

Lobby, Donate, Hire, Repeat

How Big Tech Is Using the Inside Game to Slow Down
Antitrust Reform

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This report was written by Mike Tanglis, a research director of Public Citizen’s Congress Watch division, with assistance from Competition Policy Advocate Matt Kent and Big Tech Accountability Advocate Cheyenne Hunt-Majer. The report was edited by Taylor Lincoln, a research director at Public Citizen.

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Introduction and Key Findings

Proposals to rein in the world's largest technology companies have gained steam in recent years. The American Innovation and Choice Online Act (AICOA), introduced in the House and Senate in 2021, is a bipartisan bill that, if passed, would prohibit some of Big Tech's most anticompetitive practices, especially self-preferencing and gatekeeping of essential online marketplaces.

AICOA would prohibit large platform owners (Google, Meta, Amazon, Apple, Microsoft, TikTok) from using their dominant market power to unfairly advance their economic interests over other firms. For example, AICOA would stop companies from artificially elevating their own products to the top of search results. It would also stop companies from using non-public data to copy products from small retailers that sell on their platforms and would prohibit the removal of competitors from platforms for self-serving reasons.¹

By November 2022, *Bloomberg* estimated that Big Tech and its allies had spent more than \$120 million in attack ads against AICOA.² The ad spending had an effect, blunting AICOA's momentum in Washington. Although public support for the bill is high,³ members of Congress wavered in the face of blistering opposition on the airwaves. Tech funded ads falsely claimed that AICOA would end Amazon Prime, increase inflation, and harm national security.⁴

Along with millions in attack ads, Big Tech companies – led by Amazon, Apple, Google and Meta, known as the Big Four – deployed an overpowering inside game to stymie AICOA. This analysis focuses on three main categories of inside pressure: lobbying, contributions, and connections. Doing so revealed that those opposed to AICOA have been able to overwhelm supporters in every category, often by wide margins.

¹ *The American Innovation and Choice Online Act & Open App Market Act*, PUBLIC CITIZEN (July 14, 2022), <https://bit.ly/3Fe11Nf>.

² Emily Birnbaum, *Google, Apple Rivals to Launch Ad Campaign for Bill Against Big Tech*, BLOOMBERG (Nov. 9, 2022), <https://bit.ly/3HyU51g>.

³ Poll, *National Likely Voter Survey 2022*, EDISON RESEARCH (July 2022), <https://bit.ly/3VWHI9c>.

⁴ Tom Wheeler, *History Repeats Itself with Big Tech's Misleading Advertising*, BROOKINGS (June 15, 2022), <https://bit.ly/3h7GO5e> and Nihal Krishan, *Antitrust Bill Would Destroy Amazon Prime, Critics Say*, WASHINGTON EXAMINER (Jan. 14, 2022), <https://bit.ly/3BvK7K8>.

AICOA Opponents Deployed Twice the Lobbying Power as Supporters

Analyzing federal lobbying data, Public Citizen identified instances in which a lobbyist was hired to engage Congress on the House and/or Senate versions of AICOA. After determining the position of the entity hiring the lobbyist, Public Citizen found, among other things:

- Lobbyists opposed to AICOA were responsible for 603 lobbyist engagements. Supporters were responsible for 256, giving the opposition more than a two-to-one advantage.
- Amazon and the Chamber of Commerce were both responsible for 119 lobbyist engagements in opposition to the bill, the most of any entity in this analysis. They are followed by Apple (57), Meta (53) and Google (41).
- The Big Four tech companies combined for a total of 270 engagements – 45 percent of all bill engagements in opposition – and more engagements than all AICOA’s supporters combined.

AICOA Opponents Spent Six Times More Than Supporters Lobbying on All Issues

Lobbying disclosures do not reveal how much entities spend on lobbying around a specific issue or a bill. But the money these entities spend on all their lobbying provides insight into the size of their footprint on Capitol Hill. Using data from OpenSecrets.org, Public Citizen found:

- Over the last two years, entities opposed to AICOA have spent nearly \$277 million on lobbying on all issues, giving them a six-to-one advantage over supporters, which have spent about \$45 million.
- The Big Four combined have spent \$106 million on lobbying on all issues over the past two years, more than two times the amount spent by AICOA supporters combined.

Opposition Lobbyists Contributed \$2.3 Million to Members of Congress in 2022

Many lobbyists hired to lobby on AICOA contribute significant amounts of money to members of Congress. While there is often news coverage of campaign contributions by corporations’ PACs, there is typically less attention paid to contributions by actual lobbyists. These contributions are potentially the most influential because they are believed to entice lawmakers and their staffs to grant meetings with lobbyists. Analyzing contribution data provided by OpenSecrets, Public Citizen found, among other things:

- Lobbyists opposing AICOA contributed more than \$2.3 million to Congress during the 2022 cycle while lobbyists supporting it contributed just \$734,000, giving the opposition a three-to-one advantage.
- Lobbyists for the Big Four contributed more than \$2 million to the current Congress, amounting to nearly 90 percent of the money contributed by lobbyists opposed to AICOA.
- Over the past two decades, AICOA-opposed lobbyists contributed a combined total of \$9 million to members of the current Congress.

Former Staff of the Judiciary Committee and Congressional Leadership Swarmed DC to Lobby Against AICOA on Behalf of the Big Four

The Big Four deployed 38 individuals to lobby against AICOA who were previously employed by the House and / or Senate Judiciary Committees or the members of Congress that serve on them. The Judiciary Committees have jurisdiction over AICOA.

- Amazon deployed 20 lobbyists with Judiciary Committee connections, the most of the Big Four. Apple hired 9, the second most.
- Amazon's Judiciary Committee hires include Ryan Dattilo, Chief Counsel for the Committee on antitrust issues until January 2021; Sean Pugh, Counsel to the antitrust subcommittee until 2020; Bobby Parmiter, Deputy Staff Director and Chief Counsel until 2020; and Jason Everett, Deputy Chief Counsel for the committee until in 2019.

