

March 21, 2012

Speaker John Boehner
Office of the Speaker
H-232 The Capitol
Washington, DC 20515

Minority Leader Nancy Pelosi
Office of the Democratic Leader
H-204, US Capitol
Washington, DC 20515

**CONSUMER GROUPS OPPOSE MR. GOSAR'S ANTI-TRUST
AMENDMENT TO H.R. 5**

Dear Speaker Boehner and Minority Leader Pelosi:

The undersigned consumer and public interest groups strongly oppose the amendment to H.R. 5 offered by Mr. Gosar, the "Health Insurance Industry Fair Competition Act of 2012." While we have long supported repeal of the McCarran-Ferguson Act's insurance industry anti-trust exemption, we strongly oppose the recent addition to this amendment, which limits class actions in federal or state court "on a claim against a person engaged in the business of health insurance for violation of anti-trust laws."

Private actions are critical for the proper enforcement of antitrust laws. The most significant private antitrust cases are class actions, particularly because antitrust actions are complex and prohibitively expensive for individual consumers to pursue on their own. Prohibiting class actions and the opportunity to enforce the anti-trust laws renders this repeal of McCarran-Ferguson virtually toothless. It is also a direct interference with state laws that would allow for class actions in these circumstances.

We should also note that while repealing the anti-trust exemption as it pertains to the health insurance industry is a worthy goal, the amendment would not apply to the property-casualty insurance industry. Thus, physicians who are being price-gouged by their insurer would receive no benefit from this repeal.

We urge opposition to Mr. Gosar's amendment.

Thank you for your consideration. For any questions or comments, please contact Joanne Doroshov at Center for Justice & Democracy at New York Law School, (212) 431-2882.

Sincerely,

Alliance for Justice
Center for Justice & Democracy
Public Citizen
Texas Watch
U.S. PIRG