

[Roll No. 61]

YEAS—421

Abercrombie Davis (CA) Johnson, E. B.
 Ackerman Davis (IL) Johnson, Sam
 Aderholt Davis (KY) Jones
 Adler (NJ) Davis (TN) Jordan (OH)
 Akin Deal (GA) Kagen
 Alexander DeFazio Kanjorski
 Altmire DeGette Kaptur
 Andrews Delahunt Kennedy
 Arcuri DeLauro Kildee
 Austria Dent Kilpatrick (MI)
 Baca Diaz-Balart, L. Kilroy
 Bachmann Diaz-Balart, M. Kind
 Bachus Dicks King (IA)
 Baird Doggett King (NY)
 Baldwin Donnelly (IN) Kingston
 Barrow Doyle Kirk
 Bartlett Dreier Kirkpatrick (AZ)
 Barton (TX) Driehaus Kissell
 Bean Duncan Klein (FL)
 Becerra Edwards (MD) Kline (MN)
 Berkley Edwards (TX) Kosmas
 Berman Ehlers Kratovil
 Berry Ellison Kucinich
 Biggert Ellsworth Lamborn
 Bilbray Emerson Lance
 Bilirakis Engel Langevin
 Bishop (GA) Eshoo Larsen (WA)
 Bishop (NY) Etheridge Larson (CT)
 Bishop (UT) Fallin Latham
 Blackburn Farr LaTourette
 Blumenauer Fattah Latta
 Boccieri Filner Lee (CA)
 Boehner Flake Lee (NY)
 Bonner Fleming Levin
 Bono Mack Forbes Lewis (CA)
 Boozman Fortenberry Lewis (GA)
 Boren Foster Linder
 Boswell Foxx Lipinski
 Boucher Frank (MA) LoBiondo
 Boustany Franks (AZ) Loebsack
 Boyd Lofgren, Zoe
 Brady (PA) Fudge Lowey
 Brady (TX) Gallegly Lucas
 Braley (IA) Garamendi Luetkemeyer
 Bright Garrett (NJ) Luján
 Broun (GA) Gerlach Lummis
 Brown (SC) Giffords Lungren, Daniel
 Brown, Corrine Gingrey (GA) E.
 Brown-Waite, Gohmert Lynch
 Ginny Gonzalez Mack
 Buchanan Goodlatte Maffei
 Burgess Gordon (TN) Maloney
 Burton (IN) Granger Manzullo
 Butterfield Graves Marchant
 Buyer Grayson Markey (CO)
 Calvert Green, Al Markey (MA)
 Camp Green, Gene Marshall
 Campbell Griffith Massa
 Cantor Grijalva Matheson
 Cao Guthrie Matsui
 Capito Gutierrez McCarthy (CA)
 Capps Hall (NY) McCarthy (NY)
 Capuano Hall (TX) McCaul
 Cardoza Halvorson McClintock
 Carnahan Hare McCollum
 Carney Harman McCotter
 Carson (IN) Harper McDermott
 Carter Hastings (FL) McGovern
 Cassidy Hastings (WA) McHenry
 Castle Heinrich McIntyre
 Castor (FL) Heller McKeon
 Chaffetz Hensarling McMahan
 Chandler Herger McMorris
 Childers Herseht Sandlin Rodgers
 Chu Higgins McNeerney
 Clarke Hill Meek (FL)
 Cleaver Himes Meeks (NY)
 Clyburn Hinchey Melancon
 Coble Hinojosa Mica
 Coffman (CO) Hirono Michael
 Cohen Hodes Miller (FL)
 Cole Holden Miller (MI)
 Conaway Holt Miller (NC)
 Connolly (VA) Honda Miller, Gary
 Conyers Hoyer Miller, George
 Cooper Hunter Minnick
 Costa Inglis Mitchell
 Costello Insee Mollohan
 Courtney Israel Moore (KS)
 Crenshaw Issa Moore (WI)
 Crowley Jackson (IL) Moran (KS)
 Cuellar Jackson Lee Moran (VA)
 Culberson (TX) Murphy (CT)
 Cummings Jenkins Murphy (NY)
 Dahlkemper Johnson (GA) Murphy, Patrick
 Davis (AL) Johnson (IL) Murphy, Tim