In total, 14 lobbyists deployed by the Big Four to lobby against AICOA worked for the most powerful members in congressional leadership. Five former staffers of Senate Minority Leader Mitch McConnell (R-Ky.) lobbied against AICOA for the Big Four, the most of anyone in leadership:

- Ex-McConnell staffers now lobbying for the Big Four against AICOA include two former chiefs of staff who served him for a combined 30 years: Billy Piper who lobbied against AICOA for Apple and Kyle Simmons, who did the same for Google.
- A former chief of staff to Senate Minority Whip John Thune (R-S.D.) was hired by Apple in 2021 after working for Thune since 2013. In a glowing 8-minute floor speech, Thune said he hoped Rossi "won't mind the occasional phone call to pick his brain on some of the issues that are facing the Senate." Rossi also worked for the Senate Judiciary Committee as Chief Counsel from 2006 to 2009.

I. Lobbying

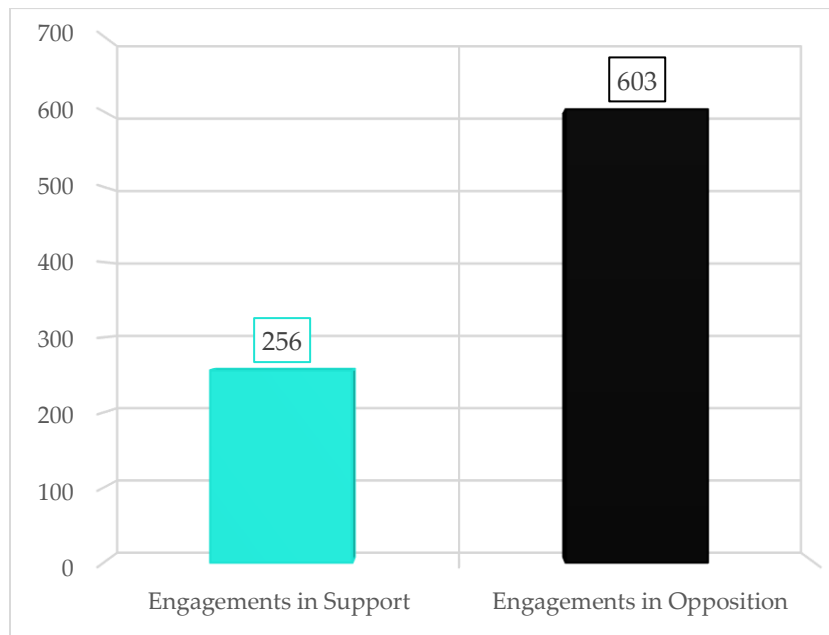
Public Citizen analyzed federal lobbying disclosures submitted from the second quarter of 2021 through the third quarter of 2022, which cover all the quarters since the AICOA’s introduction.⁵ We searched the filings for instances (hereinafter, “lobbyists engagements”) in which a lobbying entity deployed a lobbyist to lobby on either the House and/or Senate versions of AICOA. We were able to determine positions of likely support or opposition to AICOA for 859 lobbying engagements. A detailed methodology on engagements can be found in the Appendix.

Using data from OpenSecrets.org, we also totaled up how much each lobbying entity spent on all their lobbying on all issues, not just AICOA, over the past two years.

Lobbyists Opposed to AICOA Were Responsible for More Than Twice as Many Lobbyist Engagements as Supporters

Since the second quarter of 2021, lobbyists opposed to AICOA were responsible for 603 lobbyist engagements. Supporters were responsible for 256, giving the opposition more than a two-to-one advantage. [Figure 1]

Figure 1 – Total Lobbyist Engagements on AICOA by Position



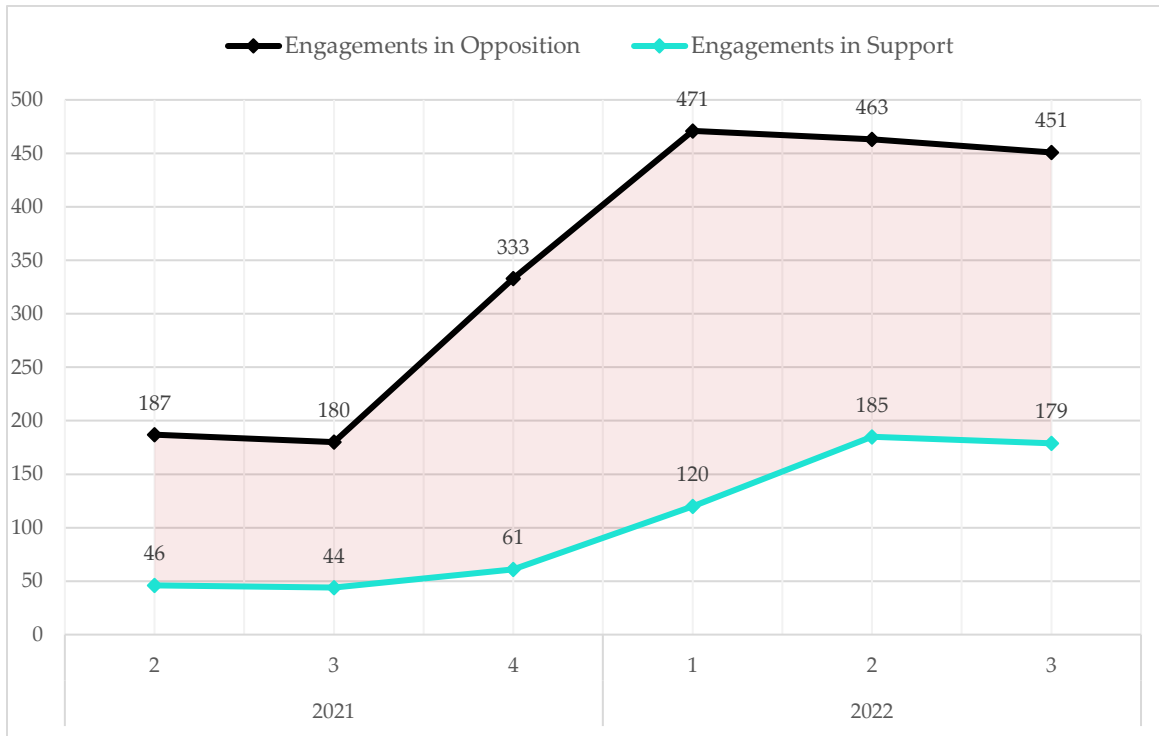
Source: Public Citizen’s analysis of federal lobbying disclosure data.

