

[Roll No. 61]

## YEAS—421

Abercrombie Davis (CA) Johnson, E. B.  
Ackerman Davis (IL) Johnson, Sam  
Aderholt Davis (KY) Jones  
Adler (NJ) Davis (TN) Jordan (OH)  
Akin Deal (GA) Kagen  
Alexander DeFazio Kanjorski  
Altmire DeGette Kaptur  
Andrews Delahunt Kennedy  
Arcuri DeLauro Kildee  
Austria Dent Kilpatrick (MI)  
Baca Diaz-Balart, L. Kilroy  
Bachmann Diaz-Balart, M. Kind  
Bachus Dicks King (IA)  
Baird Doggett King (NY)  
Baldwin Donnelly (IN) Kingston  
Barrow Doyle Kirk  
Bartlett Dreier Kirkpatrick (AZ)  
Barton (TX) Driehaus Kissell  
Bean Duncan Klein (FL)  
Beccerra Edwards (MD) Kline (MN)  
Berkley Edwards (TX) Kosmas  
Berman Ehlers Kratovil  
Berry Ellison Kucinich  
Biggert Ellsworth Lamborn  
Bilbray Emerson Lance  
Bilirakis Engel Langevin  
Bishop (GA) Eshoo Larsen (WA)  
Bishop (NY) Etheridge Larson (CT)  
Bishop (UT) Fallin Latham  
Blackburn Farr LaTourette  
Blumenauer Fattah Latta  
Boccieri Filner Lee (CA)  
Boehner Flake Lee (NY)  
Bonner Fleming Levin  
Bono Mack Forbes Lewis (CA)  
Boozman Fortenberry Lewis (GA)  
Boren Foster Linder  
Boswell Foxx Lipinski  
Boucher Frank (MA) LoBiondo  
Boustany Franks (AZ) Loeb sack  
Boyd Frelinghuysen Lofgren, Zoe  
Brady (PA) Fudge Lowey  
Brady (TX) Gallegly Lucas  
Braley (IA) Garamendi Luetkemeyer  
Bright Garrett (NJ) Luján  
Broun (GA) Gerlach Lummis  
Brown (SC) Giffords Lungren, Daniel  
Brown, Corrine Gingrey (GA) E.  
Brown-Waite, Gohmert Lynch  
Ginny Gonzalez Mack  
Buchanan Goodlatte Maffei  
Burgess Gordon (TN) Maloney  
Burton (IN) Granger Manzullo  
Butterfield Graves Marchant  
Buyer Grayson Markey (CO)  
Calvert Green, Al Markey (MA)  
Camp Green, Gene Marshall  
Campbell Griffith Massa  
Cantor Grijalva Matheson  
Cao Guthrie Matsui  
Capito Gutierrez McCarthy (CA)  
Capps Hall (NY) McCarthy (NY)  
Capuano Hall (TX) McCauley  
Cardoza Halvorson McClintock  
Carnahan Hare McCollum  
Carney Harman McCotter  
Carson (IN) Harper McDermott  
Carter Hastings (FL) McGovern  
Cassidy Hastings (WA) McHenry  
Castle Heinrich McIntyre  
Castor (FL) Heller McKeon  
Chaffetz Hensarling McMahon  
Chandler Herger McMorris  
Childers Herseth Sandlin Rodgers  
Chu Higgins McNeerney  
Clarke Hill Meek (FL)  
Clever Himes Meeks (NY)  
Clyburn Hinchey Melancon  
Coble Hinojosa Mica  
Coffman (CO) Hirono Michaud  
Cohen Hodes Miller (FL)  
Cole Holden Miller (MI)  
Conaway Holt Miller (NC)  
Connolly (VA) Honda Miller, Gary  
Conyers Hoyer Miller, George  
Cooper Hunter Minnick  
Costa Ingalls Mitchell  
Costello Inslee Mollohan  
Courtney Israel Moore (KS)  
Crenshaw Issa Moore (WI)  
Crowley Jackson (IL) Moran (KS)  
Culler Jackson Lee Moran (VA)  
Culberson (TX) Murphy (CT)  
Cummings Jenkins Murphy (NY)  
Dahlkemper Johnson (GA) Murphy, Patrick  
Davis (AL) Johnson (IL) Murphy, Tim

Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pence  
Perlmutter  
Perrillo  
Peters  
Peterson  
Petri  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Rahall  
Rangel  
Rehberg  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shinkus  
Shuler  
Shuster  
Simpson  
Sires  
Skeltion  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Souder  
Space  
Speier  
Spratt

Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Westmoreland  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## RECORDED VOTE

Ms. PINGREE of Maine. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 3, not voting 14, as follows:

[Roll No. 62]

