

**Statement of the Honorable Jerrold Nadler, Chairman,
Committee on the Judiciary**

**Markup of the “Final Report on Investigation of Competition in Digital
Markets”**

**Wednesday, April 14, 2021 at 10:00 a.m.
Room 2141 of the Rayburn House Office Building**

The Subcommittee on Antitrust, Commercial and Administrative Law’s Final Report on its “Investigation of Competition in Digital Markets” during the 116th Congress was the culmination of a historic and bipartisan process that enabled the Committee, Congress, and the American people to better understand the state of competition in the digital economy.

Over the course of 16 months, Chairman Cicilline and his colleagues on the Subcommittee, in a bipartisan fashion, investigated whether the world’s leading technology companies have become gatekeepers for the online economy, and whether they have abused this power.

The Subcommittee also looked at whether existing antitrust laws and enforcement were adequate to police anti-competitive conduct and mergers in the digital age.

The Staff Report's findings based on this investigation are troubling and should be a clarion call for Congress.

Today's digital markets are highly concentrated. The largest companies have morphed from being innovative startups into powerful gatekeepers, not unlike the railroad and telephone monopolists of the past. The Report also makes clear that the Antitrust enforcement agencies have been missing in action. Furthermore, the courts have incorrectly interpreted and applied the antitrust statutes in ways that run counter to Congress.

Fortunately, the Report represents an invaluable resource that will help inform our efforts to reverse these trends and to strengthen competition in digital markets and throughout the economy.

I have long believed—like Thomas Jefferson and Louis Brandeis—that concentration of power in any form, especially concentration of economic or political power, is a danger to democracy. That is why it is essential that Congress exercise its oversight authority to study the effects of such concentration and consider the need for legislative action—which is exactly what we did here.

The Report’s findings and conclusions reinforce my belief that we must modernize and reinvigorate antitrust law and enforcement. The laws must meet the challenges of our modern economy. Today, sadly, they do not.

I also agree with the recommendations that we must ensure that the Department of Justice and the Federal Trade Commission use all the tools at their disposal to fully and fairly enforce the law. I was encouraged by Acting FTC Chair Slaughter’s testimony at our hearing in March that this is exactly what she plans to do.

Where the agencies need additional tools, staff, and resources, we must immediately provide that as well.

The Subcommittee's investigation and associated Report continued a long tradition of this Committee's oversight of the antitrust laws and our economy. Beginning decades ago with the leadership of Chairman Emmanuel Celler—whose congressional district I now proudly represent—the House Judiciary Committee and its antitrust subcommittee have time and again conducted careful, fact-based inquiries into concentrated industries and anti-competitive conduct.

I thank Chairman Cicilline, Ranking Member Buck and all the Members of the Subcommittee—on both sides of the aisle—for their monumental work, and I urge all Members to support the adoption of the Report.