⁵ H.R. 3816 - American Choice and Innovation Online Act, CONGRESS.GOV, <https://bit.ly/3FeKuKp> and S.2992 - American Innovation and Choice Online Act, CONGRESS.GOV, <https://bit.ly/3Pcg7bT>.

AICOA has existed for a total of six lobbying quarters (Q2 2021 through Q3 2022). Our methodology counts each lobbyist-client-bill engagement as one engagement, regardless of whether that lobbyist lobbied in just one quarter or all six.

Viewing lobbyist engagements by quarter is one way to measure the intensity of lobbying efforts. Each quarter, on average, those opposed to AICOA have been responsible for 242 more engagements on the bill than supporters. [Figure 2]

Figure 2 – Lobbyist Engagements on AICOA by Position and Quarter



Source: Public Citizen’s analysis of federal lobbying disclosure data.

In the first quarter of 2022, those opposed to AICOA were responsible for 351 more engagements than supporters, the largest advantage of any quarter. In the second quarter of 2022 that number was 278, the second most of any quarter. These two quarters were a pivotal time.

The first quarter of 2022 coincided with Senate action on the bill. In January 2022, AICOA passed overwhelmingly out of the Senate Judiciary committee by a vote of 16-6.⁶

⁶ Lauren Feiner, *Senate Committee Votes to Advance Major Tech Antitrust Bill*, CNBC (Jan. 20, 2022), <https://bit.ly/3FP6BIE>

Following the first quarter of 2022, legislative progress on AICOA slowed to a standstill as Big Tech ramped up its' inside game. Since the first quarter of 2022, lobbying against the bill has been in full force and is very likely a key factor in the headwinds facing the bill.

Big Four Tech Companies Produced More Engagements Than All Supporters Combined

Amazon and the U.S. Chamber of Commerce were both responsible for 119 lobbyist engagements in opposition to the bill, the most of any entity in this analysis. The total amounts to more than double the number of engagements of Apple, the entity with the third most engagements overall. [Table 1]

Table 1 – Top 10 in Total Lobbyist Engagements by Lobbying Entity

| Lobbying Entity | Position on AICOA | Lobbyist Engagements |
|--|-------------------|----------------------|
| Amazon | Opposed | 119 |
| Chamber of Commerce | Opposed | 119 |
| Apple | Opposed | 57 |
| Meta | Opposed | 53 |
| Google | Opposed | 41 |
| Computer & Communications Industry Association | Opposed | 32 |
| TechNet | Opposed | 25 |
| Public Citizen | Support | 18 |
| BYTEDANCE INC. (Tiktok) | Opposed | 13 |
| Americans for Prosperity | Opposed | 13 |

Source: Public Citizen's analysis of federal lobbying disclosure data.

The Big Four tech companies – Amazon, Apple, Meta and Google – were responsible for 270 engagements in opposition to AICOA. The total amounts to 45 percent of all bill engagements in opposition and more engagements than all AICOA's supporters combined.

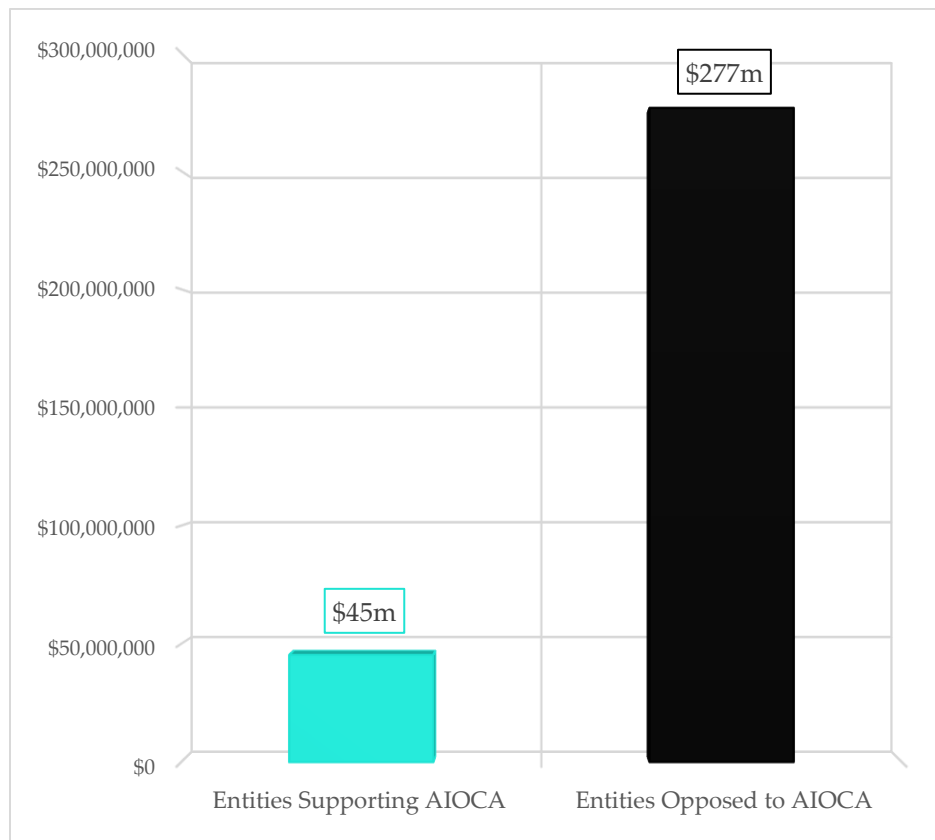
Only one AICOA supporter is in the top ten in terms of total AICOA bill engagements. That organization is Public Citizen, the organization responsible for this report.

