

May 3, 2023

Chair Amy Klobuchar  
425 Dirksen Senate Building  
Washington, DC 20510

Ranking Member Mike Lee  
363 Russell Senate Office Building  
Washington, D.C. 20510

Chair Dick Durbin  
711 Hart Senate Building  
Washington, DC 20510

Ranking Member Lindsey Graham  
211 Russell Senate Office Building  
Washington, D.C. 20510

Chair Klobuchar and Ranking Member Lee, Chair Durbin and Ranking Member Graham,

We are organizations, academics, and former enforcers writing to urge you to establish clear legal standards that promote competition and innovation by advancing key antitrust legislation, specifically the American Innovation and Choice Online Act (AICOA), the Open App Markets Act (OAMA), and Advertising Middlemen Endangering Rigorous Internet Competition Accountability (AMERICA) Act. These bills are critically important to break down durable monopoly power in critical digital markets and give consumers and businesses freedom and choice online. Each of these bills would open up competition by diminishing the power of Big Tech platforms and thereby opening more avenues for smaller entrepreneurs to flourish and expanding consumer choice. Together, the three complementary bills address the multi-faceted threat of platform consolidation across the digital economy. We ask you to move them forward expeditiously.

AICOA expands the scope of service and product options available to consumers online by prohibiting a variety of ways dominant platforms put a thumb on the scale in favor of their own products, and products that benefit them, instead of showing consumers the best options. It would give businesses that use the platforms the right to be treated fairly on these platforms, and enhance opportunities to compete against the biggest platforms to challenge their monopoly power.

OAMA brings that freedom to our phones by eliminating abusive limitations on app developers and opening the market for digital payments, enabling people to download the apps they want without fear of interference based on requests of foreign governments or the bottom line of the operating system company.

The AMERICA Act would open up the advertising technology stack on which our modern internet is built by preventing one company from controlling the purchase, sale and marketplace for ad placement. Digital newspapers, online publishers, advertisers and consumers need an online advertising ecosystem that is open for dynamic and fair competition. To do this, the

AMERICA Act would break up the largest ad tech giants and create common-sense rules of the road.

Congress' work of engaging with stakeholders, critics, and advocates to finalize legislative language takes time, and these problems are urgent. The need for antitrust legislation to unleash more competition and innovation to challenge the durable monopoly positions of dominant digital platforms has become even more clear in recent months with federal court rulings that establish inappropriate hurdles that stymie effective antitrust enforcement (e.g., the state and federal antitrust litigation against Facebook and private litigation against Apple). Americans cannot wait for the courts to catch up to the problems that enforcers, experts, the public, and many in Congress have already recognized, that the dominant tech platforms are unchecked by competition or regulation, leaving society worse off.

**Public Knowledge**

**Demand Progress**

**Public Citizen**

**Consumer Federation of America**

**Tech Oversight Project**

**American Economic Liberties Project**

**Institute for Local Self-Reliance**

**Accountable Tech**

**Open Markets Institute**

**Economic Security Project Action**

**Fight for the Future**

**Tom Wheeler**, Former Chair, Federal Communications Commission

**Bill Baer**, Former Assistant Attorney General, Antitrust Division

**Fiona Scott Morton**, Theodore Nierenberg Professor of Economics, Yale School of Management. Professor Scott Morton's disclosures can be found on [her web page](#).

**Steven C. Salop**, Professor of Economics and Law Emeritus at Georgetown University Law Center and Senior Consultant at Charles River Associates. Professor Salop has provided antitrust consulting to Epic Games, Harper Collins, the Department of Justice and others.

**Gene Kimmelman**, Former Deputy Associate Attorney General and Chief Counsel Competition Policy Antitrust Division

**David Dinielli**, Senior Policy Fellow, Tobin Center for Economic Policy at Yale University

**Harry First**, Charles L. Denison Professor of Law, New York University School of Law