

# Congress of the United States

## Washington, DC 20515

October 23, 2020

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

Dear Secretary Azar:

The Department of Health and Human Services (HHS) has taken extraordinary actions to fight the COVID-19 pandemic. Throughout the public health emergency, the federal government and our states have taken critical steps to increase COVID-19 testing capacity because Congress provided additional resources to harness the strength and innovation of the private sector. While greater access to testing is needed, the United States has conducted over 100 million PCR tests that has helped contain the virus, reopen the economy, and Americans return to work and school.

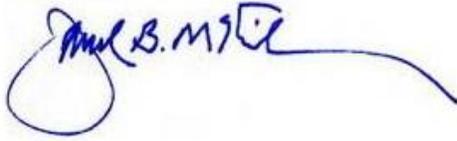
, The Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which were passed overwhelmingly by Congress and signed into law by President Trump earlier this year, contained provisions ensuring that individuals can receive COVID-19 tests without out-of-pocket costs. President Trump's recent "Executive Order on An America-First Healthcare Plan" signaled the Administration's commitment to ensuring that individuals are held harmless from surprise medical bills, including for testing.

Unfortunately, changes made in a tri-agency guidance on June 23, 2020 have created confusion regarding coverage requirements for COVID-19 testing. In recent weeks, there has been an increase of coverage denials from health plans for COVID-19 testing, particularly for asymptomatic individuals.

For all Americans desiring to safely return to school and work, access to testing is critical. Individuals should not have any question whether they will face out-of-pocket costs for COVID-19 diagnostic or antibody testing. We urge HHS to clarify the June 23 tri-agency guidance to be consistent with congressional intent and, ultimately, so that individuals who need a test can receive one without cost-sharing, medical management, or prior authorization, and regardless of whether the individual is symptomatic.

Thank you again for your leadership during these unprecedented times. We look forward to continuing to work with the Trump Administration to overcome the health and economic challenges posed by this pandemic.

Sincerely,



David B. McKinley P.E.  
Member of Congress



Bill Pascrell Jr.  
Member of Congress

/s/  
Tony Cárdenas  
Member of Congress

/s/  
Steven Horsford  
Member of Congress

/s/  
Terri A. Sewell  
Member of Congress

/s/  
Jimmy Panetta  
Member of Congress

/s/  
Jefferson Van Drew  
Member of Congress

/s/  
Susan Wild  
Member of Congress

/s/  
Brian Fitzpatrick  
Member of Congress

/s/  
John B. Larson  
Member of Congress

/s/  
David Schweikert  
Member of Congress

/s/  
Ed Perlmutter  
Member of Congress

/s/  
Lisa Blunt Rochester  
Member of Congress

/s/  
Lloyd Smucker  
Member of Congress

/s/  
David Trone  
Member of Congress

/s/  
David E. Price  
Member of Congress

/s/  
Max Rose  
Member of Congress

/s/  
Bill Foster  
Member of Congress

/s/  
Lauren Underwood  
Member of Congress

/s/  
Barbara Lee  
Member of Congress

/s/  
John H. Rutherford  
Member of Congress

/s/  
Bruce Westerman  
Member of Congress

/s/  
Albio Sires  
Member of Congress

/s/  
Betty McCollum  
Member of Congress

/s/  
Katie Porter  
Member of Congress

/s/  
James P. McGovern  
Member of Congress

/s/  
Steve Cohen  
Member of Congress

/s/  
Van Taylor  
Member of Congress

/s/  
Mark DeSaulnier  
Member of Congress

/s/  
Mikie Sherrill  
Member of Congress

/s/  
Mike Levin  
Member of Congress

/s/  
Jodey C. Arrington  
Member of Congress

/s/  
Brian Higgins  
Member of Congress

/s/  
Kim Schrier, M.D.  
Member of Congress

/s/  
Ann Wagner  
Member of Congress

/s/  
Josh Harder  
Member of Congress

/s/  
Juan Vargas  
Member of Congress

/s/  
Harley Rouda  
Member of Congress

/s/  
Tim Ryan  
Member of Congress

/s/  
Ted Deutch  
Member of Congress

/s/

Gilbert R. Cisneros, Jr.  
Member of Congress

/s/

Al Lawson  
Member of Congress

/s/

Donna E. Shalala  
Member of Congress

/s/

Jamie Raskin  
Member of Congress

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Abigail D. Spanberger  
Member of Congress

/s/

Jason Crow  
Member of Congress

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Jahana Hayes  
Member of Congress

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John B. Larson  
Member of Congress

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Marcy Kaptur  
Member of Congress

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Ron Kind  
Member of Congress

/s/

Mary Gay Scanlon  
Member of Congress

/s/

Angie Craig  
Member of Congress

/s/

Austin Scott  
Member of Congress

/s/

Eddie Bernice Johnson  
Member of Congress