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ASSISTANT WHIP

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON TRADE
SUBCOMMITTEE ON OVERSIGHT

Congress of the United States
House of Representatives
Washington, DC 20515-1602

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October 5, 2012

President Obama
The White House
Washington, D.C. 20500

Dear Mr. President:

A recent final regulation and guidance bulletin issued by the U.S. Department of Health and Human Services discriminate against Health Savings Account qualified health plans, and will prevent them from being offered inside or outside insurance exchanges in the individual, small group and large group markets. Over time, the guidance bulletin on Actuarial Value and the final rule on Minimum Medical Loss Ratios will eliminate HSA qualified health plan availability in each of these markets.

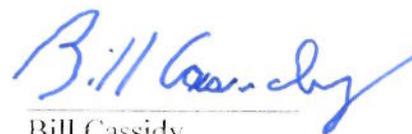
The result of these two regulations will not allow the nearly 14 million Americans who like their HSA to keep it, counter to your stated intent. Regarding HSAs specifically, you wrote in a letter to Congressional leaders: "I believe that high-deductible health plans could be offered in the exchange under my proposal, and I'm open to including language to ensure that is clear. This could help to encourage more people to take advantage of HSAs." Instead, these regulations force a much different reality on Americans -- HSAs will be scarce and expensive.

In addition, the effect of these two regulations are counter to written assurances by Secretary Sebelius about HSAs, who wrote in *The Washington Post*: "The Affordable Care Act puts states in the driver's seat because they often understand their health needs better than anyone else . . . States have discretion, for example, to offer a wide variety of plans through their exchanges, including those that feature health savings accounts."

We urge you to instruct Secretary Sebelius to change this final rule and guidance bulletin to allow all Americans to keep or choose an HSA if they wish, whether they are individuals, or are working for a small or large employer, in or out of the exchanges.

Sincerely,


Lynn Jenkins, CPA
Member of Congress


Bill Cassidy
Member of Congress



John Fleming, M.D.
Member of Congress



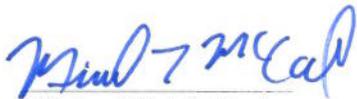
Marsha Blackburn
Member of Congress



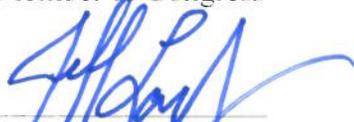
Ron Paul, M.D.
Member of Congress



Erik Paulsen
Member of Congress



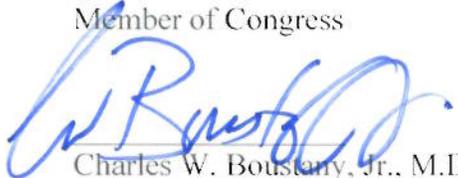
Michael T. McCaul
Member of Congress



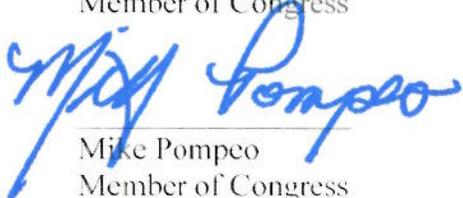
Jeffrey M. Landry
Member of Congress



Lynn A. Westmoreland
Member of Congress



Charles W. Boustany, Jr., M.D.
Member of Congress



Mike Pompeo
Member of Congress



Michael C. Burgess, M.D.
Member of Congress



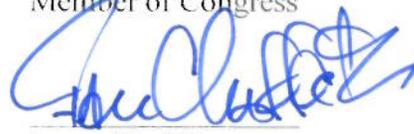
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Jason Chaffetz
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Tim Huelskamp
Member of Congress



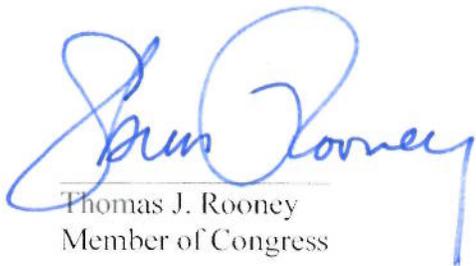
Todd Rokita
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Steve Chabot
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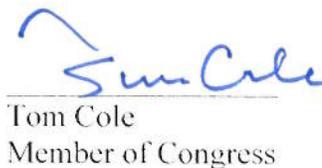

Thomas J. Rooney
Member of Congress

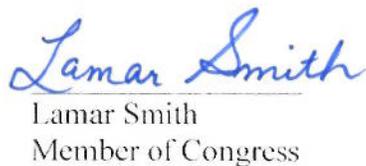

Brett Guthrie
Member of Congress

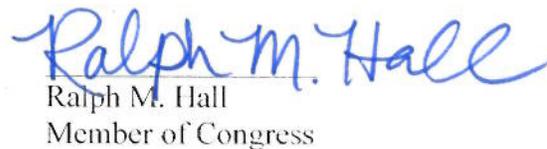

Peter J. Roskam
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Stephen Lee Fincher
Member of Congress

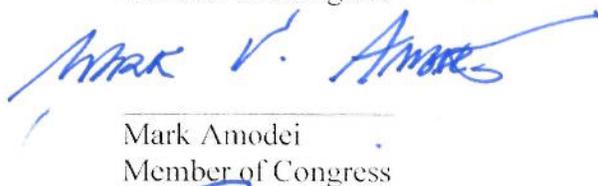

Tom Cole
Member of Congress

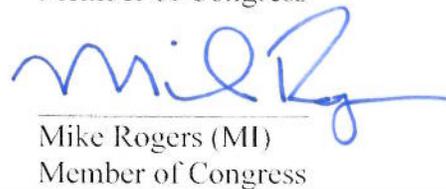

Lamar Smith
Member of Congress

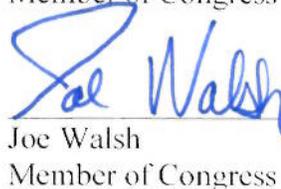

Ralph M. Hall
Member of Congress

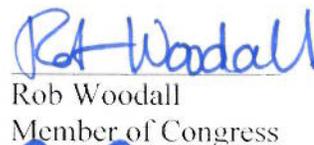

Michael Conaway
Member of Congress


Walter B. Jones
Member of Congress

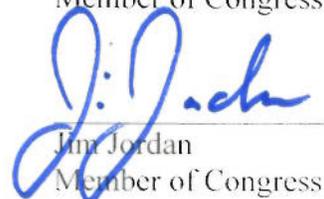

Mark Amodei
Member of Congress

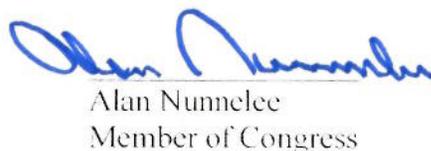

Mike Rogers (MI)
Member of Congress

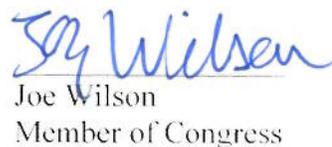

Joe Walsh
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Rob Woodall
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Tim Scott
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Jim Jordan
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Alan Nunnelee
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Joe Wilson
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David Schweikert
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Adam Kinzinger
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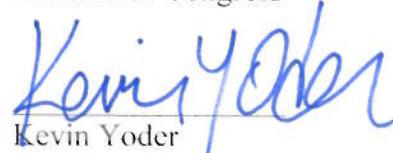
Chip Cravaack
Member of Congress



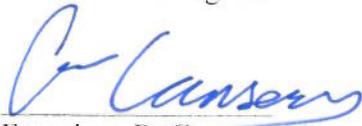
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