

111TH CONGRESS  
2D SESSION

# S. 3685

To provide the Federal Trade Commission with oversight authority over insurance issuers.

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IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2010

Mr. PRYOR (for himself, Mrs. BOXER, and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide the Federal Trade Commission with oversight authority over insurance issuers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Insurance Competition  
5 and Transparency Act of 2010”.

6 **SEC. 2. FEDERAL TRADE COMMISSION OVERSIGHT OVER**  
7 **INSURANCE ISSUERS.**

8 Section 6 of the Federal Trade Commission Act (15  
9 U.S.C. 46) is amended in the undesignated matter fol-

1 lowing subsection (l), by striking “Nothing” and all that  
2 follows through “was made.” and inserting the following:

3 “Notwithstanding the Act of March 9, 1945 (15  
4 U.S.C. 1011 et seq.) and the definition of corporation in  
5 section 4, the Commission may use the authority described  
6 in this section to conduct studies, prepare reports, and dis-  
7 close information relating to insurance, without regard to  
8 whether the subject of the study, report, or the informa-  
9 tion is for-profit or not-for-profit.

10 “Subject to the Act of March 9, 1945 (15 U.S.C.  
11 1011 et seq.) and notwithstanding the definition of cor-  
12 poration in section 4, the provisions of this Act shall apply  
13 to an insurer without regard to whether such insurer is  
14 for-profit or not-for-profit. For purposes of this para-  
15 graph, an employer or membership organization not orga-  
16 nized for its own profit or that of its members that pro-  
17 vides health care or medical malpractice benefits only to  
18 its employees or members shall not be deemed to be a  
19 health insurer or a medical malpractice insurer, provided  
20 that this exclusion shall not apply to a separate entity that  
21 issues insurance or to an organization whose sole or pri-  
22 mary membership benefit is insurance.”.

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