Myrick Ros-Lehtinen Stearns
 Nadler (NY) Roskam Stupak
 Napolitano Ross Sullivan
 Neal (MA) Roybal-Allard Sutton
 Neugebauer Royce Tanner
 Nunes Ruppersberger Taylor
 Nye Rush Teague
 Oberstar Ryan (OH) Terry
 Obey Ryan (WI) Thompson (CA)
 Olson Salazar Thompson (MS)
 Olver Sánchez, Linda Thompson (PA)
 Ortiz T. Thornberry
 Owens Sanchez, Loretta Tiahrt
 Pallone Sarbanes Tiberi
 Pascrell Scalise Tierney
 Pastor (AZ) Schakowsky Titus
 Paul Schauer Tonko
 Paulsen Schiff Tomko
 Payne Schmidt Towns
 Pence Schock Tsongas
 Perlmutter Schrader Turner
 Perriello Schwartz Upton
 Peters Scott (GA) Van Hollen
 Peterson Scott (VA) Velázquez
 Petri Sensenbrenner Visclosky
 Pingree (ME) Serrano Walden
 Platts Sessions Walz
 Poe (TX) Sestak Wamp
 Polis (CO) Shadegg Wasserman
 Pomeroy Shea-Porter Schultz
 Posey Sherman Waters
 Price (GA) Shimkus Watson
 Price (NC) Shuler Watt
 Putnam Shuster Waxman
 Quigley Simpson Weiner
 Rahall Sires Westmoreland
 Rangel Skelton Whitfield
 Rehberg Slaughter Wilson (OH)
 Reyes Smith (NE) Wilson (SC)
 Richardson Smith (NJ) Wittman
 Rodriguez Smith (TX) Wolf
 Roe (TN) Smith (WA) Woolsey
 Rogers (AL) Snyder Wu
 Rogers (KY) Souder Yarmuth
 Rogers (MI) Space Young (AK)
 Rohrabacher Speier Young (FL)
 Rooney Spratt

NOT VOTING—11

Barrett (SC) Hoekstra Rothman (NJ)
 Blunt Pitts Stark
 Clay Radanovich Welch
 Dingell Reichert

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1224

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES ON RELIGIOUS MINORITIES IN IRAQ

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 944, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and agree to the resolution, H. Res. 944, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. PINGREE of Maine. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 3, not voting 14, as follows:

[Roll No. 62]

