

UNITED STATES OF AMERICA



DEPARTMENT OF JUSTICE
Washington, DC 20530



FEDERAL TRADE COMMISSION
Washington, DC 20580

March 22, 2023

Ambassador Katherine Tai
United States Trade Representative
600 17th Street NW
Washington, DC 20508

Dear Ambassador Tai,

We write to bring your attention to five specific sets of concerns about the Indo-Pacific Economic Framework for Prosperity (IPEF) and to ask for your partnership in addressing them. In particular, as explained in more detail below, we write to request that we meet at your earliest convenience and before the next IPEF negotiating session to discuss the following concerns:

1. Proposed Digital Trade Chapter. With respect to the digital trade chapter that USTR proposed and discussed during last week's negotiating session in Bali, we remain concerned that, as currently drafted, several of the provisions in the proposed chapter could [REDACTED] enforcement and the development of sound antitrust laws. Our concerns include, but are not limited to, [REDACTED] which is one of the most challenging, and still evolving, [REDACTED] questions in the modern digital economy. We are concerned that misunderstandings persist as to the broad benefits of competition to the United States and to American businesses and consumers, and in turn the need for vigorous efforts targeted to address monopoly power. When we meet, we hope to discuss with you specific modifications to the text of the proposed of the digital chapter.

2. Draft Competition Chapter. We share your commitment to including a competition chapter or robust competition provisions within IPEF and we are grateful for your leadership in advancing that important shared objective. We are concerned that the competition text put forward by FTC and DOJ that reflects the Biden Administration's priorities in this area has yet to receive appropriate consideration. Moreover, we remain concerned about [REDACTED]

including [REDACTED]

[REDACTED] In light of the importance and potential impact of a competition chapter on the work of the FTC and the Antitrust Division, we hope to discuss with you when we meet how we can best address our ongoing reflect the Administration's views on competition law enforcement and policy before any competition-related provisions are developed and shared within

TPSC, and certainly before they are tabled. Because digital matters are at the center of our antitrust enforcement efforts, we are eager to ensure that our discussions about the draft competition chapter take place alongside our work on the proposed digital chapter.

3. [REDACTED] Although we have not had the opportunity to review this provision, such a provision could [REDACTED] We therefore respectfully ask for the opportunity to review and discuss with you [REDACTED] that could be proposed before it is tabled or otherwise raised in IPEF discussions.

4. Antitrust Agency Participation in IPEF Negotiating Sessions. Consistent with past practice and our shared commitment to deepening our partnership, we plan to have senior staff in both antitrust agencies participate in all future IPEF negotiating sessions.

5. Cooperation on Provisions that Implicate FTC and DOJ Equities. Finally, when we meet we hope to discuss with you other provisions that have been, could be, or will be introduced in upcoming IPEF discussions that implicate the equities of the Antitrust Division specifically and the Justice Department more broadly, as well as the FTC's consumer protection and privacy missions. As with the provisions addressed above, we ask for the opportunity to review and discuss with you any provisions that implicate our equities before any text is tabled or discussed within IPEF.

More broadly, while we appreciate your partnership in advancing the Administration's agenda with respect to competition policy, we believe we can and should do more to ensure our agencies execute on that vision. We hope that we can discuss improving our systems for spotting and addressing issues and maximizing opportunities for communication and collaboration.

Thank you for your consideration and we look forward to our meeting.

Sincerely,



Lina M. Khan
Chair
Federal Trade Commission



Jonathan Kanter
Assistant Attorney General
U.S. Department of Justice,
Antitrust Division