

United States Senate
WASHINGTON, DC 20510

February 14, 2022

The Honorable Xavier Becerra
Secretary, Department of Health and Human Services
200 Independence Ave SW
Washington, DC 20201

Dear Secretary Becerra:

This year, 14.5 million Americans signed up for comprehensive health insurance coverage during Open Enrollment, a new record. Thanks to the American Rescue Plan, four out of five consumers who receive health insurance from the marketplace are finding quality coverage for less than \$10 per month, and a majority of those enrollees are also receiving subsidies to decrease their co-pays, deductibles, and other out-of-pocket spending. We write to congratulate you and your entire department for this significant achievement and encourage you to take additional steps to ensure that even more Americans are protected from substandard plans that do not provide coverage for pre-existing conditions. Now is the time to issue new regulations limiting the sale and availability of short-term, limited-duration insurance (STLDI) plans, also known as “junk plans” because of their failure to provide adequate coverage.

Despite the important gains that we have made in providing comprehensive and affordable coverage for more Americans, STLDI plans continue to sow confusion and cause harm to patients. These plans, which are not required to adhere to important standards, including prohibitions on discrimination against people with pre-existing conditions, coverage for the 10 essential health benefit (EHB) categories, and annual out-of-pocket maximums, have continued to proliferate. In 2018, the Trump administration issued a rule to sabotage the Affordable Care Act (ACA) by promoting STLDI plans and that same year all Senate Democrats and one Republican Senator voted to block the rule. Unfortunately, this effort to undermine critical patient and consumer protections has yet to be undone.

We were pleased to see the Biden administration include amending regulations concerning STLDI plans in the Fall 2021 Unified Agenda and Regulatory Plan, and are proud of the historic coverage gains that we have seen as a result of President Biden’s and your leadership. However, it is past time for us to take action. STLDI plans undermine the integrity of the ACA and put those with pre-existing conditions at risk. The Department of Health and Human Services (HHS) should immediately restore the three-month duration limit for plans, limit plan renewability, and reduce the ability to purchase back-to-back STLDI plans. We also urge you to consider additional efforts to protect patients and consumers such as banning sales during Marketplace Open Enrollment, limiting internet and phone sales, establishing a prohibition on retroactive coverage rescissions, and requiring additional consumer disclosures about plan coverage.

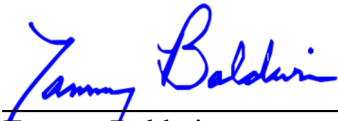
It is our responsibility to ensure that all Americans have access to affordable and comprehensive health care coverage. In order to strengthen that commitment, HHS must act quickly to limit the

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proliferation and promotion of STLDI plans, and undue the sabotage caused by the previous administration.

Sincerely,



Tammy Baldwin
United States Senator



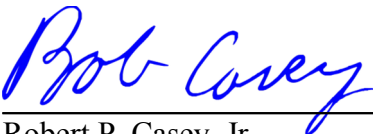
Jeanne Shaheen
United States Senator



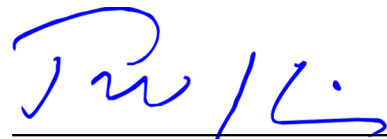
Christopher S. Murphy
United States Senator



Sherrod Brown
United States Senator



Robert P. Casey, Jr.
United States Senator



Tim Kaine
United States Senator



Michael F. Bennet
United States Senator



Richard Blumenthal
United States Senator



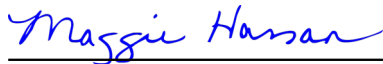
Catherine Cortez Masto
United States Senator



Tammy Duckworth
United States Senator

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Margaret Wood Hassan
United States Senator




Robert Menendez
United States Senator



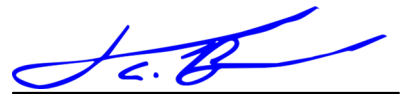
Alex Padilla
United States Senator



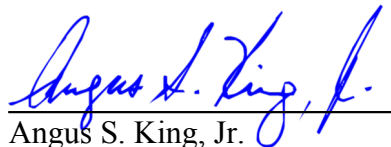
Tina Smith
United States Senator



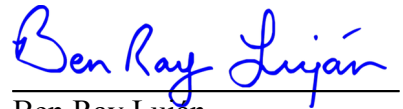
Chris Van Hollen
United States Senator



Cory A. Booker
United States Senator



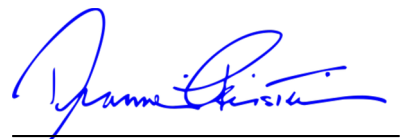
Angus S. King, Jr.
United States Senator



Ben Ray Lujan
United States Senator



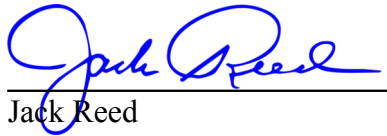
Elizabeth Warren
United States Senator



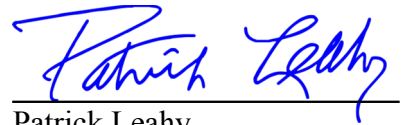
Dianne Feinstein
United States Senator

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Jack Reed
United States Senator



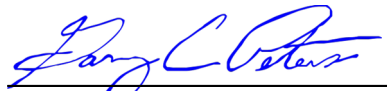
Patrick Leahy
United States Senator



Debbie Stabenow
United States Senator



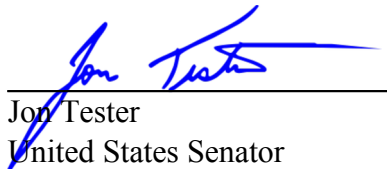
Thomas R. Carper
United States Senator



Gary C. Peters
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Jacky Rosen
United States Senator



Jon Tester
United States Senator



Mark R. Warner
United States Senator




Raphael G. Warnock
United States Senator



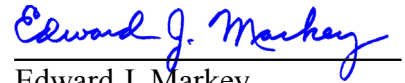
Sheldon Whitehouse
United States Senator

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Mazie K. Hirono
United States Senator



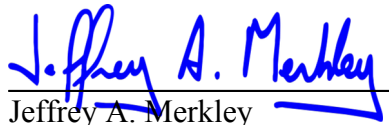
Edward J. Markey
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Benjamin L. Cardin
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Richard J. Durbin
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Jeffrey A. Merkley
United States Senator



Jon Ossoff
United States Senator



Christopher A. Coons
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Charles E. Schumer
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Bernard Sanders
United States Senator



John Hickenlooper
United States Senator