

# United States Senate

WASHINGTON, DC 20510

January 13, 2010

The Honorable Barack Obama  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

The Honorable Harry Reid  
Senate Majority Leader  
S-221, U.S. Capitol  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker of the House  
H-232, U.S. Capitol  
Washington, D.C. 20515

Dear President Obama, Majority Leader Reid, and Speaker Pelosi:

We write to reiterate our call for inclusion of language that repeals the Federal antitrust exemption for health insurers and medical malpractice insurers in the final Patient Protection and Affordable Care Act that is signed into law. There is simply no reason for health insurance and medical malpractice insurance companies to be exempt from Federal laws prohibiting price fixing, bid rigging, and market allocation. These acts hurt consumers, drive up health care costs, and should be prohibited in the health insurance industry, as they are in virtually every other industry.

For nearly 65 years, the insurance industry has been exempt from Federal antitrust laws. Regulation of the insurance industry has been left with the states, which often lack the time and resources to effectively investigate antitrust conspiracies. Thus, the competitive activities of health insurers and medical malpractice insurers remain effectively unchecked. While there are divergent views on the best way to introduce choice and competition into health insurance market, we can surely agree that health and medical malpractice insurers should not be allowed to collude to set prices and allocate markets.

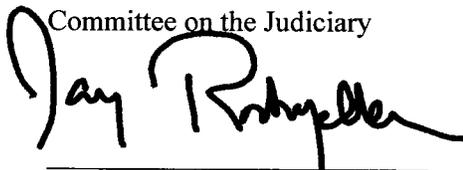
The House-passed health care legislation, H.R. 3962, included a repeal of the health insurer antitrust exemption. Twenty-three Senators cosponsored our amendment to the Patient Protection and Affordable Care Act to repeal this antitrust exemption for health and medical malpractice insurers. Regrettably, there was no opportunity for it to be offered during Senate debate.

This reform is long overdue and the time to act is now. We look forward to working with you to ensure that repeal of the antitrust exemption for health insurers and medical malpractice insurers is included in the final health insurance reform bill that is signed into law.

Respectfully,



PATRICK LEAHY  
Chairman  
Committee on the Judiciary



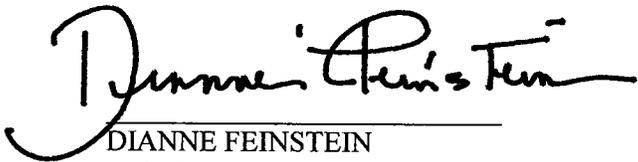
JOHN D. ROCKEFELLER IV  
United States Senator



JOHN F. KERRY  
United States Senator



JOSEPH I. LIEBERMAN  
United States Senator



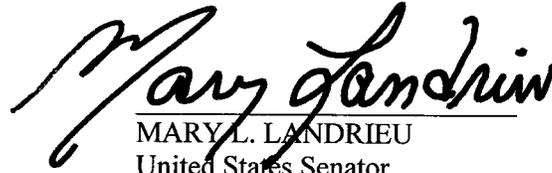
DIANNE FEINSTEIN  
United States Senator



RUSSELL D. FEINGOLD  
United States Senator



RON WYDEN  
United States Senator



MARY L. LANDRIEU  
United States Senator



CHARLES E. SCHUMER  
United States Senator



MARIA CANTWELL  
United States Senator



FRANK LAUTENBERG  
United States Senator



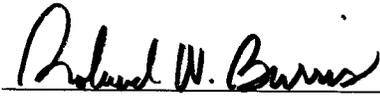
BERNARD SANDERS  
United States Senator



CLAIRE MCCASKILL  
United States Senator



SHELDON WHITEHOUSE  
United States Senator



ROLAND BURRIS  
United States Senator



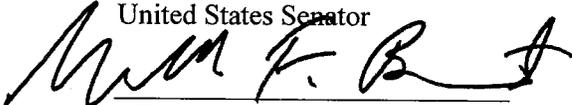
EDWARD E. KAUFMAN  
United States Senator



KIRSTEN E. GILLIBRAND  
United States Senator



AL FRANKEN  
United States Senator



MICHAEL F. BENNET  
United States Senator