

**Statement of Senator Patrick Leahy (D-Vt.),  
Ranking Member, Senate Judiciary Committee,  
Subcommittee Hearing on “Examining Consolidation in the Health Insurance Industry and  
its Impact on Consumers”  
September 22, 2015**

Few industries play as crucial a role in the quality of life of consumers as the health insurance industry. Access to affordable and quality healthcare coverage is a necessity for all Americans, and ensuring a competitive marketplace is important in making that kind of access a reality. The Judiciary Committee’s Subcommittee on Antitrust is doing important work today in reviewing two significant mergers in this space and evaluating the potential impact on consumers.

The competitive state of the health insurance industry impacts consumers in multiple ways. The marketplace for buying insurance policies is often what is most front-of-mind for consumers, but the relationship between healthcare providers and insurance companies has a significant impact on them as well. Consumers can find themselves caught in the middle between two powerful forces. In Vermont, consumers can only choose between two insurance companies and I want to learn more about how these proposed mergers will affect the health insurance market in my state. I hope that the witnesses today will address the effect these proposed transactions will have on this aspect of the market.

The antitrust laws exist to promote competition and protect consumers. Competition keeps prices lower and creates more options for those looking to buy. I have long been troubled that the health insurance industry has a special, statutory exemption from the antitrust laws. There is no justification for the health insurance industry to be exempt from laws that prohibit price-fixing and other anticompetitive practices. For years, I have worked on a bipartisan basis to end the insurance industry’s antitrust exemption and I continue to believe that it should end. If the health insurance industry becomes more consolidated, I fear that the lack of antitrust protection for consumers will exacerbate any possible harms that the witnesses today may touch on.

I thank Senator Lee and Senator Klobuchar for their continued commitment to reviewing important transactions that affect the country. The Judiciary Committee plays a key role in highlighting any concerns that may arise from these kinds of mergers. Our efforts augment the detailed review that will be undertaken by the antitrust authorities. I look forward to reviewing the testimony of the witnesses today.

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