

ROLL CALL NO. 5

DATE 2/9/11

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
112TH CONGRESS

Subject: Chu Amendment to HR 5 #7.
Failed 13-13

Present		Ayes	Nays	Present
.....	MR. SMITH, <i>Chairman</i>		X	
.....	MR. SENSENBRENNER.....			
.....	MR. COBLE.....	X	X	
.....	MR. GALLEGLY.....	X	X	
.....	MR. GOODLATTE.....		X	
.....	MR. LUNGREN.....			
.....	MR. CHABOT.....		X	
.....	MR. ISSA.....			
.....	MR. PENCE.....			
.....	MR. FORBES.....		X	
.....	MR. KING.....			
.....	MR. FRANKS.....			
.....	MR. GOHMERT.....			
.....	MR. JORDAN.....			
.....	MR. POE.....			
.....	MR. CHAFFETZ.....		X	
.....	MR. REED.....		X	
.....	MR. GRIFFIN.....			
.....	MR. MARINO.....		X	
.....	MR. GOWDY.....		X	
.....	MR. ROSS.....		X	
.....	MS. ADAMS.....		X	
.....	MR. QUAYLE.....		X	
.....	MR. CONYERS.....	X		12
.....	MR. BERMAN.....			
.....	MR. NADLER.....	X		
.....	MR. SCOTT.....	X		
.....	MR. WATT.....	X		
.....	MS. LOFGREN.....			
.....	MS. JACKSON LEE.....	X		
.....	MS. WATERS.....	X		
.....	MR. COHEN.....	X		
.....	MR. JOHNSON.....	X		
.....	MR. PIERLUISI.....			
.....	MR. QUIGLEY.....	X		12
.....	MS. CHU.....	X		
.....	MR. DEUTCH.....	X		
.....	MS. SÁNCHEZ.....	X		
.....	MS. WASSERMAN SCHULTZ.....	X		
.....	TOTAL.....	13	13	

Failed B-B #7

AMENDMENT TO H.R. 5

OFFERED BY MS. CHU, MR. CONYERS, AND
MR. JOHNSON OF GEORGIA

Page 15, insert after line 18 the following and redes-

ignate succeeding sections accordingly:

1 **SEC. 9. RESTORING THE APPLICATION OF ANTITRUST**
2 **LAWS TO HEALTH SECTOR INSURERS.**3 (a) **AMENDMENT TO MCCARRAN-FERGUSON ACT.—**4 Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013),
5 commonly known as the McCarran-Ferguson Act, is
6 amended by adding at the end the following:7 “(c) Nothing contained in this Act shall modify, im-
8 pair, or supersede the operation of any of the antitrust
9 laws with respect to the business of health insurance. For
10 purposes of the preceding sentence, the term ‘antitrust
11 laws’ has the meaning given it in subsection (a) of the
12 first section of the Clayton Act, except that such term in-
13 cludes section 5 of the Federal Trade Commission Act to
14 the extent that such section 5 applies to unfair methods
15 of competition.”.16 (b) **RELATED PROVISION.—**For purposes of section
17 5 of the Federal Trade Commission Act (15 U.S.C. 45)
18 to the extent such section applies to unfair methods of
19 competition, section 3(c) of the McCarran-Ferguson Act

- 1 shall apply with respect to the business of health insurance
- 2 without regard to whether such business is carried on for
- 3 profit, notwithstanding the definition of "Corporation"
- 4 contained in section 4 of the Federal Trade Commission
- 5 Act.

