

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

June 17, 2021

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue SW  
Washington, DC 20201

The Honorable Janet Yellen  
Secretary  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220

The Honorable Martin J. Walsh  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Dear Secretary Becerra, Secretary Yellen, and Secretary Walsh:

As you know, Congress passed the No Surprises Act as part of the Consolidated Appropriations Act, 2021 (P.L. 116-260) after a multi-year bipartisan and bicameral effort to protect patients from surprise medical bills and resolve payment disputes between insurance plans and health care providers. **As you begin to implement the No Surprises Act, we urge you to reflect congressional intent in your rulemaking by ensuring a balanced process to settle payment disputes between health plans and providers.**

In drafting this law, we laid out a process that keeps patients out of the middle of payment disputes between providers and health plans. It also incentivizes parties to act in good faith and resolve disputes amongst themselves. However, if the parties are unable to resolve their differences, the law provides a backstop in the form of a certified independent dispute resolution (IDR) entity who must consider a number of factors in deciding whether to select the provider or payor's offer.

The dispute resolution process established in the No Surprises Act prevents artificially low payment rates that would incentivize insurance companies to keep providers out of their networks. Providers and payors are able to bring relevant information with the exception of billed charges and public payor information for consideration, and the certified IDR entity shall consider:

- Median in-network rates
- Provider training and quality of outcomes
- Market share of parties
- Patient acuity or complexity of services
- Teaching status, case mix, and scope of services of the facility
- Demonstrations of previous good faith efforts to negotiate in-network rates
- Prior contract history between the two parties over the previous four years

The No Surprises Act instructs the certified IDR entity to consider each of these listed factors, as well as any allowable information brought by either party or requested by the certified IDR entity. **To match Congressional intent, your implementation of the law should ensure an IDR process that captures the unique circumstances of each billing dispute and does not cause any single piece of information to be the default one considered.**

Additionally, in passing the No Surprises Act, Congress gave patients important tools to navigate their health care. It is critical that our intent is recognized as you implement the transparency and consumer protection provisions of the law. One such tool, the advanced explanation of benefits, will give patients access to information about the expected cost of their treatment and the network status of the provider before they go in for a procedure. The requirements for insurance companies to offer patients up-to-date provider networks, price comparison tools, and clearly print in- and out-of-network deductibles and out-of-pocket maximums on insurance cards will make patients more informed in their health care decision-making.

As you begin to craft rules to implement the No Surprises Act, we stand ready to work with you to ensure that your rulemaking reflects congressional intent. We also encourage you to work with the stakeholders that this law will impact. In order to ensure a smooth rollout of these landmark patient protections, it is important that each step of the process provides sufficient time for public comments and evaluation through proposed notice and comment rulemaking. Working together, we are confident that successful implementation of this patient-centered law will resolve billing disputes, take patients out of the middle, and empower patients to make more informed health care decisions.

Thank you for your work on this important matter. We look forward to continuing to work with you to protect access to affordable, high-quality health care.

