

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5800
OFFERED BY MR. DAVID P. ROE OF TENNESSEE**

In the section 716 of the Employee Retirement Income Security Act of 1974 being added by section 2(b)(1), strike “median contracted rate” and “median contracted rates” each place such terms appear and insert “specified rate” and “specified rates”, respectively, in each such place.

In subsection (b)(3) of the section 716 of the Employee Retirement Income Security Act of 1974 being added by section 2(b)(1), strike subparagraph (E) and insert the following new subparagraph:

1 “(E) SPECIFIED RATE.—The term ‘speci-
2 fied rate’ means, with respect to an item or
3 service furnished by a provider or facility to an
4 individual covered under a group health plan or
5 group health insurance coverage offered by a
6 health insurance issuer—
7 “(i) the most recent contracted rate in
8 effect between such provider or facility and

1 such plan or such issuer for such item or
2 service; or
3 “(ii) if no rate described in clause (i)
4 exists, a commercially reasonable rate for
5 such item or service.”.

In section 4, strike “median contracted rate” and
“median contracted rates” each place such terms appear
and insert “specified rate” and “specified rates”, respec-
tively, in each such place.

