December 5, 2012

The Honorable Dave Camp
Chairman
U.S. House Committee on Ways and Means
341 Cannon House Office Building
Washington, DC  20515

The Honorable Sander Levin
Ranking Member
U.S. House Committee on Ways and Means
1236 Longworth House Office Building
Washington, DC  20515

Dear Chairman Camp and Ranking Member Levin:

On behalf of the American Bar Association and its nearly 400,000 members, I write to urge your
support of H.R. 5284, the Medicare Secondary Payer and Workers' Compensation Settlement
Agreements Act of 2012, and ask for your assistance in having this bill scored by the Congressional
Budget Office (CBO) so that the bill may be considered for action before the end of this session. This
bill enjoys united support from a group of rarely aligned interests, including injured workers, insurance
groups, trial attorneys, self-insurers, and large and small employers.

In February 2005, the ABA adopted a resolution urging Congress to enact legislation incorporating
certain principles, several of which are key components of H.R. 5284. These principles include
establishing clear criteria for when a set-aside may be reviewed by the Center for Medicaid and
Medicare Services (CMS), creating a time frame within which CMS must provide
information regarding conditional payments, and establishing an appeal procedure if the parties dispute the CMS ruling
regarding the allocation of settlement proceeds.

H.R. 5284 solves a problem that has been complicating and delaying the process by which injured men
and women can receive compensation that all agree is due them. Thanks to the leadership of
Representatives Dave Reichert (R-WA) and Mike Thompson (D-CA), H.R. 5284 has the right substance
and support to be passed by Congress. The legislation is expected to raise revenue or be cost neutral.

We greatly appreciate your leadership and welcome the opportunity to provide any assistance in moving
H.R. 5284 forward before the end of the session.

Sincerely,

Thomas M. Susman

cc: Rep. Dave Reichert
    Rep. Mike Thompson