Sincerely,



Thomas R. Suozzi  
Member of Congress



Brad R. Wenstrup, D.P.M.  
Member of Congress

/s/  
Brian Fitzpatrick  
Member of Congress

/s/  
Joseph D. Morelle  
Member of Congress

/s/  
Jerrold Nadler  
Member of Congress

/s/  
Sanford D. Bishop, Jr.  
Member of Congress

/s/  
Bill Posey  
Member of Congress

/s/  
Liz Cheney  
Member of Congress

/s/  
Steve Cohen  
Member of Congress

/s/  
Grace Meng  
Member of Congress

/s/  
Vern Buchanan  
Member of Congress

/s/  
Gregory F. Murphy, M.D.  
Member of Congress

/s/  
John B. Larson  
Member of Congress

/s/  
Jeff Van Drew, DMD  
Member of Congress

/s/  
Mike Kelly  
Member of Congress

/s/  
Mariannette Miller-Meeks, M.D.  
Member of Congress

/s/  
Jim Cooper  
Member of Congress

/s/  
Susan Wild  
Member of Congress

/s/  
James R. Langevin  
Member of Congress

/s/  
Eddie Bernice Johnson  
Member of Congress

/s/  
Alex X. Mooney  
Member of Congress

/s/  
A. Drew Ferguson, IV  
Member of Congress

/s/  
Haley Stevens  
Member of Congress

/s/  
Scott DesJarlais, M.D.  
Member of Congress

/s/  
Tim Burchett  
Member of Congress

/s/  
Lucy McBath  
Member of Congress

/s/  
John Garamendi  
Member of Congress

/s/  
Rodney Davis  
Member of Congress

/s/  
Andy Harris, M.D.  
Member of Congress

/s/  
Pete Sessions  
Member of Congress

/s/  
Ronny L. Jackson, M.D.  
Member of Congress

/s/  
Jason Smith  
Member of Congress

/s/  
Eleanor Holmes Norton  
Member of Congress

/s/  
Neal P. Dunn, M.D.  
Member of Congress

/s/  
Tom Cole  
Member of Congress

/s/  
David G. Valadao  
Member of Congress

/s/  
Jodey C. Arrington  
Member of Congress

/s/  
John Joyce, M.D.  
Member of Congress

/s/  
William R. Timmons, IV  
Member of Congress

/s/  
David N. Cicilline  
Member of Congress

/s/  
Juan Vargas  
Member of Congress

/s/  
Cindy Axne  
Member of Congress

/s/  
Adriano Espaillat  
Member of Congress

/s/  
Steve Chabot  
Member of Congress

/s/  
Derek Kilmer  
Member of Congress

/s/  
Tim Ryan  
Member of Congress

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

/s/  
Ami Bera, M.D.  
Member of Congress

/s/  
Raja Krishnamoorthi  
Member of Congress

/s/  
Jimmy Panetta  
Member of Congress

/s/  
Ron Estes  
Member of Congress

/s/  
Randy Feenstra  
Member of Congress

/s/  
Bill Pascrell, Jr.  
Member of Congress

/s/  
John Katko  
Member of Congress

/s/  
Darrell Issa  
Member of Congress

/s/  
Brian Higgins  
Member of Congress

/s/  
Linda T. Sánchez  
Member of Congress

/s/  
William R. Keating  
Member of Congress

/s/  
Frank D. Lucas  
Member of Congress

/s/  
Adrian Smith  
Member of Congress

/s/  
Glenn Grothman  
Member of Congress

/s/  
Josh Harder  
Member of Congress

/s/  
Colin Allred  
Member of Congress

/s/  
Stephanie Bice  
Member of Congress

/s/  
Christopher H. Smith  
Member of Congress

/s/  
André Carson  
Member of Congress

/s/  
Daniel T. Kildee  
Member of Congress

/s/  
Lloyd Smucker  
Member of Congress

/s/  
Terri A. Sewell  
Member of Congress

/s/  
Rick W. Allen  
Member of Congress

/s/  
John Yarmuth  
Member of Congress

/s/  
Chris Jacobs  
Member of Congress

/s/  
Peter Meijer  
Member of Congress

/s/  
Barbara Lee  
Member of Congress

/s/  
Young Kim  
Member of Congress

/s/  
Anthony Gonzalez  
Member of Congress

/s/  
French Hill  
Member of Congress

/s/  
Donald M. Payne, Jr.  
Member of Congress

/s/  
Julia Letlow  
Member of Congress

/s/  
Sean Patrick Maloney  
Member of Congress

/s/  
Tom Emmer  
Member of Congress

/s/  
Ron Kind  
Member of Congress

/s/  
Jahana Hayes  
Member of Congress

/s/  
Vicky Hartzler  
Member of Congress

/s/  
Andrew R. Garbarino  
Member of Congress

/s/  
Tom Reed  
Member of Congress

/s/  
David P. Joyce  
Member of Congress

/s/  
J. Luis Correa  
Member of Congress

/s/  
Tom Rice  
Member of Congress

/s/  
Dean Phillips  
Member of Congress

/s/  
Marilyn Strickland  
Member of Congress

/s/  
Nydia M. Velázquez  
Member of Congress

/s/  
Glenn “GT” Thompson  
Member of Congress

/s/  
Chrissy Houlahan  
Member of Congress

/s/  
Guy Reschenthaler  
Member of Congress

/s/  
Stacey E. Plaskett  
Member of Congress

/s/  
Diana Harshbarger, Pharm.D.  
Member of Congress