existing SEPs for individuals with qualifying life events, such as loss of minimum essential coverage. On April 28, 2020, the Committees requested specific data on SEPs from the Centers for Medicare and Medicaid Services (CMS). We also requested a briefing from CMS Deputy Administrator and Center for Consumer Information and Insurance Oversight (CCIIO) Director Randy Pate and CCIIO Deputy Director for Policy Jeff Wu regarding the implementation of SEPs. In particular, the Committees requested SEP enrollment data for January through April 2020 broken down by SEP category and state, and data related to SEP verification, as well as data for previous plan years 2017-2019.³ To date, HHS has not provided this data or a valid reason for their delays in providing this data to Congress or the public.

The Administration's failure to take action to increase the awareness of coverage options for American families is disappointing and damaging to the nation's health. At a time when families are facing crises on many fronts, the Administration should make it easier for individuals to access high quality, affordable health insurance. Additionally, HHS' disregard for Congressional oversight may necessitate that we consider additional measures to ensure responsiveness. We request an immediate and complete response to our April 13, 2020, letter, as well as answers to the following questions by Friday, June 19, 2020:

1. Please provide a detailed explanation of the steps the Administration is taking to reduce the burden on applicants seeking to enroll in coverage through HealthCare.gov who may need to provide supporting documentation to prove loss of coverage;
2. For the period from January through May 2020, please provide data on the number of individuals who enrolled in Marketplace coverage due to an SEP. Please provide this data broken down by week and state;
3. For the period from January through May 2020, please provide data on the number of individuals who enrolled in Marketplace coverage by SEP category (*e.g.*, loss of minimum essential coverage). Please provide this data broken down by week and state;
4. For the period from January through May 2020, please provide the percentage of applicants who applied for coverage using an SEP and were required to submit verification documents to prove eligibility for the SEP. Please also provide the

losing-job-based-health-coverage-will-become-eligible-for-aca-coverage-through-medicaid-or-marketplace-tax-credits/).

³ Email from Energy and Commerce Majority Committee Staff to Centers for Medicare & Medicaid Services (April 28, 2020).

percentage of individuals who applied for coverage using an SEP and ultimately had enrollment effectuated. Please provide this data broken down by week and state;

5. For calendar years 2017 through 2019, please provide data on the number of individuals who enrolled in Marketplace coverage due to an SEP, including by SEP category. Please provide this data for January through May of each calendar year and by state;
6. Please provide information on the Administration's outreach and enrollment activities on SEPs during COVID-19, including the amount of funding allocated for outreach and enrollment, and specific advertising, marketing, communication and outreach undertaken by CMS to educate consumers regarding the availability of coverage; and
7. Please provide a list of all entities that provided technical support for the Marketplaces from January 2017 to present, and please provide copies of each contract or subcontract. For each contract or subcontract, please also provide a description of the work performed.

Thank you for your urgent attention to this matter.

Sincerely,



Frank Pallone, Jr.
Chairman
Committee on Energy
and Commerce



Robert C. "Bobby" Scott
Chairman
Committee on Education
and Labor



Richard E. Neal
Chairman
Committee on Ways
and Means



Patty Murray
Ranking Member
Committee on Health, Education,
Labor and Pensions



Ron Wyden
Ranking Member
Committee on Finance