## AYES—415

Abercrombie Cooper Higgins  
Ackerman Costa Hill  
Aderholt Costello Himes  
Adler (NJ) Courtney Hinchey  
Akin Crenshaw Hinojosa  
Alexander Crowley Hirono  
Altmire Cuellar Hodes  
Andrews Culberson Holden  
Arcuri Cummings Holt  
Austria Dahlkemper Honda  
Baca Davis (AL) Hoyer  
Bachmann Davis (CA) Hunter  
Bachus Davis (IL) Ingalls  
Baird Davis (KY) Inslee  
Baldwin Davis (TN) Israel  
Barrow Deal (GA) Issa  
Bartlett DeFazio Jackson (IL)  
Barton (TX) DeGette Jackson Lee  
Bean Delahunt (TX)  
Beccerra DeLauro Jenkins  
Berkley Dent Johnson (GA)  
Berman Diaz-Balart, L. Johnson (IL)  
Berry Diaz-Balart, M. Johnson, E. B.  
Biggert Dicks Johnson, Sam  
Bilbray Doggett Jones  
Bilirakis Donnelly (IN) Jordan (OH)  
Bishop (GA) Doyle Kagen  
Bishop (NY) Dreier Kanjorski  
Bishop (UT) Driehaus Kaptur  
Blackburn Duncan Kennedy  
Blumenauer Edwards (MD) Kildee  
Boccieri Edwards (TX) Kilpatrick (MI)  
Boehner Ehlers Kilroy  
Bonner Ellison Kind  
Bono Mack Ellsworth King (IA)  
Boozman Emerson King (NY)  
Boren Engel Kingston  
Boswell Eshoo Kirk  
Boucher Etheridge Kirkpatrick (AZ)  
Boustany Fallin Kissell  
Boyd Farr Klein (FL)  
Brady (PA) Fattah Kline (MN)  
Brady (TX) Filner Kosmas  
Braley (IA) Fleming Kratovil  
Bright Forbes Kucinich  
Brown (SC) Fortenberry Lamborn  
Brown, Corrine Foster Lance  
Brown-Waite, Foxx Langevin  
Ginny Frank (MA) Larsen (IN)  
Buchanan Franks (AZ) Larson (CT)  
Burgess Frelinghuysen Latham  
Burton (IN) Fudge LaTourette  
Butterfield Gallegly Latta  
Buyer Garamendi Lee (CA)  
Calvert Garrett (NJ) Lee (NY)  
Camp Gerlach Levin  
Campbell Giffords Lewis (CA)  
Cantor Gingrey (GA) Lewis (GA)  
Cao Gohmert Linder  
Capito Gonzalez Lipinski  
Capps Goodlatte LoBiondo  
Capuano Gordon (TN) Loeb sack  
Cardoza Granger Lofgren, Zoe  
Carnahan Graves Lowey  
Carney Grayson Lucas  
Carson (IN) Green, Al Luetkemeyer  
Carter Green, Gene Luján  
Cassidy Griffith Lummis  
Castle Grijalva Lungren, Daniel  
Castor (FL) Guthrie E.  
Chaffetz Gutierrez Lynch  
Chandler Hall (NY) Mack  
Childers Hall (TX) Maffei  
Chu Halvorson Maloney  
Clarke Hare Manzullo  
Clever Harman Marchant  
Clyburn Harper Markey (CO)  
Coble Hastings (FL) Markey (MA)  
Coffman (CO) Hastings (WA) Marshall  
Cohen Heinrich Massa  
Cole Heller Matheson  
Conaway Hensarling Matsui  
Connolly (VA) Herger McCarthy (CA)  
Conyers Herseth Sandlin McCarthy (NY)

## NOT VOTING—11

Barrett (SC) Hoekstra Rothman (NJ)  
Blunt Pitts Stark  
Clay Radanovich Welch  
Dingell Reichert

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1224

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON RELIGIOUS MINORITIES IN IRAQ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 944, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

