

AMENDMENT

OFFERED BY M Stupak

At the appropriate place, insert the following:

1 SEC. ____ . REMOVAL OF ANTITRUST EXEMPTION FOR
2 HEALTH INSURANCE ISSUERS.

3 (a) RESTORATION OF ANTITRUST LAWS.—Notwith-
4 standing any other provision of law (including section 2(b)
5 of the Act of March 9, 1945 (15 U.S.C. 1012(b)), com-
6 monly known as the McCarran-Ferguson Act), the anti-
7 trust laws shall apply to the business of health insurance
8 issuers.

9 (b) DEFINITION.—The term “antitrust laws”—

10 (1) has the meaning given it in subsection (a)
11 of the first section of the Clayton Act (15 U.S.C.
12 12(a)), except that such term includes section 5 of
13 the Federal Trade Commission Act (15 U.S.C. 45)
14 to the extent such section 5 applies to unfair meth-
15 ods of competition; and

16 (2) includes any State law similar to the laws
17 referred to in paragraph (1).



Wed 7/29
2:45 pm
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**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3200
OFFERED BY MR. STUPAK OF MICHIGAN
(AINS-EC_001)**

Add at the end of subtitle G of title I of division A
the following:

- 1 **SEC. 165. EMPLOYER PARTICIPATION UNDER FEHBP.**
2 Beginning not later than January 1, 2010, and not-
3 withstanding any other provision of law, the Director of
4 the Office of Personnel Management shall take such steps
5 as are necessary to permit employers to offer coverage to
6 employees (and their dependents) under the Federal em-
7 ployees health benefits program under chapter 89 of title
8 5, United States Code, in the same manner as the Federal
9 Government offers coverage to its employees (and their de-
10 pendants) under such chapter.

