



COMMITTEE ON  
EDUCATION & LABOR  
REPUBLICANS

COMMITTEE  
STATEMENT

---

**Statement of Rep. Tim Walberg (R-MI), Republican Leader  
Subcommittee on Health, Employment, Labor, and Pensions  
Markup of H.R. 5800, *Ban Surprise Billing Act*  
February 11, 2020**

(As prepared for delivery)

“The harmful practice of surprise billing leaves American workers and families with uncertainty and apprehension about how to meet their health care costs.

According to a recent survey, 57 percent of consumers report they have received an unexpected medical bill that they thought would be covered by their insurance.

Additionally, another survey found that 7 in 10 patients who have received unaffordable out-of-network medical bills were unaware that their provider was out-of-network at the time they received the services.

Rightfully so, surprise medical bills are the leading health care concern for Americans, surpassing worries about high premiums, high deductibles, and rising drug costs.

There is some good news. Both Democrats and Republicans agree that legislative action is needed to address this growing and troubling issue.

Today, we are considering the *Ban Surprise Billing Act* (H.R. 5800), bipartisan legislation that provides important consumer protections for Americans who receive health care coverage through their employer and for those enrolled in the individual market.

In fact, H.R. 5800 is very similar to the December 2019 agreement between Senate Health, Education, Labor, and Pensions Committee Chairman Alexander,

House Energy and Commerce Committee Chairman Frank Pallone, and Ranking Member Walden. The White House has also expressed support for that proposal.

It's important to note, as Congress continues working out a solution to protect families from the devastating hazards of surprise billing, that this Committee has sole jurisdiction over employer-sponsored healthcare.

Nearly one hundred and sixty million individuals depend on employer-sponsored health care plans. A majority of employer-sponsored plans are self-insured under the *Employee Retirement Income Security Act of 1974*. This type of coverage is critical to nearly 110 million workers and their families, and ERISA grants employers the flexibility to meet their workers' needs and retain their workforce.

While several states have worked to address surprise billing, self-insured employer-sponsored plans that cover are not subject to state rules and protections, including surprise billing laws.

In creating a legislative solution to end the practice of surprise billing, we recognize that ERISA protections for self-insured plans must be preserved by remaining subject to federal law. Granting employers the flexibility to continue offering high-quality health coverage is good for employers and employees all-around.

I want to remind my colleagues that this markup is only one step in a process that involves four other Congressional Committees; future negotiations will be necessary.

But by passing this legislation today, we ensure that all Members who want to participate in the process of providing our constituents relief from surprise medical bills, including those who may disagree with elements of the Committee's approach, will have a stronger voice in the final outcome."

###