



Memorandum in Support New York's "Twenty-First Century Antitrust Act" S933A (Gianaris) A1812A (Dinowitz)

Dear Members of the New York State Legislature,

We are writing to express our strong support for the Twenty-First Century Antitrust Act (S933A/A1812A), which would empower enforcers and private actors to rein in anti-competitive and abusive tactics corporations use against small businesses and workers. The Twenty-First Century Antitrust Act would provide workers and small businesses with significant new protections, putting New York at the vanguard of the national push to ensure that dominant corporations can't use their power to unfairly drive down wages or block competitors from accessing markets.

For decades, courts have undermined antitrust laws by re- and mis-interpreting them, making it too difficult to hold corporations accountable when they abuse their market power. This has allowed economic markets to become increasingly concentrated, resulting in reduced competition, innovation and quality in many areas of the economy. Similarly, increasing concentration in labor markets has negative impacts on worker pay, conditions and mobility. Research shows that where firms are able to exercise outsized labor market power – or “monopsony power” – wage growth is limited, and workers are often forced to accept onerous working conditions that they would otherwise not accept if more employers were vying for their services.

The Twenty-First Century Antitrust Act is designed to reverse that. By passing this legislation, the New York legislature would reaffirm that the goal of antitrust laws is to prevent the abuse of power by monopolies, stop anti-competitive conduct, and keep labor markets open and fair. Specifically, the Twenty-First Century Antitrust Act will:

- Cover anti-competitive acts by a single firm harming competition, not just multiple firms acting together
- Establish the lower standard of “dominance,” rather than monopoly, as the threshold for when corporate conduct may harm competition. The market share threshold for dominance is 40% – compared to 70-80% usually required for monopoly.
- Provide that the Attorney General receives notification of, and reviews, proposed mergers above a certain size, and also require that the Attorney General consider how a proposed merger will affect labor markets.
- Include groundbreaking protections for workers, including allowing action to address overly concentrated labor markets or “monopsony,” a lower threshold for showing

dominance of a labor market at 30% market share, and an exemption for collective bargaining agreements.

With these labor provisions, the bill provides strong new protections for workers by explicitly naming monopsony power – which is the ability of corporations to use their buying power to lower wages in concentrated labor markets – as worthy of antitrust scrutiny. It also specifically names the ability to impose non-compete and no-poach restrictions on workers as evidence of corporate power. These provisions will help ensure that workers have the ability to access fair wages and freedom of job movement, and don't have to accept substandard pay or other restrictions in order to provide for themselves and their families.

Corporate interests will undoubtedly claim that this bill will harm small businesses and workers. But that isn't true. This bill would provide the chance to level the playing field for smaller businesses, so that they can compete on the merits of their ideas and products, rather than be subject to the whims of dominant gatekeepers that use their power to block out competitors.

There is national momentum behind reforming and updating antitrust law to deal with the challenges presented by today's monopolists. Passing the Twenty-First Century Antitrust Act would be a major step forward in that fight, and we urge you to do it as soon as possible. For these reasons, we ask that all members of the NYS Senate and Assembly champion the Twenty-First Century Antitrust Act (S933A/A1812A): become a co-sponsor, raise the bill in conference, and vote yes when it comes before you.

Signed,

ALIGN

New York Communities for Change

Make the Road New York

Teamsters Joint Council 16

American Economic Liberties Project

Family Farm Action

STOP

Fight Corporate Monopolies

Future of Music Coalition

Greater New York Labor-Religion Coalition

Institute for Local Self-Reliance

Small Business Rising

Main Street Alliance

Public Citizen

People's Parity Project

Tompkins County Workers' Center

National Employment Law Project

DRUM - Desis Rising Up & Moving

United Auto Workers Region 9A
American Booksellers Association
Independent Office Products and Furniture Dealers Association
North American Hardware and Paint Association
Westchester Independent Business Alliance
Retail, Wholesale and Department Store Union (RWDSU)
Retail Action Project
New York Committee for Occupational Safety and Health
Jews for Racial and Economic Justice
Tech Workers Coalition
Strong Economy for All
International Brotherhood of Teamsters
Music Workers Alliance
Boeing/Oak
NY State Coalition Hispanic Chambers of Commerce
LGBTQS Chamber of Commerce
National Association of Latino State Chambers of Commerce
Save My Mom and Pop Business Coalition
NY NJ Regional Joint Board, Workers United/SEIU
CWA District 1
Athena Coalition
Action Center on Race and the Economy (ACRE)
Open Markets Institute
Center for Popular Democracy
Jobs with Justice
Mobilization for Justice
United for Respect
Teamsters Local 210
Teamsters Local 808
Teamsters Local 812
Teamsters Local 456
Teamsters Local 804
Teamsters Local 533
Teamsters Local 445
SEIU 32BJ
Towards Justice
Empire State Indivisible
Teamsters Local 813
Alliance for Quality Education
Restaurant Opportunities Center - New York
Professional Staff Congress, AFT Local 2334
Public Rights Project
VOCAL-NY

Jobs to Move America
Citizen Action of New York
Community Voices Heard
Laundry Workers Center
Tech Oversight Project
American Specialty Toy Retailing Association (ASTRA)
UAW Local 2325
UAW Local 2320
UAW Local 2110
UAW Local 7902
UAW Local 4100
UAW Local 259