\$277 Million to \$45 Million

Lobbying disclosures do not reveal how much entities spend on lobbying around a specific issue or a bill, but rather show how much is spent on all issues combined. Thus, it is not possible to know exactly how much money these entities allocated towards their lobbying around AICOA. What is clear though, is that entities that lobbied against AICOA spent far more on lobbying on all issues than supporters of the bill.

According to data from OpenSecrets, from the first quarter of 2021 through the third quarter of 2022, entities opposed to AICOA have spent nearly \$277 million on lobbying on all issues. Supporters have spent over \$45 million, giving the opposition a six-to-one advantage. [Figure 3]

**Figure 3 – Total Lobbying Spending on All Issues
2021 and 2022 Combined by AICOA Position***



Source: Public Citizen’s analysis of federal lobbying disclosure data and contribution data found on OpenSecrets.org

* 2022 data only includes lobbying totals through the third quarter.

It’s reasonable to assume that since AICOA opponents were able to pay for more lobbyist engagements of Capitol Hill on AICOA, and they spent significantly more money on all

lobbying issues overall, they likely spent far more money lobbying specifically on AICOA than bill supporters.

Over the past two years, of all the entities lobbying on AICOA, the Chamber of Commerce and the Big Four tech companies have spent the most lobbying on all issues. All are opposed to AICOA. [Table 2]

**Table 2 – Total Lobbying Spending in 2021 and 2022
by Lobbying Entity and AICOA Position**

| Lobbying Entity | Position on AICOA | 2021 and 2022 Lobbying Spending on All Issues |
|-----------------------|-------------------|---|
| Chamber of Commerce | Opposed | \$125,970,000 |
| Meta | Opposed | \$35,570,000 |
| Amazon | Opposed | \$35,410,000 |
| Google (Alphabet Inc) | Opposed | \$21,813,000 |
| Apple | Opposed | \$12,990,000 |

Source: Public Citizen's analysis of federal lobbying disclosure data and contribution data found on OpenSecrets.org

* 2022 data only includes lobbying totals through the third quarter.

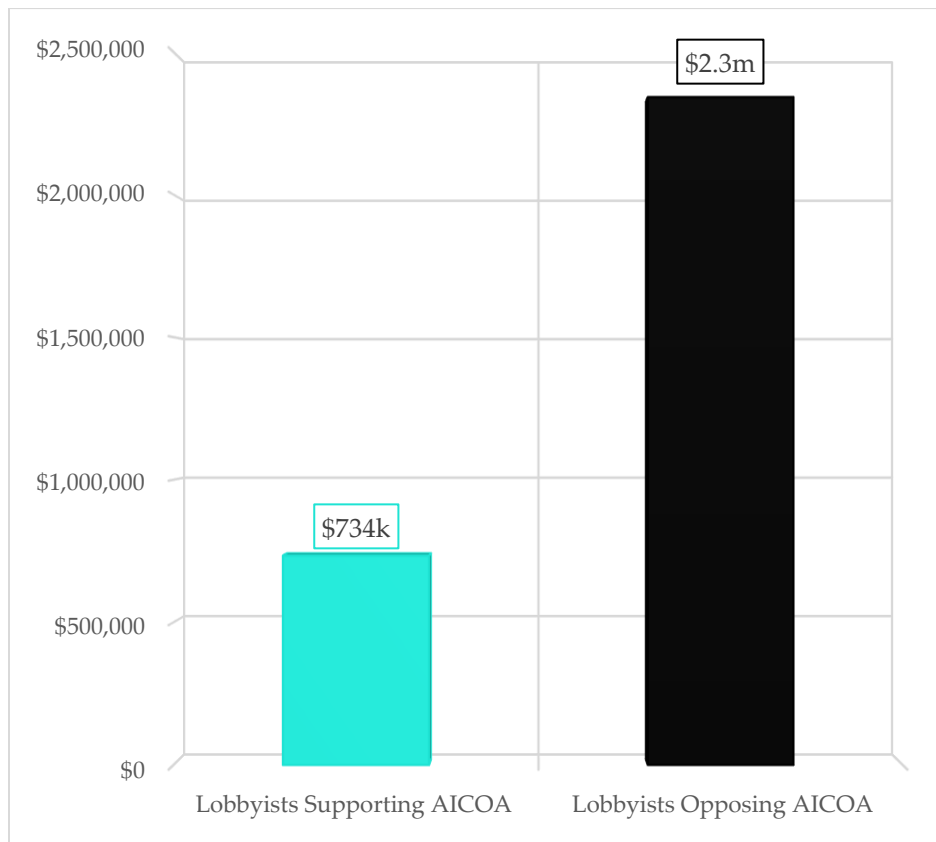
The Big Four combined have spent almost \$106 million on lobbying over the past two years. The total amounts to more than twice what all AICOA supporters have spent over that time.

