

United States Senate

WASHINGTON, DC 20510

November 19, 2019

Honorable Makan Delrahim
Assistant Attorney General
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Assistant Attorney General Delrahim,

We are writing to express concern over the potential termination of the consent decree in *United States v. Association of Casualty and Surety Companies, et al.* As you know, this decree settled a number of antitrust allegations following an investigation that found insurers were “engaged in a combination and conspiracy in unreasonable restraint of the aforesaid trade and commerce in the adjustment and settlement of automobile property insurance claims, the automobile material damage appraisal business and the automobile damage repair business, in violation of Sections 1 and 3 of the Sherman Act.” In August of this year, the Department of Justice proposed terminating this agreement as part of a broad review of nearly 1,300 antitrust judgments enacted without sunset dates. We express our support for keeping this important decree in place.

Eliminating this agreement would turn back the clock on automotive consumer protections. It ensures that consumers are not coerced or directed to car repair shops that have sweetheart deals with specific insurers. It continues to promote competition and continues to be in the best interest of the American consumer. Should this decree be terminated, it would eliminate a long-standing agreement to protect consumers against price fixing for auto repair claims, and against “steering”, i.e., compelling consumers to use only those repair shops beholden to insurance companies.

The decree also helps to ensure that the independence of adjusters and collision repair businesses is not undermined. Simply put, it helps to document, prevent, and warn against the type of abuses which originally led to its issuance, and which could embolden such anti-competitive conduct as readily today if it were terminated.

We appreciate the Department’s willingness to extend the time for comments on the possible termination of this decree. However, based on the sincere and thoughtful concerns raised by our constituents, we believe that the merits and relevance of this decree warrant its continuation.

Sincerely,



Senator John Kennedy



Senator Richard Blumenthal