

Prepared Statement by U.S. Senator Chuck Grassley (R-Iowa)
Ranking Member, Senate Judiciary Committee
Markup on American Innovation and Choice Online Act
Thursday, January 20, 2022
[VIDEO](#)

S. 2992, the American Innovation and Choice Online Act, was held over last week and is now ripe for committee consideration. Senator Klobuchar and I, along with 10 of our Senate colleagues from both sides of the aisle, introduced this bill to address growing concerns with competition on Big Tech platforms.

This legislation prevents dominant Big Tech platforms from anti-competitively preferencing their own products or discriminating against competing products. This will ensure that there is robust competition on dominant tech platforms. Our bill will help level the playing field for small businesses and entrepreneurs that rely on dominant Big Tech platforms to reach their customers.

I want to stress that this bill is not meant to break up Big Tech or destroy the products and services they offer that many of us, including myself, enjoy and use. Rather, the goal of this bill is to prevent conduct that stifles competition while ensuring that pro-consumer innovations and offerings are still available.

The Antitrust Subcommittee held four hearings over the past year that directly explored all of these issues, including a recent hearing in December that focused on the non-discrimination competition issues that this bill addresses.

The manager's amendment incorporates a lot of feedback we've received from both senators and stakeholders. Among other things, the manager's amendment addresses national security concerns by clarifying that the legislation doesn't require data to be shared with bad actors. It clarifies that a business can require user consent before sharing data with a third party company.

It ensures that foreign companies, including Chinese Big Tech companies such as TikTok, are subject to the same rules of the road. It provides that enforcement action can only be brought in Federal District Court. These are just a few of the improvements that the manager's amendment makes to the bill, so I hope everyone can support these changes.

Again, I thank you Mr. Chairman for putting the bill on the agenda. I look forward to voting favorably on this legislation and urge all of my colleagues to do the same.

I'd also like to return to our discussion at last week's executive meeting about this committee's oversight activities.

The chairman stated last week, "We've had an oversight hearing and will have more, with Merrick Garland. For the last four years, unfortunately, in the previous administration, we didn't. But I think we're trying to resume our position as the oversight committee, active oversight committee, for the judiciary and the Department of Justice."

Without objection, I'd like to introduce a list of oversight hearings that I led as chairman of this committee during 2017 and 2018. The list consists of 14 full committee oversight hearings that related to the Justice Department, its components, and the judiciary. It also includes 12 subcommittee oversight hearings. That's 26 oversight hearings. The list would be longer if I included legislative hearings relating to the Justice Department.

And the list would be much longer if I included oversight hearings relating to Executive Branch departments and agencies beyond the Justice Department. Clearly, when I was chairman, this committee engaged in robust oversight of the Trump administration.

There are many ways that this committee can and should engage in bipartisan oversight of the Biden administration. As just one example, this committee should conduct an oversight hearing of the Drug Enforcement Agency. Last November, Senator Durbin and I authored and sent an oversight letter to the Drug Enforcement Agency. That letter asked that they answer for their significant failures on overseeing foreign operations and foreign law enforcement units. Our respective staffs have been in contact about this. The Drug Enforcement Agency still hasn't responded to our letter. I understand this to be a bipartisan issue that warrants attention.

I'd also like to return to the list of outstanding letters to the Justice Department that my staff sent your staff last week. That list contained outstanding letters from Republican members. You requested this list at our December 9, 2020, executive business meeting. There's still no movement from your side with respect to next steps with the Justice Department.

I strongly encourage this committee to quickly assert its oversight equities on the Justice Department. As it currently stands, by any metric, Attorney General Garland has failed to meet the responsiveness standard required of this committee.

We also have a number of judicial nominees up today. I'll be supporting Judge Montenegro. I also wanted to explain my vote against the nomination of Dale Ho.

Mr. Ho has extremely controversial legal views. They include supporting interpreting the law based on personal "lived experience" and applying the Bill of Rights differently based on what community a person is in. These views are far outside the mainstream. Mr. Ho has repeatedly shown that he's a partisan activist who lacks the judicial temperament to serve as a federal judge. He has spent much of his professional life on Twitter and on cable TV attacking conservatives and the states, courts, and people with whom he disagrees.

So I'll vote against him.