II. Contributions

Not all AICOA lobbyists make campaign contributions to members of Congress. In fact, fewer than one third (143) of the lobbyists covered in this analysis were contributors to members of Congress during the 2022 election cycle. Of the 143 AICOA lobbyists who did make contributions, more than 75 percent were hired by organizations opposed to the bill.⁷

Using data provided by OpenSecrets, Public Citizen found that lobbyists opposed to AICOA contributed more than three times as much money to Congress during the 2022 election cycle than supporters. AICOA opposition lobbyists contributed more than \$2.3 million to Congress while the supporters contributed just \$734,000. [Figure 4]

Figure 4 - Contributions From AICOA Lobbyists to Congress During the 2022 Election Cycle by AICOA Position



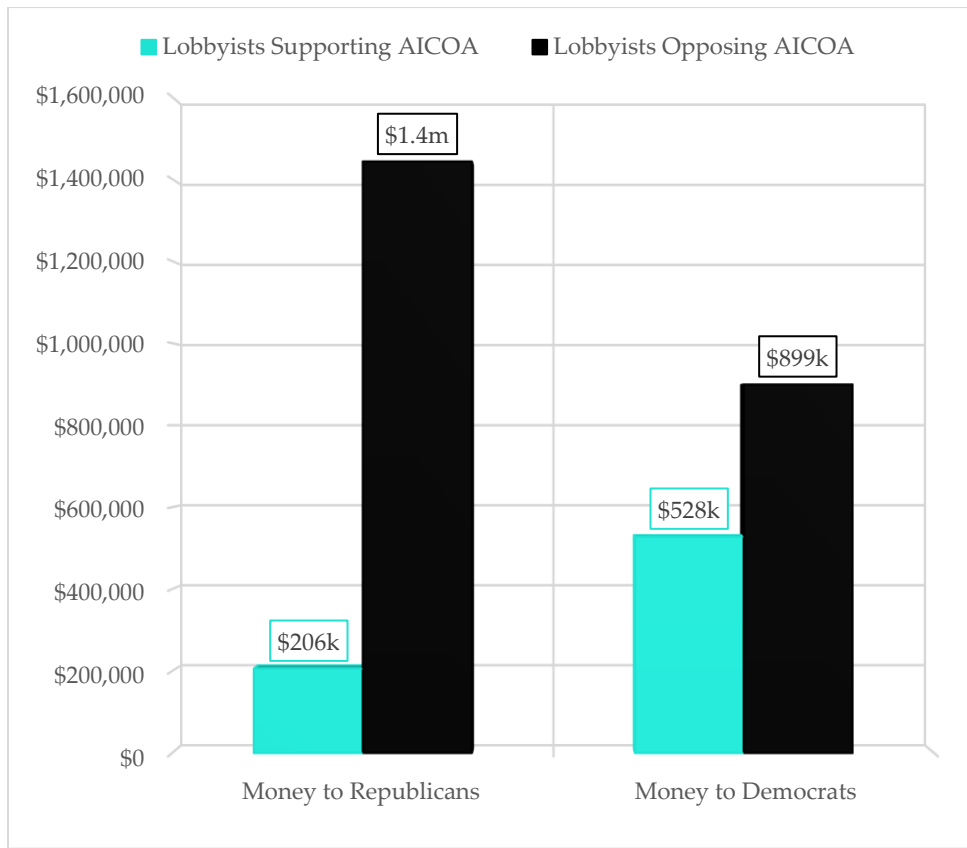
Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

⁷ Contributions made to a member’s campaign committee and leadership PAC are included in this section. Contributions made by a lobbyist’s spouse are included in the total contributions from each AICOA lobbyist.

Both Democrats and Republicans received more money from lobbyists opposing AICOA than they did from those supporting the bill.

Democrats received just under \$900,000 from lobbyists opposed to AICOA during the 2022 election cycle, 1.7 times more than they received from AICOA supporters. Republicans received seven times more from lobbyists opposed to AICOA, \$1.4 million, than they did from bill supporters, \$206,000. [Figure 5]

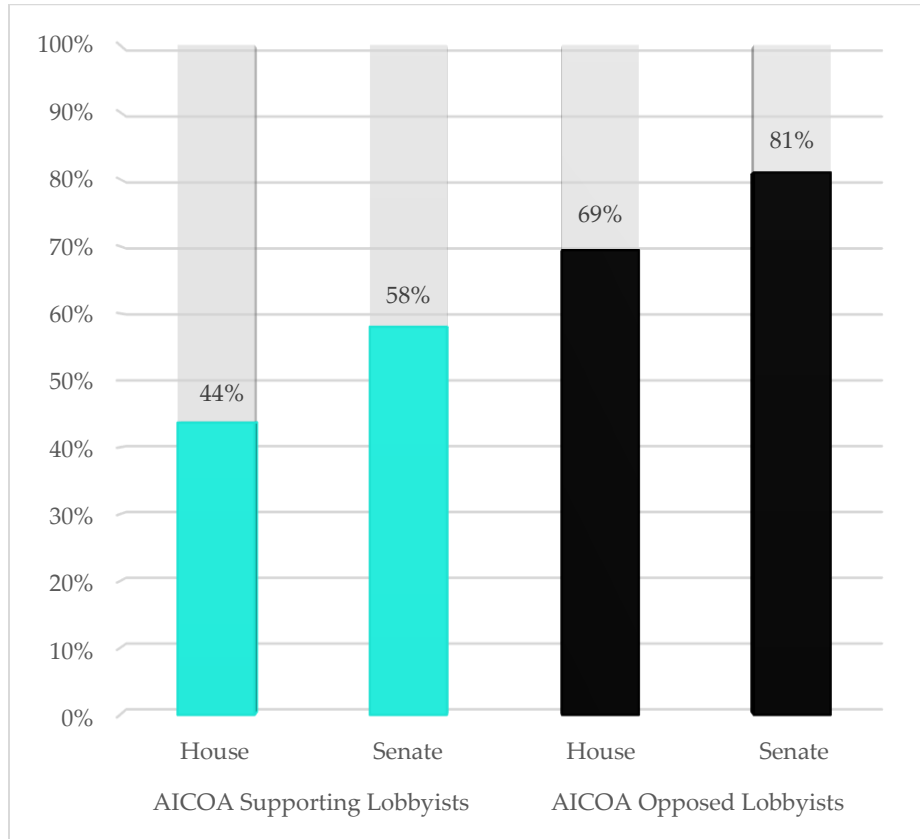
Figure 5 – Contributions From AICOA Lobbyists to Congress During the 2022 Election Cycle by Recipient Party



Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

AICOA opposition lobbyists covered more ground in terms of the number of Senate and House members they contributed to during the 2022 election cycle than supporters. Lobbyists opposed to AICOA contributed to 81 of 100 U.S. Senators, 81 percent of the chamber. Supporters contributed to 58 senators. Lobbyists opposing AICOA contributed to 302 of 435 House members, 69 percent, while supporters contributed to just 190 members. [Figure 6]

Figure 6 – Percentage of Members Receiving Money from AICOA Lobbyists During the 2022 Election Cycle by AICOA Position and Chamber



Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

During the 2022 cycle, House Minority Leader Kevin McCarthy (R-Calif.) received far more than any other member of Congress from lobbyists opposed to AICOA. He received more than \$142,000 from lobbyists hired to lobby against the bill. Nine times more than he received from supporters. [Table 3]

Table 3 – Top Congressional Recipients of Contributions From AICOA Lobbyists During the 2022 Election Cycle by AICOA Position

| Member | Lobbyists Opposed AICOA | Lobbyists Supporting AICOA |
|---------------------------------------|-------------------------|----------------------------|
| Rep. Kevin McCarthy (R-Calif.) | \$142,116 | \$15,800 |
| Rep. Patrick McHenry (R-S.C) | \$67,052 | \$5,750 |
| Sen. Chuck Schumer (D-N.Y.) | \$52,100 | \$18,500 |
| Rep. Steve Scalise (R-La.) | \$44,500 | \$14,000 |
| Rep. Cathy McMorris Rodgers (R-Wash.) | \$45,900 | \$11,000 |

Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

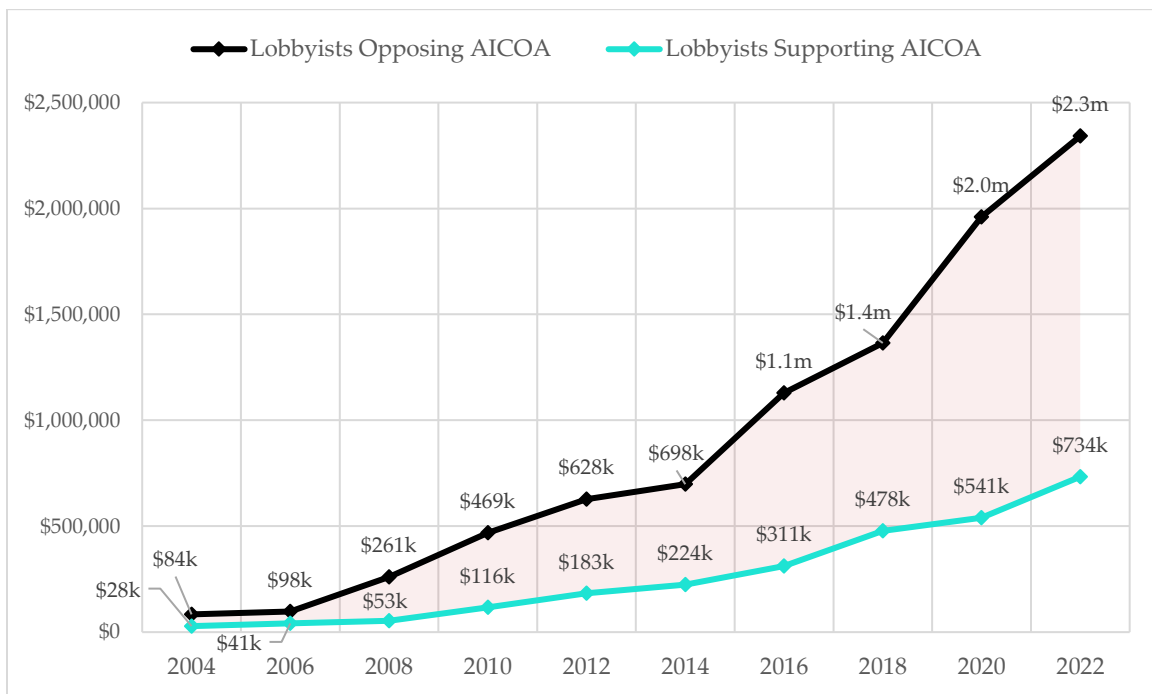
AICOA-Opposed Lobbyists Have Given Close to \$9 Million to Members of the Current Congress Over the Past Two Decades

Relationships are not built in a single cycle. Lobbyists that have contributed to current members of Congress in the last 10 election cycles are likely to have a closer relationship with those members than those who contributed for the first time in 2022.

Further, members are more likely to receive contributions in election cycles in which they are running, and not all members were up for re-election during the 2022 cycle.

