



Celebrating Competition Advocacy

Christine S. Wilson*
Commissioner, U.S. Federal Trade Commission

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Bill also made a lasting impression on me when he said that measuring the effectiveness of an antitrust agency by the number of enforcement actions that it brings can create the wrong incentives for that agency.¹ Obviously, enforcement is an important tool of every antitrust agency. And the FTC is committed to vigorous enforcement of our competition and consumer protection laws. But we have tools other than enforcement to encourage free markets to flourish. And this is where the important work of competition advocacy can make a difference.

The FTC has two things that are key to effective competition advocacy in the United States – first, an understanding of how markets work; and second, a broad network of relationships with other federal, state, and local governments. For this reason, the FTC is well-

6 (6) 6

registered nurses and physician assistants to increase access and choice – while still meeting public health and safety goals.¹⁰

The Commission continues to have an active domestic competition advocacy agenda. During the past year, we have submitted comments to several federal agencies – including the FDA,¹¹ the Consumer Product Safety Commission,¹² and the Departments of Commerce¹³ and Health and Human Services.¹⁴ During that same period, the FTC also has provided input to

https://www.ftc.gov/system/files/documents/advocacy_documents/ftc-staff-comment-alaska-state-legislature-regarding-telehealth-provisions-senate-bill-74-which/160328alaskatelehealthcomment.pdf (addressing proposal to allow licensed Alaska physicians located out-of-state to provide telehealth services in same manner as licensed Alaska physicians located in-state and allow certain Alaska-licensed behavioral health professionals to provide services remotely).

¹⁰ See, e.g. FTC Staff Paper, Policy Perspectives: Competition and the Regulation of Advanced Practice Nurses (March 2014), available at <https://www.ftc.gov/system/files/documents/reports/policy-perspectives-competition-regulation-advanced-practice-nurses/140307aprnpolicypaper.pdf>; FTC Staff Comment to the Dep't of Veterans Affairs (July 25, 2016), available at https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-ftc-office-policy-planning-bureau-competition-bureau-economics-department-veterans/v160013_staff_comment_department_of_veterans_affairs.pdf (supporting proposed rule that would allow APRNs to provide services required by the VA without the oversight of a physician); FTC Staff Comment to the Iowa Dep't of Public Health (Dec. 20, 2016), https://www.ftc.gov/system/files/documents/advocacy_documents/ftc-staff-comment-professional-licensure-division-iowa-department-public-health-regarding-proposed/v170002_ftc_staff_comment_to_iowa_dept_of_public_health_12-21-16.pdf (regarding the appropriate level of supervision of physician assistants).

¹¹ FTC Comment on the Food and Drug Administration's revised Draft Guidance on Citizen Petitions (Dec. 4, 2018) available at https://www.ftc.gov/system/files/documents/advocacy_documents/federal-trade-commission-comment-food-drug-administrations-revised-draft-guidance-industry-entitled/p013510_ftc_comment_regarding_fdas_revised_draft_guidance_12-3-18.pdf.

¹² FTC Staff Comment to Consumer Product Safety Comm'n: The Internet of Things and Consumer Product Hazards (June 15, 2018), available at https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-federal-trade-commissions-bureau-consumer-protection-consumer-product-safety/p185404_ftc_staff_comment_to_the_consumer_product_safety_commission.pdf (warning that poorly secured Internet of Things devices could pose a consumer safety hazard and outlining ways to mitigate such risks).

¹³ FTC Staff Comment to the National Telecommunications & Information Administration: Developing the Administration's Approach to Consumer Privacy (Nov. 9, 2018), available at https://www.ftc.gov/system/files/documents/advocacy_documents/ftc-staff-comment-ntia-developing-administrations-approach-consumer-privacy/p195400_ftc_comment_to_ntia_112018.pdf.

¹⁴ Statement of the FTC to the Dep't of Health & Human Servs. regarding the HHS Blueprint to Lower Drug Prices and Reduce Out-of-Pocket Costs (July 16, 2018), available at https://www.ftc.gov/system/files/documents/advocacy_documents/statement-federal-trade-commission-department-health-human-services-regarding-hhs-blueprint-lower/v180008_commission_comment_to_hhs_re_blueprint_for_lower_drug_prices_and_costs.pdf (addressing REMS and biologic competition).

streams when the ICN was launched.²¹ Of course, the FTC participates not just in the ICN but in other multilateral organizations, including the Competition Committee of the OECD. These organizations facilitate dialogue and convergence toward sound competition policy and enforcement.

And sometimes competition advocacy takes the form of capacity building. The FTC participates in technical assistance programs, helping countries around the world to develop and enhance their own competition and consumer protection work.²² When looking for individuals who have made significant contributions to the adoption of sound competition policy internationally, Bill Kovacic is among the leaders.

We undertake competition advocacy – whether domestically or internationally – because we believe in the power of markets to deliver the best outcomes for consumers. The interaction of supply and demand, market prices, profit and losses, and private property rights creates efficient incentives to guide and direct economic behavior. When individual market participants act according to these incentives, Adam Smith’s invisible hand directs market outcomes that offer consumers the optimal combination of goods and services at competitive prices.²³ And resources are put to their highest valued use.

²¹ See Muris, *supra* n.4. Since Chairman Muris’s speech to the ICN, the Advocacy Working Group has become one of the most vibrant work streams within the ICN. See, e.g. International Competition Network, Advocacy Working Group, Model Advocacy Provisions Subgroup, Report on Advocacy Provisions (2003), available at <https://www.internationalcompetitionnetwork.org/portfolio/report-on-advocacy-provisions>; ICN Advocacy Working Group, Advocacy Toolkit Part I: (i)-5.1 (o)-24.1 (na)-7.7 (l)-5.1 (C)-1.7 (o)-2.6 (ov.)]TJ /T.9 (e)4.2 (at)]TJ /TT0 1 Tf 0(s)9.4]T

there are proposals like the Green New Deal²⁷ that, again, depart from our long-standing reliance on markets to deliver the best outcomes for consumers.

I have seen with my own eyes in Eastern Europe and the Soviet Union the natural result of initiatives like these. Long lines, empty shelves, and deprivation were rampant during my trip in 1984. It amazes me that various stakeholders are willing to ignore the vast body of evidence demonstrating the benefits for consumers in market economies, particularly when compared with outcomes in command economies.

But it confirms that there is a continuing need for competition advocacy. As long as stakeholders float proposals for regulatory schemes that are hostile to free markets as a way of organizing our economy, there will be work for competition advocates like me. I am committed to encouraging reliance on competition and market mechanisms to organize economic activity in the United States. Consequently, I lend my voice to those, including President Trump, who are pushing back against the rising tide of voices calling for greater government intervention in the marketplace.²⁸

I believe competition advocacy is an essential part of the FTC's mission and I will encourage the Commission to continue its efforts in this area. But the antitrust agencies cannot be the only voices promoting sound competition policy. This explains why I am pleased to be here tonight. I am delighted that the Antitrust Writing Awards encourage the scholarship and competition advocacy that supplement the agencies' efforts.

²⁷ See