

Statement of Senator Patrick Leahy (D-Vt)
Ranking Member, Senate Judiciary Committee
Executive Business Meeting
July 9, 2015

Once we have a quorum we will be able to report bipartisan legislation that I worked on with Senators Grassley and Lee to extend for another seven years the antitrust exemption permitting colleges and universities to collaborate on issues of need-based financial aid. It is important for Congress to review antitrust exemptions to ensure that they continue to serve the public interest. In this instance, we are not renewing one provision of this exemption because Universities have never used it. This is exactly why I am skeptical of permanent antitrust exemptions. Requiring those who benefit from them to come to Congress and justify renewal ensures that they do not become a blank check for anti-competitive behavior.

I would contrast the limited renewal we are reporting to the floor today with the McCarran-Ferguson Act, a permanent antitrust exemption that the insurance industry has enjoyed since 1945. I have worked for years on a bipartisan basis to repeal that law precisely because marketplace conditions can change significantly over a seven year period, not to mention the 70 years since McCarran-Ferguson was enacted. We should learn from today's bipartisan effort. I look forward to the full Senate considering our bill.

There are also three judicial nominations on today's agenda. Once we report out the pending nominees to the Third Circuit and to the Eastern District of Tennessee, the Committee will have finally finished its left over nominations business from last Congress. Both were first nominated last November, nearly eight months ago. Chairman Grassley will schedule another hearing for several nominees this month.

On the floor, however, we currently have 11 judicial nominees reported out of this Committee by voice vote. We have confirmed only 5 judges so far this year compared to 25 judges confirmed at this same point in 2007, with a Democratic majority during the last two years of the Bush administration.

I hope the nominees we report today will be considered by the full Senate without further delay.