



February 11, 2020

The Honorable Richard Neal
Chairman
House Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin Brady
Ranking Member
House Committee on Ways and Means
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Neal and Ranking Member Brady:

I write to share our concerns regarding your draft legislation, the Consumer Protections Against Surprise Medical Bills Act of 2020. Please note that NRF may consider floor votes against this legislation as Opportunity Index Votes for our annual voting scorecard.

Your bill ignores the consistent call from NRF and business and labor allies for a fair local reimbursement rate based on the median in-network rate for out-of-network providers. It relies instead on a structured negotiation/arbitration approach to resolve disputes between employers and out-of-network providers. We fear such an approach will delay the efficient administration of benefits and ultimately increase health care and coverage costs. In addition, this legislation provides no protection against air ambulance bills. Stated simply, this bill will bend the health care cost curve in the wrong direction.

We recognize that steps were taken to answer some of the concerns we and others have raised. Deterring repetitive claims by private equity companies and keeping bill charges from consideration in arbitration are welcome additions. But we find the lack of a fair local benchmark rate (not a national rate, as some groups wrongly claim) to be a fatal flaw in your bill.

Thank you for taking our views under consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David French", is written over a horizontal line.

David French
Senior Vice President
Government Relations

cc: Committee Members