

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

# H. R. 4626

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 22, 2010

Mr. PERRIELLO (for himself, Ms. MARKEY of Colorado, Ms. SLAUGHTER, Mr. DEFazio, Mr. ANDREWS, Mr. BOSWELL, Mr. BOUCHER, Mrs. CAPPS, Mr. CAPUANO, Mr. CARNAHAN, Ms. CHU, Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Ms. DEGETTE, Ms. DELAURO, Mr. ELLISON, Mr. GARAMENDI, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. NORTON, Mr. HOLT, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. KILROY, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Mr. LUJÁN, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MICHAUD, Mr. MORAN of Virginia, Mr. NADLER of New York, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS of Colorado, Mr. QUIGLEY, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SCOTT of Georgia, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. STUPAK, Ms. SUTTON, Mr. TAYLOR, Mr. TEAGUE, Mr. TIERNEY, Ms. TITUS, Mr. TONKO, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Ms. WOOLSEY, Mr. WU, Mr. BARROW, and Ms. HIRONO) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. RESTORING THE APPLICATION OF ANTITRUST**  
7 **LAWS TO HEALTH SECTOR INSURERS.**

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

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

21 (b) RELATED PROVISION.—For purposes of section  
22 5 of the Federal Trade Commission Act (15 U.S.C. 45)  
23 to the extent such section applies to unfair methods of  
24 competition, section 3(c) of the McCarran-Ferguson Act  
25 shall apply with respect to the business of health insurance

1 without regard to whether such business is carried on for  
2 profit, notwithstanding the definition of “Corporation”  
3 contained in section 4 of the Federal Trade Commission  
4 Act.

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