

United States Senate

WASHINGTON, DC 20510

June 21, 2019

The Honorable Makan Delrahim
Assistant Attorney General, Antitrust Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Assistant Attorney General Delrahim:

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


¹ 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 the Antitrust Division 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 Justice Department currently have an open nonmerger, antitrust investigation into the conduct of Google or any of its subsidiaries? If so, describe the nature and general scope of any such investigations into Google or any of its subsidiaries.
- Will the Justice Department commit to issuing a public statement concerning the general findings and outcome of any nonmerger, antitrust investigation into the conduct of Google or any of its subsidiaries?
- Does the Justice Department currently have an open nonmerger, antitrust investigation into the conduct of Apple or any of its subsidiaries? If so, describe the nature and general scope of any such investigations into Apple or any of its subsidiaries.
- Will the Justice Department commit to issuing a public statement concerning the general findings and outcome of any nonmerger, antitrust investigation into the conduct of Apple or any of its subsidiaries?

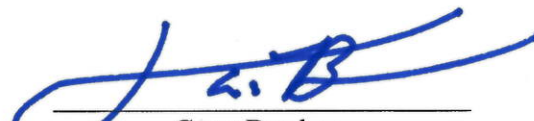
Thank you for your prompt attention to this request. We look forward to your response and to hearing you discuss the Antitrust Division's ongoing enforcement efforts at the July 23 hearing before the Antitrust Subcommittee.

Sincerely,


Amy Klobuchar
United States Senator


Patrick Leahy
United States Senator


Richard Blumenthal
United States Senator


Cory Booker
United States Senator


Tammy Baldwin
United States Senator


Edward J. Markey
United States Senator


Tina Smith
United States Senator