

**AMENDMENT TO RULES COMMITTEE PRINT OF
H.R. 5
OFFERED BY MR. GOSAR OF ARIZONA**

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

**1 TITLE III—RESTORING THE AP-
2 PPLICATION OF ANTITRUST
3 LAWS TO HEALTH SECTOR IN-
4 SURERS**

5 SEC. 301. SHORT TITLE.

6 This title may be cited as the “Health Insurance In-
7 dustry Fair Competition Act of 2012”.

**8 SEC. 302. APPLICATION OF THE ANTITRUST LAWS TO THE
9 BUSINESS OF HEALTH INSURANCE.**

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

14 “(c) Nothing contained in this Act shall modify, im-
15 pair, or supersede the operation of any of the antitrust
16 laws with respect to the business of health insurance. For
17 purposes of the preceding sentence, the term ‘antitrust

1 laws' has the meaning given it in subsection (a) of the
2 first section of the Clayton Act, except that such term in-
3 cludes section 5 of the Federal Trade Commission Act to
4 the extent that such section 5 applies to unfair methods
5 of competition.”.

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

15 (c) LIMITATION ON CLASS ACTIONS.—

16 (1) LIMITATION.—No class action may be
17 heard in a Federal or State court on a claim against
18 ~~an~~ ^{health} insurer for a violation of any of the antitrust
19 laws (as defined in section 3(c) fo the Act of March
20 9, 1945 (15 U.S.C. 1013), commonly known as the
21 McCarran-Ferguson Act).

22 (2) EXEMPTION.—Paragraph (1) shall not
23 apply with respect to any action commenced—

24 (A) by the United States or any State; or

1 (B) by a named claimant for an injury
2 only to itself.

