

Calendar No. 277

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 4626**

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2010

Received

FEBRUARY 26, 2010

Read the first time

MARCH 1, 2010

Read the second time and placed on the calendar

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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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Health Insurance In-

5       dustry Fair Competition Act”.

1 **SEC. 2. 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  
20 shall apply with respect to the business of health insurance  
21 without regard to whether such business is carried on for  
22 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: LORRAINE C. MILLER,  
Clerk.

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