

AMENDMENT TO H.R. 5
OFFERED BY MR. DEFAZIO OF OREGON

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

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

3 (a) SHORT TITLE.—This section may be cited as the
4 “Health Insurance Industry Fair Competition Act”.

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

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

1 (c) RELATED PROVISION.—For purposes of section
2 5 of the Federal Trade Commission Act (15 U.S.C. 45)
3 to the extent such section applies to unfair methods of
4 competition, section 3(c) of the McCarran-Ferguson Act
5 shall apply with respect to the business of health insurance
6 without regard to whether such business is carried on for
7 profit, notwithstanding the definition of “Corporation”
8 contained in section 4 of the Federal Trade Commission
9 Act.

