

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4626

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## AN ACT

To restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Health Insurance In-  
3 dustry Fair Competition Act”.

4 **SEC. 2. RESTORING THE APPLICATION OF ANTITRUST**  
5 **LAWS TO HEALTH SECTOR INSURERS.**

6 (a) AMENDMENT TO McCARRAN-FERGUSON ACT.—  
7 Section 3 of the Act of March 9, 1945 (15 U.S.C. 1013),  
8 commonly known as the McCarran-Ferguson Act, is  
9 amended by adding at the end the following:

10 “(c) Nothing contained in this Act shall modify, im-  
11 pair, or supersede the operation of any of the antitrust  
12 laws with respect to the business of health insurance. For  
13 purposes of the preceding sentence, the term ‘antitrust  
14 laws’ has the meaning given it in subsection (a) of the  
15 first section of the Clayton Act, except that such term in-  
16 cludes section 5 of the Federal Trade Commission Act to  
17 the extent that such section 5 applies to unfair methods  
18 of competition.”.

19 (b) RELATED PROVISION.—For purposes of section  
20 5 of the Federal Trade Commission Act (15 U.S.C. 45)  
21 to the extent such section applies to unfair methods of  
22 competition, section 3(c) of the McCarran-Ferguson Act  
23 shall apply with respect to the business of health insurance  
24 without regard to whether such business is carried on for  
25 profit, notwithstanding the definition of “Corporation”

1 contained in section 4 of the Federal Trade Commission  
2 Act.

Passed the House of Representatives February 24,  
2010.

Attest:

*Clerk.*

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