

June 7, 2019

Senator Mike Lee
Chairman
Subcommittee Antitrust, Competition Policy
and Consumer Rights
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Senator Amy Klobuchar
Ranking Member
Subcommittee Antitrust, Competition
and Consumer Rights
Senate Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Lee and Ranking Member Klobuchar:

As the nation's oldest and largest dental professional organization, representing over 163,000 members, the American Dental Association (ADA) applauds the Committee's upcoming hearing, "Your Doctor/Pharmacist/Insurer Will See You Now: Competitive Implications of Vertical Consolidation in the Healthcare Industry," that intends to explore anticompetitive issues that are contributing to the high cost of health care.

As your Committee and others continue to look into these issues, the ADA urges you to consider S. 350, the "Competitive Health Insurance Reform Act," which would partially repeal the McCarran-Ferguson Act, as one of the policy ideas that could help to lower the cost of health care.

The ADA supports S. 350, and amending the McCarran-Ferguson Act of 1945 to empower the Federal Trade Commission and the Justice Department to enforce the full suite of federal antitrust laws against health insurance companies engaged in anticompetitive conduct. It would not interfere with the states' abilities to maintain and enforce their own insurance regulations, antitrust statutes or consumer protection laws. This bipartisan bill, introduced by Senator Steve Daines (R-MT) and Senator Patrick Leahy (D-VT), was also introduced in the House by Representative Peter DeFazio (D-OR) and Representative Paul Gosar (R-AZ).

The House passed this identical bill in 2017, with robust bipartisan support and an overwhelming vote of 416-7.

This partial repeal would apply only to the business of health insurance, including dental insurance. It would also help inject more competition into the insurance marketplace by authorizing greater federal antitrust enforcement in instances where state regulators fail, or are unable, to act. When competition is not robust, consumers are more likely to face higher prices and less likely to benefit from innovation and variety in the marketplace.

Please contact Chris Tampio at 202-789-5178 or tampioc@ada.org with any questions.

Sincerely,

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Jeffrey M. Cole, D.D.S., M.B.A.
President

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Kathleen T. O'Loughlin, D.M.D., M.P.H.
Executive Director

JMC:KTO: