

Statement of Melissa Holyoak
Nominee to be a Member of the Federal Trade Commission
before the
U.S. Senate Committee on Commerce, Science, and Transportation
United States Senate
September 20, 2023

Chair Cantwell, Ranking Member Cruz, and members of the Committee, thank you for holding this hearing and for the opportunity to appear before you today.

I want to thank President Biden for nominating me to serve as a Commissioner on the Federal Trade Commission. I am deeply humbled by this honor.

I would also like to thank Senator Lee for the introduction and kind words. I have been honored to work with him and Utah's federal delegation as Solicitor General for Utah.

With me in the hearing room are my husband Dr. Josh Holyoak and our children Lucie, Jane, Henry, and Margot, while my extended family and friends watch remotely.

I want to thank my family. None of this would be possible without their love and support, particularly my husband's and children's. As a working mom of four, like Commissioner Slaughter, it is not always easy, and I am so grateful for their patience, sacrifices, and extra help to make our family work.

My children also provide me valuable perspective for the work that I will be doing if I am fortunate enough to be confirmed. This Committee and the FTC have worked diligently on issues relating to children's privacy and safety online. Parenting can be tough. Parenting children's online activity is particularly challenging, especially when our kids seem to understand the technology better than we do.

We must continually strive to protect our children, especially as we encounter new challenges that can come from technological advancement. I believe the FTC is uniquely positioned to apply its statutory tools faithfully to confront these challenges, stop bad actors, and educate parents on how to protect their children.

Of course, this is just one example of the many important issues before the FTC. The FTC's mission is to protect the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education. And I am committed to protecting Americans from these harms.

I would bring to the FTC nearly twenty years of litigation experience including in consumer protection and antitrust. After graduating law school in 2003, I spent five years at the law firm of O'Melveny & Myers focusing on complex commercial and financial services litigation. I later joined the Center for Class Action Fairness and spent eight years ensuring that consumers were the primary beneficiaries of class action settlements. The Center won hundreds of millions of dollars for consumers.

For the last three years, I have had the privilege of serving as Solicitor General in the Office of the Utah Attorney General. In that capacity, I oversee the criminal appeals, civil appeals, constitutional defense and special litigation, and antitrust and data privacy divisions.

Overseeing the Office's antitrust efforts has allowed me to collaborate with FTC staff in reviewing proposed merger transactions. I have been thoroughly impressed with the commitment and passion of the FTC's experts.

As Utah's Solicitor General, I have also played a leading role in holding companies accountable when they engage in anticompetitive behavior that harms consumers. For example, I led our Office's work in *Utah v. Google*, an antitrust lawsuit challenging Google's exclusionary conduct relating to the Google Play Store, an app store for Android. We recently announced a settlement with Google and 50 states, the District of Columbia, and Puerto Rico. This is a tremendous win for consumers.

In addition, I have led two amicus briefs filed by 35 states in a lawsuit against Apple alleging anticompetitive conduct relating to the iOS App Store. I also supervise Utah's participation as a plaintiff in antitrust lawsuits brought by multiple states, including *New York v. Meta Platforms*, *Colorado v. Google*, and *Texas v. Google*.

The FTC has a consistent history of bipartisan collaboration which I hope to continue. The issues before the FTC impact Americans' daily lives. At a time when Americans need to stretch their dollar just a bit further, I am inspired and committed to ensuring consumers are not harmed by unfair, deceptive, or anticompetitive conduct.

Thank you. I look forward to your questions.