

**Questions for the Record from Subcommittee Ranking Member F. James
Sensenbrenner
For Maureen Ohlhausen, Esq., Partner, Baker Botts, L.L.P.:**

1. Some say that the tech sector is particularly vulnerable to anticompetitive conduct because of high network effects and switching costs in the sector and the advantages existing market players' data holdings give them over new entrants. Are those issues that just mean antitrust violations may crop up more in this sector and enforcement agencies need more resources to keep up with them? Or, are those issues that mean antitrust law itself needs to be changed to better address the tech sector?
2. What is your view of the opinion that tech sector companies have been able to get away more easily with anti-competitive conduct simply by purchasing rivals, rather than trying to wound them through predatory pricing, exclusionary conduct or other traditional antitrust violations?
3. You raise a note of caution about retrospective review of consummated mergers, saying that while they can be helpful in limited doses, they should not be more routine. Can you explain that in more detail?
4. It has been argued that, were the United States antitrust agencies to launch a policy of unwinding significantly more consummated mergers, that would create a great deal of regulatory uncertainty for companies contemplating new mergers and have chilling effects on merger-and-acquisitions investment. What is your view?
5. It also has been argued that launching a policy of unwinding more past mergers to help manage the U.S. economy would complicate the ability of U.S. antitrust regulators to take on foreign countries like China for their abuse of their antitrust laws to advance their own industrial policies. What is your view of that assertion?
6. Would it be a better approach to merger issues if Congress amended the Hart-Scott-Rodino Act to require more pre-merger review of smaller-value mergers, rather than just the larger ones the Act now covers?