

113TH CONGRESS
1ST SESSION

H. R. 344

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2013

Mr. LYNCH introduced the following bill; which was referred to the Committee
on the Judiciary

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 “Competitive Health
5 Insurance 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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