

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 5800  
OFFERED BY MR. SMUCKER OF PENNSYLVANIA**

Page 66, line 16, strike the end quotation marks and second period.

Page 66, after line 16, insert the following:

1       “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to affect any contractual agree-  
3 ment, terms of service agreement, or other contractual re-  
4 lationship in effect between a group health plan or health  
5 insurance issuer offering health insurance coverage in the  
6 group market and a nonparticipating provider or emer-  
7 gency facility, to the extent that such agreement or rela-  
8 tionship—

9               “(1) prevents or prohibits a participant or bene-  
10       ficiary of such plan or coverage from being held lia-  
11       ble for a payment amount for an item or service fur-  
12       nished by such provider or facility that is more than  
13       the cost-sharing amount for such item or service de-  
14       termined under such agreement or relationship; or

1           “(2) permits the plan or issuer to seek recourse  
2           in accordance with the terms of such agreement or  
3           relationship.”.

