

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1304  
OFFERED BY MR. ROE OF TENNESSEE**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Self-Insurance Protec-  
3 tion Act”.

**4 SEC. 2. CERTAIN MEDICAL STOP-LOSS INSURANCE OB-  
5                   TAINED BY CERTAIN PLAN SPONSORS OF  
6                   GROUP HEALTH PLANS NOT INCLUDED  
7                   UNDER THE DEFINITION OF HEALTH INSUR-  
8                   ANCE COVERAGE.**

9       (a) ERISA.—Section 733(b)(1) of the Employee Re-  
10 tirement Income Security Act of 1974 (29 U.S.C.  
11 1191b(b)(1)) is amended by adding at the end the fol-  
12 lowing sentence: “Such term shall not include a stop-loss  
13 policy obtained by a self-insured health plan or a plan  
14 sponsor of a group health plan that self-insures the health  
15 risks of its plan participants to reimburse the plan or  
16 sponsor for losses that the plan or sponsor incurs in pro-  
17 viding health or medical benefits to such plan participants

1 in excess of a predetermined level set forth in the stop-  
2 loss policy obtained by such plan or sponsor.”.

3 (b) PHSA.—Section 2791(b)(1) of the Public Health  
4 Service Act (42 U.S.C. 300gg–91(b)(1)) is amended by  
5 adding at the end the following new sentence: “Such term  
6 shall not include a stop-loss policy obtained by a self-in-  
7 sured health plan or a plan sponsor of a group health plan  
8 that self-insures the health risks of its plan participants  
9 to reimburse the plan or sponsor for losses that the plan  
10 or sponsor incurs in providing health or medical benefits  
11 to such plan participants in excess of a predetermined level  
12 set forth in the stop-loss policy obtained by such plan or  
13 sponsor.”.

14 (c) IRC.—Section 9832(b)(1)(A) of the Internal Rev-  
15 enue Code of 1986 is amended by adding at the end the  
16 following new sentence: “Such term shall not include a  
17 stop-loss policy obtained by a self-insured health plan or  
18 a plan sponsor of a group health plan that self-insures  
19 the health risks of its plan participants to reimburse the  
20 plan or sponsor for losses that the plan or sponsor incurs  
21 in providing health or medical benefits to such plan par-  
22 ticipants in excess of a predetermined level set forth in  
23 the stop-loss policy obtained by such plan or sponsor.”.

