

112TH CONGRESS  
1ST SESSION

# H. R. 1943

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

MAY 23, 2011

Mr. DEFAZIO (for himself, Ms. SLAUGHTER, and Mr. GENE GREEN of Texas) 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),

1 commonly known as the McCarran-Ferguson Act, is  
2 amended by adding at the end the following:

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

12       (b) RELATED PROVISION.—For purposes of section  
13 5 of the Federal Trade Commission Act (15 U.S.C. 45)  
14 to the extent such section applies to unfair methods of  
15 competition, section 3(c) of the McCarran-Ferguson Act  
16 shall apply with respect to the business of health insurance  
17 without regard to whether such business is carried on for  
18 profit, notwithstanding the definition of “Corporation”  
19 contained in section 4 of the Federal Trade Commission  
20 Act.

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