McCaul	Poe (TX)	Sires
McClintock	Polis (CO)	Skelton
McCollum	Pomeroy	Slaughter
McCotter	Possey	Smith (NE)
McDermott	Price (GA)	Smith (NJ)
McGovern	Price (NC)	Smith (TX)
McHenry	Putnam	Smith (WA)
McIntyre	Quigley	Snyder
McKeon	Rahall	Souder
McMahon	Rangel	Space
McNerney	Rehberg	Speier
Meek (FL)	Reyes	Spratt
Meeks (NY)	Richardson	Stearns
Melancon	Rodriguez	Stupak
Mica	Roe (TN)	Sullivan
Michaud	Rogers (AL)	Sutton
Miller (FL)	Rogers (KY)	Tanner
Miller (MI)	Rogers (MI)	Taylor
Miller, Gary	Rohrabacher	Teague
Miller, George	Rooney	Terry
Minnick	Ros-Lehtinen	Thompson (CA)
Mitchell	Roskam	Thompson (MS)
Mollohan	Ross	Thompson (PA)
Moore (KS)	Rothman (NJ)	Thornberry
Moore (WI)	Roybal-Allard	Tiahrt
Moran (KS)	Royce	Tiberi
Moran (VA)	Ruppersberger	Tierney
Murphy (NY)	Rush	Titus
Murphy, Patrick	Ryan (OH)	Tonko
Murphy, Tim	Ryan (WI)	Towns
Myrick	Salazar	Tsongas
Nadler (NY)	Sánchez, Linda	Turner
Napolitano	T.	Upton
Neal (MA)	Sanchez, Loretta	Van Hollen
Neugebauer	Sarbanes	Velázquez
Nunes	Scalise	Visclosky
Nye	Schakowsky	Walden
Oberstar	Schauer	Walz
Obey	Schiff	Wamp
Olson	Schmidt	Wasserman
Olver	Schock	Schultz
Ortiz	Schrader	Waters
Owens	Schwartz	Watson
Pallone	Scott (GA)	Watt
Pascarell	Scott (VA)	Waxman
Pastor (AZ)	Sensenbrenner	Weiner
Paulsen	Serrano	Whitfield
Payne	Sessions	Wilson (OH)
Pence	Sestak	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Woolsey
Peterson	Shimkus	Wu
Petri	Shuler	Yarmuth
Pingree (ME)	Shuster	Young (AK)
Platts	Simpson	Young (FL)

## NOES—3

Broun (GA) Flake Paul

## NOT VOTING—14

Barrett (SC)	McMorris	Radanovich
Blunt	Rodgers	Reichert
Clay	Miller (NC)	Stark
Dingell	Murphy (CT)	Welch
Hoekstra	Pitts	Westmoreland

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. MCCOLLUM) (during the vote). Members are reminded there is less than 1 minute left in this vote.

□ 1232

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Expressing the sense of the House of Representatives on the protection of members of vulnerable religious and ethnic minority communities in Iraq."

A motion to reconsider was laid on the table.

HEALTH INSURANCE INDUSTRY  
FAIR COMPETITION ACT

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 1098, I call

up the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4626

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Industry Fair Competition Act".

## SEC. 2. RESTORING THE APPLICATION OF ANTITRUST LAWS TO HEALTH SECTOR INSURERS.

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

"(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition."

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

The SPEAKER pro tempore. Pursuant to House Resolution 1098, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 60 minutes.

The Chair recognizes the gentleman from Michigan.

## GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4626.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and my colleagues, the bill before us will allow, for the first time, competition to take hold in the health insurance marketplace, an important and vital step in the road to fixing our broken health insurance system and containing costs. I want to commend, in particular, my colleagues TOM PERRIELLO of Virginia and BETSY MARKEY of Colorado for working with our committee on this important effort.

Experience has shown that Congress—and we hate to admit having made mistakes in the past, but we did

make an error in 1945 in adding an antitrust exemption into the McCarran-Ferguson Act at the last minute during the debate. Not many of you were here at that time, and neither was I, but leading consumer groups and senior citizen groups, State attorneys general and others for years have been urging that we in the legislature fix this error that has been made so long ago.

The bipartisan Antitrust Modernization Commission established by this body and President Bush in 2002 echoed this call in its 2007 report. And now, as we work to fix what everyone mostly agrees is a broken health insurance market, it is about time to bring into that market what is an essential ingredient of any well-functioning market—competition. And the way we make sure that happens here is the same way we made sure it happens in every other industry—to have the antitrust laws apply. These laws are the principal protector of free market competition and the prosperity it provides, the principal guarantee that businesses who want to offer choice and value to consumers can do so.

The blanket antitrust exemption in the McCarran-Ferguson Act shields health insurance companies from legal accountability for fixing prices, dividing up markets and customers they serve so as to deny meaningful choice, and using monopoly power to sabotage anyone who seeks to offer meaningful competitive choice to consumers. This, ladies and gentlemen, must end.

Antitrust court actions alleging each of these practices, and more, have been blocked routinely in the courts by invoking the McCarran-Ferguson antitrust exemption, and that is what we are here to repair today.

Now, an antitrust expert attorney, David Balto, with antitrust enforcement experience acquired both at the United States Justice Department and the Federal Trade Commission, has found that State insurance commissioners have not brought any actions in any State against health insurers for anticompetitive conduct during at least the last 5 years.

Health insurance premiums continue to spiral ever-upward each year, and copayments and deductibles keep taking further bites out of tight family budgets. Those families have a right to know that they are not being victimized by insurers any longer who should be competing to offer them choice and value but, instead, are, unfortunately, conspiring against them.

In its famous Topco ruling, the United States Supreme Court refers to the antitrust laws as the Magna Carta of free enterprise. The health insurance industry should not be exempt from them.

The Judiciary Committee has been working to remove this harmful exemption for a number of years. We made a lot of headway under the distinguished chairman, our former colleague, Jack Brooks of Texas, who