

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

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TO THE MEMBERS OF THE UNITED STATES SENATE:

The Chamber strongly urges you to oppose S. 2992, the “American Innovation and Choice Online Act,” which would rely on levels of market capitalization to apply one set of rules to some companies and a different set for everyone else – the very definition of government picking winners and losers. **Members of Congress who refrain from cosponsoring S. 2992 will receive credit for the Leadership component of their “How They Voted” rating.**

Antitrust law should remain an area of widespread application firmly guided by economic analysis that measures the total impact, both harms and benefits, that accrue to consumers. Antitrust should remain unconcerned with harm to competitors – highly competitive markets often adversely impact competitors, but routinely to the benefit of consumers. Antitrust laws should only intervene when analysis demonstrates consumer harm outweighs any corresponding benefits.

In contrast to antitrust laws, which look to market forces to drive market outcomes, government regulation is where the government makes decisions that impact wide sectors of the economy to direct market outcomes. Legitimate policy debates that have arisen from the digitization of the economy are worthy of thoughtful discussion, but congressional action would be better focused on other methods to address these concerns, not changes in the law to alter the role of antitrust enforcement. Such an outcome would end up with the government in the role of picking winners and losers in the marketplace.

The Chamber strongly opposes S. 2992.

Sincerely,



Neil L. Bradley