

**Congress of the United States**  
**Washington, DC 20515**

May 16, 2013

Secretary Kathleen Sebelius  
Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

Dear Secretary Sebelius:

It has come to our attention that the U.S. Department of Health and Human Services (HHS) failed to respond to questions raised by a coalition of 11 national healthcare organizations in a joint comment letter, dated December 24, 2012. This letter was sent as part of the formal rulemaking process on HHS' November 26, 2012 proposed regulations governing state exchange plans and the essential health benefits package.

This causes us great concern, as obesity is a complex and chronic disease, which requires a comprehensive approach to both prevent and treat. More than one third of Americans are currently affected by obesity, including approximately 17 percent of children and adolescents aged two to 19 years of age. It is evident that obesity is an epidemic impacting the very well-being of our country.

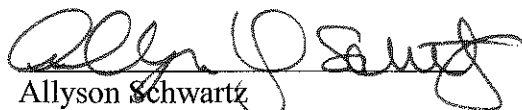
Several epidemiologic studies have indicated that a Body Mass Index (BMI) above 30 (defined as obesity) is associated with an increased risk of premature death across a variety of ages, ethnicities, and geographic locations. Additionally, obesity can either cause or worsen diseases such as diabetes, hypertension, arthritis, heart disease, mental illness, lipid disorders, sleep apnea, and certain cancers.

Therefore, we respectfully request HHS to provide obesity treatment advocates with a response to their joint comment letter, specifically to clarify as to whether or not the department believes obesity to be a serious chronic disease, which requires evidence-based and medically necessary obesity treatment services. Thank you for your consideration of this important issue. We look forward to receiving your response.

Very truly yours,



Lou Barletta  
Member of Congress



Allyson Schwartz  
Member of Congress