AYES—415

Abercrombie Cooper Higgins
 Ackerman Costa Hill
 Aderholt Costello Himes
 Adler (NJ) Courtney Hinchey
 Akin Crenshaw Hinojosa
 Alexander Crowley Hirono
 Altmire Cuellar Hodes
 Andrews Culberson Holden
 Arcuri Cummings Holt
 Austria Dahlkemper Honda
 Baca Davis (AL) Hoyer
 Bachmann Davis (CA) Hunter
 Bachus Davis (IL) Inglis
 Baird Davis (KY) Insee
 Baldwin Davis (TN) Israel
 Barrow Deal (GA) Issa
 Bartlett DeFazio Jackson (IL)
 Barton (TX) DeGette Jackson Lee
 Bean Delahunt (TX)
 Becerra DeLauro Jenkins
 Berkley Dent Johnson (GA)
 Berman Diaz-Balart, L. Johnson (IL)
 Berry Diaz-Balart, M. Johnson, E. B.
 Biggert Dicks Johnson, Sam
 Bilbray Doggett Jones
 Bilirakis Donnelly (IN) Jordan (OH)
 Bishop (GA) Doyle Kagen
 Bishop (NY) Dreier Kanjorski
 Bishop (UT) Driehaus Kaptur
 Blackburn Duncan Kennedy
 Blumenauer Edwards (MD) Kildee
 Boccieri Edwards (TX) Kilpatrick (MI)
 Boehner Ehlers Kilroy
 Bonner Ellison Kind
 Bono Mack Ellsworth King (IA)
 Boozman Emerson King (NY)
 Boren Engel Kingston
 Boswell Eshoo Kirk
 Boucher Etheridge Kirkpatrick (AZ)
 Boustany Fallin Kissell
 Boyd Farr Klein (FL)
 Brady (PA) Fattah Kline (MN)
 Brady (TX) Filner Kosmas
 Braley (IA) Fleming Kratovil
 Bright Forbes Kucinich
 Brown (SC) Fortenberry Lamborn
 Brown, Corrine Foster Lance
 Brown-Waite, Foxx Langevin
 Ginny Frank (MA) Larsen (WA)
 Buchanan Franks (AZ) Larson (CT)
 Burgess Frelinghuysen Latham
 Burton (IN) Fudge LaTourette
 Butterfield Gallegly Latta
 Buyer Garamendi Lee (CA)
 Calvert Garrett (NJ) Lee (NY)
 Camp Gerlach Levin
 Campbell Giffords Lewis (CA)
 Cantor Gingrey (GA) Lewis (GA)
 Cao Gohmert Linder
 Capito Gonzalez Lipinski
 Capps Goodlatte LoBiondo
 Capuano Gordon (TN) Loebsack
 Cardoza Granger Lofgren, Zoe
 Carnahan Graves Lowey
 Carney Grayson Lucas
 Carson (IN) Green, Al Luetkemeyer
 Carter Green, Gene Luján
 Cassidy Griffith Lummis
 Castle Grijalva Lungren, Daniel
 Castor (FL) Guthrie E.
 Chaffetz Gutierrez Lynch
 Chandler Hall (NY) Mack
 Childers Hall (TX) Maffei
 Chu Halvorson Maloney
 Clarke Hare Manzullo
 Cleaver Harman Marchant
 Clyburn Harper Markey (CO)
 Coble Hastings (FL) Markey (MA)
 Coffman (CO) Hastings (WA) Marshall
 Cohen Heinrich Massa
 Cole Heller Matheson
 Conaway Hensarling Matsui
 Connolly (VA) Herger McCarthy (CA)
 Conyers Herseth Sandlin McCarthy (NY)

McCaul	Poe (TX)	Sires
McClintock	Polis (CO)	Skelton
McCollum	Pomeroy	Slaughter
McCotter	Posey	Smith (NE)
McDermott	Price (GA)	Smith (NJ)
McGovern	Price (NC)	Smith (TX)
McHenry	Putnam	Smith (WA)
McIntyre	Quigley	Snyder
McKeon	Rahall	Souder
McMahon	Rangel	Space
McNerney	Rehberg	Speier
Meek (FL)	Reyes	Spratt
Meeks (NY)	Richardson	Stearns
Melancon	Rodriguez	Stupak
Mica	Roe (TN)	Sullivan
Michaud	Rogers (AL)	Sutton
Miller (FL)	Rogers (KY)	Tanner
Miller (MI)	Rogers (MI)	Taylor
Miller, Gary	Rohrabacher	Teague
Miller, George	Rooney	Terry
Minnick	Ros-Lehtinen	Thompson (CA)
Mitchell	Roskam	Thompson (MS)
Mollohan	Ross	Thompson (PA)
Moore (KS)	Rothman (NJ)	Thornberry
Moore (WI)	Roybal-Allard	Tiahrt
Moran (KS)	Royce	Tiberi
Moran (VA)	Ruppersberger	Tierney
Murphy (NY)	Rush	Titus
Murphy, Patrick	Ryan (OH)	Tonko
Murphy, Tim	Ryan (WI)	Towns
Myrick	Salazar	Tsongas
Nadler (NY)	Sánchez, Linda	Turner
Napolitano	T.	Upton
Neal (MA)	Sanchez, Loretta	Van Hollen
Neugebauer	Sarbanes	Velázquez
Nunes	Scalise	Visclosky
Nye	Schakowsky	Walden
Oberstar	Schauer	Walz
Obey	Schiff	Wamp
Olson	Schmidt	Wasserman
Olver	Schock	Schultz
Ortiz	Schrader	Waters
Owens	Schwartz	Watson
Pallone	Scott (GA)	Watt
Pascrell	Scott (VA)	Waxman
Pastor (AZ)	Sensenbrenner	Weiner
Paulsen	Serrano	Whitfield
Payne	Sessions	Wilson (OH)
Pence	Sestak	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Woolsey
Peterson	Shimkus	Wu
Petri	Shuler	Yarmuth
Pingree (ME)	Shuster	Young (AK)
Platts	Simpson	Young (FL)

