

March 6, 2023

Senator Amy Klobuchar, Chair
Senator Mike Lee, Ranking Member
Subcommittee on Competition Policy, Antitrust, and Consumer Rights
U.S. Senate
Washington, DC 20510

Re: March 7, 2023 Hearing to Examine Reining in Dominant Digital Platforms, Focusing on Restoring Competition to Our Digital Markets

Dear Chair Klobuchar and Ranking Member Lee:

As the Senate Judiciary Subcommittee on Competition Policy, Antitrust, and Consumer Rights convenes for the March 7, 2023 “Hearing to Examine Reining in Dominant Digital Platforms, Focusing on Restoring Competition to Our Digital Markets,” we urge lawmakers to pursue policies that would strengthen America’s global leadership in technological innovation rather than punishing a select few successful American technology companies in a manner that would harm consumers and the U.S. economy.

In recent years some lawmakers have shifted away from the market-oriented principles and focus on consumers’ welfare that have long defined antitrust policy in the United States. Industrial policy that picks winners and losers or empowers cartels is unwise and yet recent efforts have targeted particular American companies for disparate regulation based on factors entirely unrelated to consumer harms.

It is disheartening that lawmakers may again consider policies that would hamstring leading American technology companies while placing no corollary restrictions on foreign competitors including major Chinese technology companies that receive significant state investment and support. This approach will boost foreign economic actors and weaken America’s global technology leadership while introducing significant privacy and national security risks and constitutional concerns, and undermining digital trust and safety efforts that protect consumers.

We also urge the Subcommittee to closely examine the consumer harms and losses that will occur if companies are prevented from offering the integrated products at affordable prices that customers desire. We strongly recommend a detailed review of the potential impact of proposals that would open up devices to significant privacy and security vulnerabilities.

Should Senators reintroduce failed legislative proposals from the 117th Congress, we urge the Subcommittee to hold a robust series of hearings with balanced perspectives to carefully examine the potential impact and consequences of each proposal. To date, the Subcommittee still has not held any legislative hearings on these proposals. If passed into law, they would amount to among the largest reordering of the U.S. economy in decades. Therefore, they deserve serious and substantive discussion and require input from all stakeholders including

small businesses that leverage digital platforms to compete in a wide range of markets from software to retail.

By maintaining a focus on policies that will protect consumers and promote competition, Congress can ensure that the U.S. digital sector remains the envy of the globe and continues to develop the most exciting and useful products in the world.

Sincerely,

Computer & Communications Industry Association (CCIA)

Software & Information Industry Association (SIIA)

TechNet

Application Developers Alliance

Consumer Technology Association (CTA)

ACT | The App Association

Chamber of Progress

NetChoice

Connected Commerce Council (3C)