

The Honorable Nancy Pelosi
Speaker, U.S. House of Representatives

The Honorable Chuck Schumer
Majority Leader, U.S. Senate

The Honorable Kevin McCarthy
Minority Leader, U.S. House of Representatives

The Honorable Mitch McConnell
Minority Leader, U.S. Senate

Members of Congress:

We write to you today urging Congress to pass antitrust reforms and other measures to break up the Big Tech monopoly on digital services and ensure real competition in the tech marketplace as well as protect free speech rights in the online public square.

Anticompetitive behavior by these trillion-dollar companies has wide-ranging and devastating consequences for small businesses and the American public at large. As the digital application marketplace has become dominated by just a few giant corporations, smaller companies who attempt to compete with their products are completely at their mercy. As we have seen, these behemoths can quickly join forces to effectively eliminate their competition by removing them from their platforms and cutting them off from their audiences.

In January 2021, Amazon, Apple, and Google all removed the free-speech social media application Parler from their platforms in a span of approximately 24 hours.^[1] By removing Parler from Amazon's cloud hosting service, their website was no longer accessible on the public internet. Apple's App Store and Google's Play Store, which control 99 percent of the app marketplace, both removed Parler as well.^[2] The combined and coordinated effort made it impossible for Parler's customers to access its services.

This disturbing incident also further emphasized the significant threat posed to every American citizen's Constitutional right to free speech and expression. Big Tech has not hesitated to suspend or outright ban countless Americans – including elected officials and well-established media outlets – from their social media platforms. The explanations for these suspensions and bans, if one is even provided, often expose the ideological leanings of these organizations as reflected in their content moderation policies.

For example, Representative Jim Banks of Indiana received a 14-day suspension for "targeted misgendering or deadnaming of transgender individuals."^[3] The *New York Post* – the nation's oldest continuously published newspaper (started by the only signer of the United States Constitution from New York) – had a major story regarding

corruption in the Biden family censored on the eve of a presidential election by these Big Tech behemoths.[\[4\]](#)

Big Tech's unbalanced enforcement of arbitrary content moderation policies has led many Americans to perceive these companies as having a bias against conservative users. In any other industry, this perception of ideological bias would lead to more competition in the marketplace and enable consumers to punish this behavior by switching to alternative services.

Due to Big Tech's monopolistic practices – which grant them the ability to prevent potential competitors from marketing their services in the first place – this is not a viable solution. As a result, Big Tech companies have effectively amassed enough power to transcend marketplace consequences.[\[5\]](#)

Never before in our country's modern history have so few people wielded such immense power over the dissemination of information, or had the ability to silence their political or ideological opponents.

The negative impact of Big Tech's monopoly goes beyond elected officials, media outlets, and everyday Americans. Small businesses are also left at an overwhelming competitive disadvantage due to the algorithms and systems which influence the content presented to consumers who express interest in purchasing a product.

Google answers more than 90 percent of the world's search queries, and a study conducted in 2020 revealed the company devoted 41 percent of the first page results on mobile devices to its own properties.[\[6\]](#) In a landmark antitrust case decision against Google in 2017, an investigation of approximately 1.7 billion search queries found that Google prioritized its own shopping results service over rival services.[\[7\]](#) These self-preferencing practices make it nearly impossible for small businesses to remain competitive.

Amazon is also guilty of egregious self-preferencing practices with its wholly-owned subsidiaries and "AmazonBasics" brand. Of the 2.3 million active third-party sellers on Amazon's worldwide marketplace, it is estimated that 37 percent of them rely on Amazon as their sole source of income. This revelation was documented in a House Judiciary Committee report on competition in digital markets, which concluded that Amazon "has engaged in extensive anticompetitive conduct in its treatment of third-party sellers."[\[8\]](#)

In response to the groundswell of support for updating antitrust laws, Big Tech corporations including Facebook and Google have attempted to convince lawmakers and regulators that breaking them up poses a national security risk, arguing that such

efforts would strengthen China. This is nothing more than a desperate maneuver to distract from their monopolistic practices.

There has been a disturbing trend of Big Tech colluding with and acquiescing to the demands of America's global adversaries, including Russia and China. Last year, reports revealed Amazon had cooperated with China's Press and Publication Administration – the Communist regime's propaganda arm – after demanding ratings and comments be disabled for a collection of President Xi Jinping's texts, including "Xi Jinping: The Governance of China."[\[9\]](#)

In 2017, Google opened an artificial intelligence lab in China while simultaneously withdrawing from Project Maven, which was an initiative designed to improve the technological capabilities of the United States military. At the time, Chairman of Joint Chiefs of Staff General Joseph Dunford issued a stunning rebuke of Google's decision, stating the Big Tech company was "assisting the Chinese military in advancing technology" and taking actions that are "not in U.S. national interests."[\[10\]](#)

The time has come for Congress to pass meaningful legislation to end Big Tech's monopoly powers. We strongly encourage the immediate passage of the following bills, some of which have already advanced through their respective committees or chambers.

- **American Innovation and Choice Online Act (S.2992)**: Sets commonsense rules for major digital platforms to ensure they cannot unfairly self-preference their own products and services.
- **Open App Markets Act (S.2710)**: Promotes competition and reduces gatekeeper power in the app economy, increases choice, improves quality, and reduces costs for consumers.
- **State Antitrust Enforcement Venue Act (S.1787)**: Amends title 28 of the United States Code to prevent the transfer of actions arising under the antitrust laws in which a state is a complainant.

As leaders in Congress on competition and consumer policy and antitrust law, we know you understand the importance of ensuring there is a level playing field.

Thank you for your urgent attention to this matter.

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Sen. Lindsey Graham

Sen. Richard Blumenthal

Sen. John Kennedy

Sen. Cory Booker

Sen. Cynthia Lummis

Sen. Mazie Hirono

Sen. Mark Warner

Sen. Josh Hawley

Sen. Steve Daines

Sen. Marsha Blackburn

Sen. Marco Rubio

Sen. Patrick Leahy

Sen. Ted Cruz

Rep. Lance Gooden

Rep. Jerry Nadler

Rep. Hank Johnson

Rep. Burgess Owens

Rep. Dan Bishop

[1]

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