OpenSecrets data show that those lobbying on AICOA have been contributing significant amounts of money to members of this current Congress for a long time. In total, members of this Congress have received more than \$9 million from lobbyists paid to lobby against AICOA. They received \$2.7 million from supporters. [Figure 7]

Figure 7 – Contributions From AICOA Lobbyists to Members of the 117th Congress by Election Cycle (2004 – 2022)



Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

Kevin McCarthy has received more than \$391,000 from AICOA-opposed lobbyists. Mitch McConnell received \$262,000 followed by Marco Rubio (\$188,000), Patrick McHenry (\$178,000) and Chuck Schumer (\$129,000). [Table 4]

Table 4 – Top Congressional Recipients of Contributions From Lobbyists Opposed to AICOA (2004 – 2022 Election Cycles)

| Member | Lobbyists Opposed AICOA | Lobbyists Supporting AICOA |
|--------------------------------|-------------------------|----------------------------|
| Rep. Kevin McCarthy (R-Calif.) | \$390,616 | \$30,800 |
| Sen. Mitch McConnell (R-Ky.) | \$262,150 | \$17,800 |
| Sen. Marco Rubio (R-Fla.) | \$187,649 | \$7,800 |
| Rep. Patrick McHenry (R-S.C.) | \$178,452 | \$12,250 |
| Sen. Chuck Schumer (R-N.Y.) | \$128,600 | \$61,100 |

Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

Five AICOA-Opposed Lobbyists Account for a Quarter of the Contributions

The top five lobbyist contributors – all of whom are opposed to AICOA – have combined to give close to \$2.4 million to Congress from the 2004 through 2022 election cycles. The total amounts to more than one quarter of the \$9 million in all-time contributions by AICOA-opposed lobbyists.

Subject Matter’s Steve Elmendorf, who lobbied against AICOA for Amazon, Meta and TechNet, has contributed the most, \$665,000. Elmendorf contributes exclusively to Democrats. Miller Strategies’ Jeffrey Miller, who lobbied against AICOA for Amazon, Apple and the Connected Commerce Council, contributed the second most, \$473,000. All of Miller’s contributions went to Republicans except for one gift to a Democrat, Sen. Krysten Sinema, of Arizona. She has since left the Democratic Party. Miller’s status as the second largest contributor all-time is notable, as he has only begun contributing during the 2016 election cycle. [Table 5]

Table 5 – Top Contributors to Congress (2004 – 2022 Election Cycles)

| AICOA Opposed Lobbyists | Clients | Total | To Democrats | To Republicans |
|------------------------------------|------------------------------------|-----------|--------------|----------------|
| Steve Elmendorf, Subject Matter | Amazon, Meta, TechNet ⁸ | \$665,637 | \$665,637 | \$0 |

⁸ Lobbying Disclosure, *Subject Matter (fka Elmendorf Ryan) on Behalf of Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3FGzM0q>, Lobbying Disclosure, *Subject Matter (fka Elmendorf Ryan) on Behalf of Meta Platforms, Inc., formerly reported as Facebook, Inc.*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3Brm3lp> and Lobbying Disclosure, *Subject Matter (fka Elmendorf Ryan) on Behalf of Technology Network AKA TechNet.*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W879ik>.

| AICOA Opposed Lobbyists | Clients | Total | To Democrats | To Republicans |
|---|---|-----------|--------------|----------------|
| Jeffrey Miller, Miller Strategies | Amazon, Apple, Connected Commerce Council ⁹ | \$473,404 | \$2,900 | \$470,504 |
| Kristen Chadwick, Fierce Government Relations | Apple ¹⁰ | \$443,950 | \$0 | \$443,950 |
| Aleix Jarvis, Fierce Government Relations | Apple ¹¹ | \$411,285 | \$0 | \$411,285 |
| Kirk Blalock, Fierce Government Relations | Apple ¹² | \$395,000 | \$0 | \$395,000 |

Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

Four of the top five anti-AICOA lobbyists contributors represented Apple. All give almost exclusively to Republicans.

Big Four Lobbyists Account for Nearly 90 Percent of AICOA Opponents’ Contributions

During the 2022 cycle, lobbyists for the Big Four tech companies contributed more than \$2 million to members of Congress. The total amounts to close to 90 percent of the money contributed by lobbyists opposed to AICOA during the 2022 cycle. Some of the Big Four’s lobbyists lobbied for other entities, as well.

Out of all the entities lobbying against AICOA, Amazon, Apple and Meta were the top three in terms of total money contributed to Congress from their AICOA lobbyists. Google ranked fifth just behind TechNet, a Big Tech trade group¹³ that counts all of the Big Four as members.¹⁴

Amazon lobbyists were responsible for more than \$900,000 in contributions to Congress during the 2022 cycle, the most of any entity hiring lobbyists to lobby against AICOA. Amazon’s lobbyists contributed to more than half the Senate, contributing to 64 of the 100

⁹ Lobbying Disclosure, *Miller Strategies on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3uHIPYF>, Lobbying Disclosure, *Miller Strategies on Behalf of Amazon Web Services*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3FEzKX0> and Lobbying Disclosure, *Miller Strategies on Behalf of The Majority Group on behalf of Connected Commerce Council*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3PgqHPa>.

¹⁰ Lobbying Disclosure, *Fierce Government Relations on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BhQzo4>.

¹¹ *Id.*

¹² *Id.*

¹³ Press Release, *TechNet Calls on the Senate Judiciary Committee to Hold Hearings on the American Innovation and Choice Online Act*, TECHNET (Jan. 17, 2022), <https://bit.ly/3VHiNAF>.

¹⁴ Members, TECHNET (viewed on Dec. 10, 2022), <https://bit.ly/3FgUWAP>.

senators during the 2022 cycle. AICOA opposed lobbyists for Amazon contributed to almost half the House as well. [Table 6]

Table 6 – Contributions by Lobbyists Hired by the Big Four to Members of Congress During the 2022 Election Cycle*

| Lobbying Entity | AICOA Position | Total | To Democrats | To Republicans |
|-------------------------|----------------|-----------|--------------|----------------|
| Amazon Lobbyists | Opposed | \$900,959 | \$494,610 | \$406,349 |
| Apple Lobbyists | Opposed | \$684,394 | \$85,250 | \$599,144 |
| Meta Lobbyists | Opposed | \$545,811 | \$289,510 | \$256,301 |
| Google Lobbyists | Opposed | \$331,438 | \$77,578 | \$253,860 |

Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

* Some Big Four lobbyists that lobbied for more than one of the companies. Their contributions are counted in the totals for each company they person lobbied for. Thus, totaling up each company from Table 6 will give you higher numbers.

