

# United States Senate

WASHINGTON, DC 20510

June 21, 2019

The Honorable Joseph Simons  
Chairman  
Federal Trade Commission  
600 Pennsylvania Ave NW  
Washington, D.C. 20580

Dear Chairman Simons:

The last several weeks have seen numerous news articles concerning potential federal antitrust investigations into major American technology firms, including possible Federal Trade Commission (FTC) investigations into Amazon.com, Inc. (Amazon) and Facebook, Inc. (Facebook) and Justice Department investigations of Google and Apple.<sup>1</sup> Yet neither agency has provided comment on or corroboration of any of these reports. We write to request that the FTC provide basic disclosures regarding the existence of FTC antitrust investigations into Amazon and Facebook to Congress and the American public.

We have previously highlighted the importance of antitrust enforcement in connection with online digital platforms, which occupy an influential and growing sector of our economy. Amazon, Apple, Facebook and Google touch the daily lives of millions of Americans, connecting friends and family, entertaining us, delivering news and information, and helping us buy and sell the products we need. But the benefits that these companies deliver to consumers do not put them outside of the reach of our antitrust laws.

Over the years, we have heard numerous complaints about potential anticompetitive conduct by large technology firms, and we have held hearings that have explored these issues. Many of us have called on both the FTC and the Justice Department to investigate potential anticompetitive activity in these markets, particularly following the significant enforcement actions taken by foreign competition enforcers against these same companies. When we saw the recent press reports of potential U.S. investigations into these matters, we were encouraged, but also somewhat troubled that such inquiries were not already well underway. But given the silence of the FTC and the Justice Department, the truth is that we still do not know if these investigations have actually been initiated and neither do the American people.

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<sup>1</sup> See, e.g., Celia Kang et al., *Antitrust Troubles Snowball for Tech Giants as Lawmakers Join In*, N.Y. Times, (June 3, 2019), at <https://www.nytimes.com/2019/06/03/technology/facebook-ftc-antitrust.html>; Brent Kendall & John McKinnon, *Congress, Enforcement Agencies Target Tech*, Wall Street Journal, (June 3, 2019), at <https://www.wsj.com/articles/ftc-to-examine-how-facebook-s-practices-affect-digital-competition-11559576731>.


We understand that, under its internal policies, the FTC typically refrains from commenting on nonpublic investigations, but these circumstances are far from typical. The significant public interest in and allegations surrounding the business conduct of Big Tech and the leaks concerning the clearance process relating to potential investigations of Amazon, Apple, Facebook and Google have made these matters highly unusual. Accordingly, we respectfully request answers to the following questions:

- Does the FTC currently have an open nonmerger, antitrust investigation into the conduct of Amazon or any of its subsidiaries? If so, describe the nature and general scope of any such investigations into Amazon or any of its subsidiaries.
- Will the FTC commit to issuing a public statement concerning the general findings and outcome of any nonmerger, antitrust investigation into the conduct of Amazon or any of its subsidiaries?
- Does the FTC currently have an open nonmerger, antitrust investigation into the conduct of Facebook or any of its subsidiaries? If so, describe the nature and general scope of any such investigations into Facebook or any of its subsidiaries.
- Will the FTC commit to issuing a public statement concerning the general findings and outcome of any nonmerger, antitrust investigation into the conduct of Facebook or any of its subsidiaries?


Thank you for your prompt attention to this request. We look forward to your response and to hearing you discuss the FTC's ongoing enforcement efforts at the July 23 hearing before the Antitrust Subcommittee.

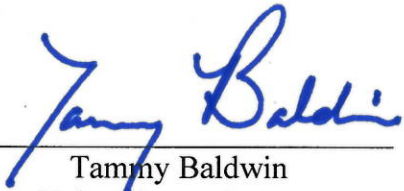
Sincerely,

  
\_\_\_\_\_  
Amy Klobuchar  
United States Senator

  
\_\_\_\_\_  
Patrick Leahy  
United States Senator

  
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Richard Blumenthal  
United States Senator

  
\_\_\_\_\_  
Cory Booker  
United States Senator

  
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Tammy Baldwin  
United States Senator

  
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Edward J. Markey  
United States Senator

  
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Tina Smith  
United States Senator