

**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 “commercially reasonable rate” and “commercially reasonable 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) COMMERCIALLY REASONABLE
2 RATE.—The term ‘commercially reasonable
3 rate’ means, with respect to an item or service,
4 such rate as is determined to be commercially
5 reasonable by the provider or facility furnishing
6 such item or service and the group health plan
7 or health insurance issuer required to make
8 payment for such item or service.”.

In section 4, strike “median contracted rate” and “median contracted rates” each place such terms appear and insert “commercially reasonable rate” and “commercially reasonable rates”, respectively, in each such place.

