



Charles N. Kahn III  
President and CEO

Sept 8, 2023

The Honorable Cathy McMorris Rodgers  
2188 Rayburn House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Frank Pallone  
2017 Rayburn House Office building  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Jason Smith  
1011 Longworth House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Virginia Foxx  
372 Cannon House Office Building  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairwoman McMorris Rodgers, Chairman Smith, Chairwoman Foxx and Ranking Member Pallone,

On behalf of the Federation of American Hospitals (FAH), we appreciate your Committees' focus on ensuring Americans' access to affordable care. While we applaud your efforts to protect the health care safety net for the nation's uninsured, FAH is strongly opposed to provisions in the *Lower Costs, More Transparency Act* that would threaten access to hospital care and create an unlevel playing field when it comes to health care pricing transparency.

The FAH is the national representative of more than 1,000 leading tax-paying hospitals and health systems throughout the United States. FAH members provide patients and communities with access to high-quality, affordable care in both urban and rural areas across 46 states, plus Washington, DC, and Puerto Rico. Our members include teaching, acute, inpatient rehabilitation, behavioral health, and long-term care hospitals and provide a wide range of inpatient, ambulatory, post-acute, emergency, children's, and cancer services.

We applaud your Committees for including a delay in implementation of Medicaid Disproportionate Share (DSH) cuts in the *Lower Costs, More Transparency Act*. Eliminating these cuts through 2025 is an important step towards protecting the health care safety net for the nation's uninsured and most vulnerable. This vital provision will help to ensure that hospitals can continue to provide the lifesaving services millions of Americans depend on.

As Congress considers this legislation, however, we urge you to address provisions that threaten to drive up prices for a subset of ambulatory surgical center (ASC) patients and exacerbate financial strains on hospitals, particularly those in rural and underserved communities. The FAH strongly opposes the bill's cuts to hospital services based on a misguided 'site neutral' scheme. The bill also limits transparency requirements for ambulatory surgery centers (ASCs) to those owned by hospitals. This arbitrary approach to transparency means that patients served by the vast majority of ASCs – nearly 80 percent – would not have access to accurate pricing data to make informed health care decisions. We urge Congress to apply these ASC transparency requirements consistently.

We look forward to working with you and your colleagues in Congress to protect patients' access to affordable health care services. If you have any questions or would like to discuss these comments further, please do not hesitate to contact me or a member of my staff at (202) 624-1534.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew M. Roser". The signature is fluid and cursive, with a large initial "A" and "M".

cc: Members, House Committee on Ways and Means  
Members, House Committee on Energy and Commerce  
Members, House Committee on Education and Workforce  
Members, House of Representatives