

Congress of the United States
Washington, DC 20510

December 22, 2021

The Honorable Janet Yellen
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220

Dear Secretary Yellen:

We write today regarding the impending expiration of Section 3701 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136). This provision created a safe harbor permitting American workers with Health Savings Account (HSA)-eligible High Deductible Health Plans (HDHPs) to have telehealth services and other remote care services covered on a first-dollar basis.

Over the past 20 months, this policy has enabled working families to access important telehealth services without first having to meet their deductible. It has protected access to care – including both primary care and behavioral health services – for millions of Americans at a time when in-person services were limited and our health systems were overwhelmed. Employees have been able to avoid taking time off from work to travel to and from appointments, as well as costly visits to urgent care or the emergency room.

Unfortunately, this safe harbor created by the bipartisan CARES Act is not tied to the COVID-19 public health emergency (PHE) declaration in the way many other telehealth flexibilities are. Section 3701 of the CARES Act will expire on December 31, 2021, even as the COVID-19 pandemic continues.

We respectfully request that the Treasury Department act expeditiously to issue guidance ensuring that hard working Americans are not faced with unexpected charges for needed primary care and behavioral health services when Section 3701 expires. Such guidance would minimize disruption for individuals who currently receive telehealth services through their HDHP and have already elected this form of coverage for 2022.

Again, we urge the Treasury Department to take the necessary steps to issue guidance to ensure that millions of Americans do not face surprising out of pocket charges that may jeopardize access to valuable telehealth services on January 1, 2022. Thank you in advance for your consideration. Do not hesitate to contact our offices if we can provide you with additional information.

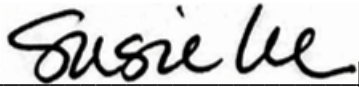
Sincerely,



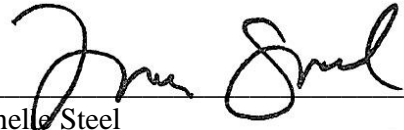
Catherine Cortez Masto
U.S. Senator



Steve Daines
U.S. Senator



Susie Lee
Member of Congress



Michelle Steel
Member of Congress

Cc: President Joe Biden
Secretary Xavier Becerra