

Congress of the United States
Washington, DC 20515

July 20, 2022

The Honorable Charles Schumer
Senate Majority Leader
United States Senate
322 Hart Senate Office Building
Washington, DC 20510

Dear Majority Leader Schumer,

We write to you on behalf of the Congressional Progressive Caucus, which represents 100 U.S. Representatives from 34 states. We urge you to follow through on your commitment to hold a Senate vote on S. 2992, the American Innovation and Choice Online Act, and S. 2710, the Open App Markets Act, before the August legislative recess.

As you know, these bills are the byproduct of a bipartisan, 16-month investigation led by the House Judiciary Committee's Subcommittee on Antitrust, Commercial, and Administrative Law (Antitrust Subcommittee). This investigation was one of the most extensive and in-depth market investigations in congressional history. The Antitrust Subcommittee found that a handful of dominant online platforms have become gatekeepers over digital markets, controlling other businesses' access to customers and the tools that those businesses use to serve their customers. The Antitrust Subcommittee further discovered that these platforms routinely abuse their gatekeeper power to hurt rivals and destroy competition—thereby harming consumers, the free press, innovation, and the American economy.

The Senate Judiciary Committee's Subcommittee on Competition Policy, Antitrust, and Consumer Rights has similarly looked into these issues and held numerous hearings in recent years on abuses by online gatekeepers. It also has developed and advanced companion legislation to address the persistent competition issues plaguing digital markets.

In addition to addressing clear and well-known competition problems in digital markets, this legislation is extremely popular across the political spectrum. In May, Hart Research polled voters in states likely to have competitive Senate races this year and found that 76%-to-80% of voters in Arizona, Georgia, Nevada, and New Hampshire support S. 2992 and S. 2710, and that 71% of voters in those states want their Senator to vote for this legislation. Similarly, polling of Republican primary voters by OnMessage Public Strategies in May of this year found that 73% of respondents believe Big Tech companies are not regulated enough, 79% disapprove of the job Congress is doing in regulating large technology platforms, and between 81% and 85% support S. 2992 and S. 2710. These findings are consistent with numerous surveys conducted in recent

years, which reliably and overwhelmingly concluded that, regardless of ideology or party affiliation, Americans are concerned with the dominance and power of the largest technology companies, and they want Congress to act.

This legislation also has the full support of the Biden Administration. In March, the Department of Justice (Department) issued a letter endorsing S. 2992 and its House companion, H.R. 3816. The Department explained that dominant platforms are a threat to competition and open markets, and they pose risks to consumers, businesses, innovation, economic resiliency, American global competitiveness, and our democracy. The Department noted it “is strongly supportive” of the objectives of the legislation, “and encourages both the [Judiciary] Committee and Congress to work to finalize this legislation and pass it into law.” This legislation has also been endorsed by the Department of Commerce. In April, Secretary Gina Raimondo endorsed S. 2992 during a hearing before the Senate Commerce Committee (Commerce Committee). Earlier this week, NTIA Administrator Alan Davidson, the President’s principal advisor on telecommunications and information policy, reiterated the Department of Commerce’s support for the legislation during a hearing before the Commerce Committee’s Subcommittee on Communications, Media, and Broadband.

It is time for Congress to vote on this legislation. The House Judiciary Committee held an extensive markup over a year ago and reported H.R. 3816, the companion to S. 2992, with bipartisan support. S. 2992 and S. 2710 were reported out of the Senate Judiciary Committee nearly six months ago, also with bipartisan support. In the intervening months, the bills’ sponsors have worked closely with other Members to address concerns, answer questions, and ensure the legislation is narrowly tailored. As a result of this work, these bills are ready for a vote and we urge you to schedule the vote on them in the next few weeks.

Finally, last year, the House Judiciary Committee also advanced several other bills to rein in abusive conduct by dominant platform companies. We believe that each of these bills should be enacted as they address persistent and problematic conduct that harms consumers, competition, and innovation. However, S. 2992 and S. 2710 are currently ready for a vote, and the Senate should proceed expeditiously and schedule a vote on those bills in the coming weeks.

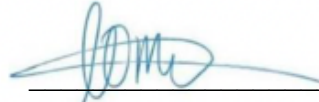
Sincerely,



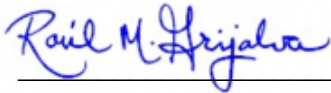
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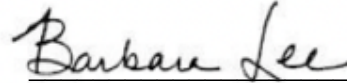
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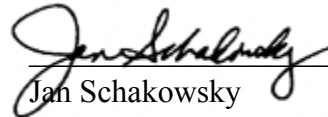
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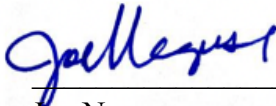
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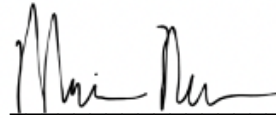
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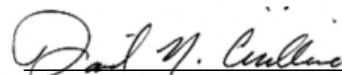
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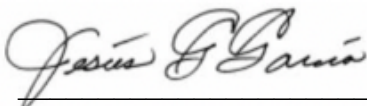
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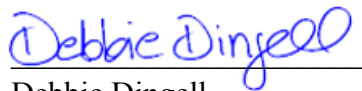
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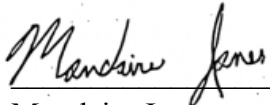
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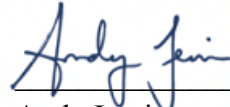
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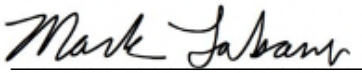
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