



**Computer & Communications
Industry Association**
Tech Advocacy Since 1972

10 August, 2020

email

Honorable Dick Durban
Chairman, Senate Judiciary Committee

Honorable Chuck Grassley
Ranking Member, Senate Judiciary Committee

RE: Markup of S. 17887, Antitrust Enforcement Venue Act of 2021

Dear Chairman Durban and Ranking Member Grassley:

The Computer & Communications Industry Association (CCIA), a nearly 50 year old technology association representing large, medium, and small companies, understands that S.1787, the State Antitrust Enforcement Venue Act of 2021, is scheduled for markup on Thursday, August 12, 2021. Because of the complexity of the issues presented that will shape the future of antitrust litigation, we respectfully request that the Senate Judiciary Committee hold a hearing on S.1787 before it is considered for markup. Holding a hearing will allow stakeholders to provide meaningful input and will help ensure that the issues are sufficiently ventilated.

As you know, S.1787 would allow state attorneys general to keep antitrust cases in the court where they were brought rather than have their cases moved according to the Judicial Panel Multidistrict Litigation (JPML), which guarantees uniformity in antitrust enforcement and efficient use of public resources. Many concerns have been raised with this proposal. One concern is with the effective date of S 1787. Currently the effective date for S.1787 is upon passage. However, S.1787 should be clarified to ensure the proposal would apply to antitrust lawsuits initiated by filing a summons and complaint after enactment; thus, clarifying that the law would not disrupt cases currently underway.

Another concern is that S.1787 will eliminate the protections that the JPML offers vis-a-vis the risk of having local cases influenced by political and corporate interests that could yield conflicting decisions for identical claims based upon identical facts on behalf of similarly situated consumers within multiple states. Currently, the JPML process allows multistate antitrust cases to be consolidated into a single jurisdiction eliminating antitrust asymmetries, duplicative litigation, and incentives to politicize enforcement.

S.1787 will have a far-reaching impact, well outside of the technology sector. Because no hearing has been held, however, the Committee cannot be sure of the unintended consequences for this proposal or the industries that will be affected.



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For the foregoing reasons, CCIA respectfully requests that the Senate Judiciary Committee hold a hearing on S.1787, to explore these issues and allow stakeholders to participate, before any markup is held on this important proposal.

Sincerely,

Arthur D. Sidney
Vice President
Computer & Communications Industry Association