

AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 3590

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LEAHY (for himself, Mr. REID, Mr. KERRY, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. WYDEN, Mr. SCHUMER, Ms. CANTWELL, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. BURRIS, Mr. KAUFMAN, Mr. BENNET, and Mr. FRANKEN)

Viz:

1 On page 377, after line 14, insert the following:

2 **SEC. 1561A. HEALTH INSURANCE INDUSTRY ANTITRUST EN-**
3 **FORCEMENT ACT OF 2009.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Health Insurance Industry Antitrust Enforcement Act of
6 2009”.

1 (b) PURPOSE.—It is the purpose of this section to
2 ensure that health insurance issuers and medical mal-
3 practice insurance issuers cannot engage in price fixing,
4 bid rigging, or market allocations to the detriment of com-
5 petition and consumers.

6 (c) PROHIBITION OF ANTI-COMPETITIVE ACTIVI-
7 TIES.—Notwithstanding any other provision of law, noth-
8 ing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq.,
9 commonly known as the “McCarran-Ferguson Act”), shall
10 be construed to permit health insurance issuers (as de-
11 fined in section 2791 of the Public Health Service Act (42
12 U.S.C. 300gg–91) or issuers of medical malpractice insur-
13 ance to engage in any form of price fixing, bid rigging,
14 or market allocations in connection with the conduct of
15 the business of providing health insurance coverage (as de-
16 fined in such section) or coverage for medical malpractice
17 claims or actions.

18 (d) APPLICATION TO ACTIVITIES OF STATE COMMIS-
19 SIONS OF INSURANCE AND OTHER STATE INSURANCE
20 REGULATORY BODIES.—Nothing in this section shall
21 apply to the information gathering and rate setting activi-
22 ties of any State commission of insurance, or any other
23 State regulatory entity with authority to set insurance
24 rates.