

Congress of the United States
Washington, DC 20515

January 11, 2023

The Honorable Xavier Becerra
Secretary
Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra,

We write to you to immediately request that you provide at least a 60-day notice to the states and promptly rescind the federal COVID-19 public health emergency (PHE). Nearly three years ago, the PHE for COVID-19 was first declared by former Secretary Alex M. Azar II on January 31, 2020. The PHE has since been extended every 90 days for the last three years now, which has gone on for far too long.

In September 2022, President Biden declared that the “pandemic is over”¹ yet you extended the public health emergency on October 13, 2022, and again on January 11, 2023.² The continued extensions of the public health emergency calls into question the legality of the expanding powers of the executive branch, its abuse of statutory authority, and sets a terrible precedent for future public health emergencies.

The continued lack of clarity and mixed guidance from the administration also fails to reassure Americans that they can participate safely in everyday society. Meanwhile, restaurants, bars, sporting arenas, and venues alike have been open and operating at full capacity, yet the administration continues to unsoundly reissue PHE extensions.

While we agree that certain telehealth flexibilities offered under the PHE should be made permanent for patients to receive care, it is incumbent upon Congress to continue to do so. In the 117th Congress, 416 of my colleagues and I voted for the Advancing Telehealth Beyond COVID-19 Act, which would allow for the extension of certain Medicare telehealth flexibilities after the termination of the COVID-19 public health emergency.

However, it is long overdue that expanded executive authority is rolled back and that the public health declaration is immediately withdrawn. Please respond by February 10, 2023, with a written response consisting of the intentions of your decision and justification to maintain the PHE.

Sincerely,



Troy E. Nehls
Member of Congress



W. Gregory Steube
Member of Congress

¹ National Public Radio (NPR), [Joe Biden says the COVID-19 pandemic is over. This is what the data tells us](#), September 19, 2022.

² Health and Human Services (HHS), [RENEWAL OF DETERMINATION THAT A PUBLIC HEALTH EMERGENCY EXISTS](#), January 11, 2023.



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Member of Congress



Doug LaMalfa
Member of Congress



Monica De La Cruz
Member of Congress



Lauren Boebert
Member of Congress



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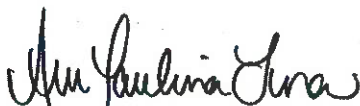
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