

.....
(Original Signature of Member)

111TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. PERRIELLO (for himself and _____) introduced the following bill; which was referred to the Committee on _____

A BILL

To restore the application of the Federal antitrust laws to the business of health insurance, and the business of medical malpractice 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 Anti-
5 trust Enforcement Act of 2010”.

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 or
10 the business of medical malpractice insurance. For pur-
11 poses of the preceding sentence, the term ‘antitrust laws’
12 has the meaning given it in subsection (a) of the first sec-
13 tion of the Clayton Act, except that such term includes
14 section 5 of the Federal Trade Commission Act to the ex-
15 tent that such section 5 applies to unfair methods of com-
16 petition.”.

17 (b) RELATED PROVISION.—For purposes of section
18 5 of the Federal Trade Commission Act (15 U.S.C. 45)
19 to the extent such section applies to unfair methods of
20 competition, section 3(c) of the McCarran-Ferguson Act
21 shall apply with respect to the business of health insur-
22 ance, and with respect to the business of medical mal-
23 practice insurance, without regard to whether such busi-
24 ness is carried on for profit, notwithstanding the definition
25 of “Corporation” contained in section 4 of the Federal
26 Trade Commission Act.