

March 1, 2018

The Honorable Mitch McConnell  
Majority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Chuck Schumer  
Minority Leader  
U.S. Senate  
Washington, DC 20510

The Honorable Orrin G. Hatch  
Chairman, Finance Committee  
U.S. Senate  
Washington, DC 20510

The Honorable Ron Wyden  
Ranking Member, Finance Committee  
U.S. Senate  
Washington, DC 20510

Dear Senators McConnell, Schumer, Hatch, and Wyden:

As you know, bipartisan legislation of modest but important updates to Health Savings Accounts (HSAs) has been introduced in both the House and Senate with enormous stakeholder support. We are writing to urge you to consider including it in the upcoming omnibus spending bill.

Today, a growing number of consumers have high-deductible health plans coupled with an HSA to defray the costs of medical services. Since HSAs were created in 2003, there have been advances in employee benefits that were not conceived of when the statute was written. As the workplace transforms to meet new trends, legislative changes are required to ensure that HSAs work well for patients and their families. Employers are offering benefits to provide more access to primary care and chronic disease management, and promote wellness, but changes are needed to ensure that all employees have equal access to these benefits regardless of whether they have an HSA, and thus Congress should make necessary technical corrections to the IRS code. We urge Congress to make the following bipartisan changes to improve HSAs:

- Greater flexibility to offer first-dollar coverage of health services at an onsite employee clinic and retail health clinic;
- Clarifying that "excepted benefits," which are non-major medical benefits like telehealth and second opinion services, do not jeopardize a beneficiary's eligibility to contribute to an HSA;
- Correcting the definition of "dependents" to include adult children, domestic partners, and non-traditional dependents;
- Greater flexibility to offer first-dollar coverage of services and medications for chronic disease prevention;
- Streamlining conversion from a Medical Savings Account (MSA), Flexible Spending Arrangement (FSA), or Health Reimbursement Arrangement (HRA) to an HSA;
- Permitting the use of HSA dollars toward wellness benefits, including exercise and other expenses incurred for the sole purpose of participating in physical activity; and
- Permitting an employee to contribute to an HSA even if his or her spouse has a health Flexible Spending Account.

As representatives who are excited about the gains employers have made to enhance coverage for their employees, we see the promise of these proposed changes first-hand. The workplace has

been a continuous source of innovation as benefits and coverage policies adapt to new delivery models while promoting better health practices and containing costs.

We look forward to working with you to reduce these barriers and expand the use of HSAs for employees and employers. Thank you for your consideration.

Sincerely,

adidas America  
America's Health Insurance Plans  
American Benefits Council  
American College of Sports Medicine  
American Council on Exercise  
American Rental Association  
Associated Builders and Contractors  
Associated General Contractors  
Auto Care Association  
Bite Tech, Inc  
Body-Solid Inc  
Boys & Girls Club of America  
Brooks Running  
Brunswick Corporation  
College and University Professional Association for Human Resources  
Council for Affordable Health Coverage  
ECFC  
Empower Fitness  
ERISA Industry Committee  
HR Policy Association  
International Health, Racquet & Sportsclub Association (IHRSA)  
Lockton  
Molten USA, Inc.  
National Association for Health and Fitness  
National Association of Health Underwriters  
National Association of Wholesaler-Distributors  
National Association of Worksite Health Centers  
National Athletic Trainers Association  
National Basketball Association ("NBA")  
National Business Group on Health  
National Club Association  
National Coalition for Promoting Physical Activity (NCPA)  
National Council of Chain Restaurants  
National Council of Youth Sports (NCYS)  
National Retail Federation  
National Sporting Goods Association  
New Balance Athletic Inc.  
Nike, Inc.  
NIRSA: Leaders in College Recreation  
Outdoor Amusement Business Association

Pacific Business Group on Health  
Partnership for Employer Sponsored Coverage  
Pop Warner Little Scholars, Inc.  
Rawlings Sporting Goods  
Retail Industry Leaders Association (RILA)  
Riddell All American Sports Inc.  
Small Business & Entrepreneurship Council  
Society for Health and Physical Education "SHAPE" America  
Society for Human Resource Management  
Sports & Fitness Industry Association  
Technogym USA  
The Cooper Institute  
Under Armour  
U.S. Chamber of Commerce

Cc: Members of Senate Finance Committee

