

Congress of the United States

Washington, DC 20515

March 24, 2023

The Honorable Steve Womack
Chairman
House Appropriations Subcommittee on
Financial Services and General Government
Washington, D.C. 20515

The Honorable Steny Hoyer
Ranking Member
House Appropriations Subcommittee on
Financial Services and General Government
Washington, D.C. 20515

Dear Chairman Womack and Ranking Member Hoyer:

As the House Subcommittee on Financial Services and General Government deliberates on its Fiscal Year 2024 priorities, we kindly request your support for a \$10 million allocation towards the Federal Trade Commission (FTC) enforcement of the Robinson-Patman Act. This funding would empower the FTC to prioritize investigations and enforcement actions against dominant firms that exploit their market power to undermine competitors and harm consumers through economic discrimination.

Though the Robinson-Patman Act has been in force since 1936, the FTC has not actively enforced this law for over two decades. Consequently, a few powerful companies have accumulated immense influence at the expense of small and medium-sized businesses and, ultimately, consumers. These smaller businesses are vital for competition in increasingly concentrated markets, as they compete based on price, quality, service, and convenience. They often serve as the foundation of local communities, and economic discrimination undermines or eliminates this competition. Today, dominant corporations exert unprecedented economic power, frequently with minimal antitrust oversight or enforcement. As a result, businesses increasingly face discriminatory terms and conditions of trade, such as less favorable pricing, limited supply, and restricted access to products that are available to their competitors.

Main Street businesses, including grocers, retailers, distributors, community pharmacists, restaurants, and food and agriculture producers, are put at a disadvantage when dominant firms and trading partners violate the Robinson-Patman Act without facing enforcement consequences. These practices have a ripple effect throughout the entire supply chain, ultimately harming consumers who benefit the most from free market competition, particularly those in rural and low-income areas.

As Congress and federal antitrust authorities devote time and resources to scrutinizing some industries, it is essential not to overlook the importance of addressing everyday concerns and maintaining healthy competition on Main Street. Therefore, we respectfully request that the FSGG Subcommittee incorporate the following language in the FY 2024 Financial Services and General Government Appropriations bill, allocating \$10 million of the FTC's budget for the enforcement of the Robinson-Patman Act:

[Provision, FSGG Appropriations Bill, Fiscal Year 2024

“Not less than \$10,000,000 shall remain available until September 30, 2024 shall be for expenses to carry out investigative and enforcement activities under the Robinson-Patman Act (15 USC §13).”

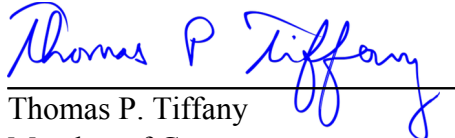
Report Language, FSGG Appropriations Bill, Fiscal Year 2024

Robinson-Patman Act Enforcement – The FTC is urged to expeditiously utilize its authority under the Robinson-Patman Act to investigate and bring enforcement actions against conduct that violates the statute. There are continuing concerns that the FTC’s failure to enforce the law in more than two

decades has resulted in rampant abuses of market power in the form of discriminatory treatment of competitors, especially in the food, pharmacy and retail sectors.]


Thank you for your consideration of our request.

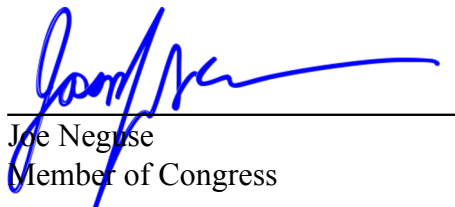
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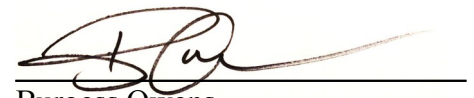

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