



March 7, 2023

The Honorable Amy Klobuchar
Chair
Subcommittee on Competition Policy,
Antitrust, & Consumer Rights
United States Senate
Washington, DC 20510

The Honorable Mike Lee
Ranking Member
Subcommittee on Competition Policy,
Antitrust, & Consumer Rights
United States Senate
Washington, DC 20510

Dear Chair Klobuchar and Ranking Member Lee:

For the past four decades, antitrust law has served as a successful example of bipartisanship, with Republicans and Democrats both agreeing that the law should protect the welfare of consumers, rather than particular competitors. This consensus has created a stable legal and regulatory framework, across congresses and presidential administrations, that has allowed our innovative economy to become the envy of the world and our consumers to receive quality goods and services at low prices.

In recent years, proposals have been put forward that would shift the focus of antitrust from promoting competition to protecting competitors from competition. These proposals would punish some companies for competing vigorously while leaving other companies free to engage in the exact same conduct. As a result, these efforts would give federal agencies the power to micromanage large sectors of the economy. In the future, the federal government would decide whether a company can innovate, lower prices, or offer things like free shipping and other services – or whether such vigorous competition can be simply labeled unfair.

Looking to legislative efforts from the last Congress, elements contained in the “American Innovation and Online Choice Act” (AICOA) would lead to higher prices and fewer choices for consumers, discourage vigorous competition, reduce innovation, and create different rules for American companies based on arbitrary criteria like market capitalization. For instance, AICOA bars covered companies from using data to develop competing products that are often less expensive. It also bars certain companies from providing consumers with information about lower-cost alternatives. It may well ban companies from providing certain services to consumers at no cost to them.

Similarly, elements of the “Open App Markets Act” (OAMA) would fundamentally change the relationship among app stores, their customers, and app developers. These provisions would mandate that large app stores allow users to install third-party apps outside of their app stores, which would greatly increase the risk that users would unintentionally and unknowingly download malware. In the previous Congress, several senators from both sides of

the aisle explained that the bill could undermine user privacy, cybersecurity, and even national security.¹

Instead of rewriting the antitrust laws to protect competitors, Congress should reaffirm support for rigorous, but sound enforcement of the antitrust laws to preserve competition in the economy while maintaining the long bipartisan consensus that has served the United States well.

Thank you for your time and careful attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a large, stylized flourish at the end.

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce

cc: Members of the Senate Committee on the Judiciary

¹ See <https://www.uschamber.com/finance/antitrust/u-s-chamber-letter-on-s-2710-open-app-markets-act>;
<https://twitter.com/TechNetUpdate/status/1523714204489818113>.