NOES—3

Broun (GA)	Flake	Paul
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NOT VOTING—14

Barrett (SC)	McMorris	Radanovich
Blunt	Rodgers	Reichert
Clay	Miller (NC)	Stark
Dingell	Murphy (CT)	Welch
Hoekstra	Pitts	Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (Ms. MCCOLLUM) (during the vote). Members are reminded there is less than 1 minute left in this vote.

□ 1232

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Expressing the sense of the House of Representatives on the protection of members of vulnerable religious and ethnic minority communities in Iraq."

A motion to reconsider was laid on the table.

**HEALTH INSURANCE INDUSTRY
 FAIR COMPETITION ACT**

Mr. CONYERS. Madam Speaker, pursuant to House Resolution 1098, I call

up the bill (H.R. 4626) to restore the application of the Federal antitrust laws to the business of health insurance to protect competition and consumers, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Industry Fair Competition Act".

SEC. 2. RESTORING THE APPLICATION OF ANTI-TRUST LAWS TO HEALTH SECTOR INSURERS.

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

"(c) Nothing contained in this Act shall modify, impair, or supersede the operation of any of the antitrust laws with respect to the business of health insurance. For purposes of the preceding sentence, the term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition."

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

The SPEAKER pro tempore. Pursuant to House Resolution 1098, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 60 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 4626.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker and my colleagues, the bill before us will allow, for the first time, competition to take hold in the health insurance marketplace, an important and vital step in the road to fixing our broken health insurance system and containing costs. I want to commend, in particular, my colleagues TOM PERRIELLO of Virginia and BETSY MARKEY of Colorado for working with our committee on this important effort.

Experience has shown that Congress—and we hate to admit having made mistakes in the past, but we did

make an error in 1945 in adding an antitrust exemption into the McCarran-Ferguson Act at the last minute during the debate. Not many of you were here at that time, and neither was I, but leading consumer groups and senior citizen groups, State attorneys general and others for years have been urging that we in the legislature fix this error that has been made so long ago.

The bipartisan Antitrust Modernization Commission established by this body and President Bush in 2002 echoed this call in its 2007 report. And now, as we work to fix what everyone mostly agrees is a broken health insurance market, it is about time to bring into that market what is an essential ingredient of any well-functioning market—competition. And the way we make sure that happens here is the same way we made sure it happens in every other industry—to have the antitrust laws apply. These laws are the principal protector of free market competition and the prosperity it provides, the principal guarantee that businesses who want to offer choice and value to consumers can do so.

The blanket antitrust exemption in the McCarran-Ferguson Act shields health insurance companies from legal accountability for fixing prices, dividing up markets and customers they serve so as to deny meaningful choice, and using monopoly power to sabotage anyone who seeks to offer meaningful competitive choice to consumers. This, ladies and gentlemen, must end.

Antitrust court actions alleging each of these practices, and more, have been blocked routinely in the courts by invoking the McCarran-Ferguson antitrust exemption, and that is what we are here to repair today.

Now, an antitrust expert attorney, David Balto, with antitrust enforcement experience acquired both at the United States Justice Department and the Federal Trade Commission, has found that State insurance commissioners have not brought any actions in any State against health insurers for anticompetitive conduct during at least the last 5 years.

Health insurance premiums continue to spiral ever-upward each year, and copayments and deductibles keep taking further bites out of tight family budgets. Those families have a right to know that they are not being victimized by insurers any longer who should be competing to offer them choice and value but, instead, are, unfortunately, conspiring against them.

In its famous Topco ruling, the United States Supreme Court refers to the antitrust laws as the Magna Carta of free enterprise. The health insurance industry should not be exempt from them.

The Judiciary Committee has been working to remove this harmful exemption for a number of years. We made a lot of headway under the distinguished chairman, our former colleague, Jack Brooks of Texas, who