

Failed 11-19

Waters-Quigley

AMENDMENT TO H.R. 5

OFFERED BY MS. WATERS OF CALIFORNIA

After section 9, insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. 10. RESTORING THE APPLICATION OF ANTITRUST**
2 **LAWS TO THE BUSINESS OF MEDICAL MAL-**
3 **PRACTICE INSURANCE.**

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

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

17 (b) RELATED PROVISION.—For purposes of section
18 5 of the Federal Trade Commission Act (15 U.S.C. 45)

1 to the extent such section applies to unfair methods of
2 competition, section 3(e) of the McCarran-Ferguson Act
3 shall apply with respect to the business of medical mal-
4 practice insurance without regard to whether such busi-
5 ness is carried on for profit, notwithstanding the definition
6 of "Corporation" contained in section 4 of the Federal
7 Trade Commission Act.