Lobbyists hired by the Big Four to lobby against AICOA have contributed more than \$8 million to the current Congress from the 2004 cycle through today. That total, as it was in just the 2022 cycle, amounts to nearly 90 percent of all the money contributed by lobbyists opposed to AICOA, more than \$9 million. [Table 7]

Table 7 – Contributions by Lobbyists Hired by the Big Four to Members of Congress, (2004 – 2022 Election Cycles)*

| Lobbying Entity | AICOA Position | Total | To Democrats | To Republicans |
|-------------------------|----------------|-------------|--------------|----------------|
| Amazon Lobbyists | Opposed | \$3,010,408 | \$1,709,634 | \$1,300,774 |
| Apple Lobbyists | Opposed | \$3,005,354 | \$318,574 | \$2,684,780 |
| Meta Lobbyists | Opposed | \$2,105,650 | \$1,207,450 | \$898,200 |
| Google Lobbyists | Opposed | \$1,451,371 | \$258,003 | \$1,193,368 |

Source: Public Citizen’s analysis of federal lobbying disclosure data. Contribution data was provided by OpenSecrets.org.

* Some Big Four lobbyists lobbied for more than one of the companies. Their contributions are counted in the totals for each company they personally lobbied for. Thus, totaling up each company from Table 7 yields higher numbers.

III. Connections

Lobbyists hired by the Big Four to lobby against AICOA have strong ties to Congress. Many were hired directly from Capitol Hill and held positions that involve antitrust issues. This section highlights the congressional connections of the lobbyists hired by the Big Four tech companies to lobby against AICOA. We focus on two main connection categories – lobbyists connected to the Judiciary Committee in both chambers and those with connections to congressional leadership (the top two Democrats and Republicans in each Chamber)¹⁵. The Judiciary Committee in both chambers has jurisdiction over AICOA. Leadership, meanwhile, generally decides what gets voted on and has significant sway over how their caucuses vote. There are 48 Big Four lobbyists who fall into one or both categories. [Table 8]

Table 8 – Big Four Lobbyists With Connections to The Judiciary Committees and / or Congressional Leadership*

| Lobbying Entity | Judiciary Connections | Leadership Connections |
|-----------------|-----------------------|------------------------|
| Amazon | 20 | 6 |
| Apple | 9 | 5 |
| Meta | 6 | 1 |
| Google | 5 | 2 |
| Total | 33 | 14 |

Source: Public Citizen’s analysis of federal lobbying disclosure data.

* Some Big Four lobbyists have both Judiciary Committee connections and connections to leadership. Further, some lobbyists lobbied for more than one of The Big Four. Thus, lobbyists will be double counted. The total row accounts for this and will be less than the sum of the individual rows.

Some of the connections highlighted in this section are to members who have clearly stated their support for AICOA. Sen. Amy Klobuchar (D-Minn.), Sen. Chuck Grassley (R-Iowa) and other AICOA cosponsors, for example, have former staff members lobbying against the bill for the Big Four. It is highly unlikely that these former staffers would be able to get these senators to change their vote. Still, these lobbyists can undoubtedly

¹⁵ In the Senate – Sen. Chuck Schumer (D-N.Y.), Sen. Dick Durbin (D-Ill.), Sen. Mitch McConnell (R-Ky.) and Sen. John Thune (R-S.C.). In the House – Rep. Nancy Pelosi (D-Calif.), Rep. Steny Hoyer (D-Md.), Rep. Kevin McCarthy (R-Calif.) and Rep. Steve Scalise (R-La.).

provide valuable insight. Former staffers now lobbying for the Big Four have, at least, a working knowledge of the internal dynamics related to AICOA. They can provide their new employers with intelligence on where other members stand and which staff may be receptive to lobbying outreach.

Judiciary Committee Alums Descend on DC to Stop AICOA. Nearly 30 Percent of Amazon and Apple Lobbyists Have Judiciary Connections

In August 2022, Amazon hired Republican Judd Smith from the Senate Judiciary Committee. Smith, according to the *Bloomberg*, led efforts to gain Republican support for AICOA on behalf of Sen. Chuck Grassley, an AICOA cosponsor.¹⁶ Smith has yet to appear in lobbying disclosures. But lobbying data show that Smith's hiring is not an anomaly, it's par for the course.

All four Big Tech companies deployed lobbyists with Judiciary Committee connections – either to the committee itself or to committee members – to lobby against AICOA. In total, they sent 38 such lobbyists to lobby against the bill. Amazon sent the most, 20, followed by Apple, which sent 9.¹⁷ The totals amount to 27 and 30 percent of all the lobbyists hired to lobby against AICOA by Amazon and Apple, respectively.

Many Amazon and Apple lobbyists with connections to the Judiciary Committee – particularly those with antitrust experience – were hired by the companies just as antitrust reform was heating up.

In one of the more brazen examples, Apple plucked away Sen. Klobuchar's deputy legislative director – whose portfolio included technology issues – from her team two weeks before Klobuchar introduced AICOA and the same day the senator lamented Big Tech's lobbying onslaught on Capitol Hill.

Some of these connections to the committee are decades old. But many are more recent. The lobbyists highlighted below all lobbied against AICOA and all worked directly for either the House and / or Senate Judiciary Committee:

¹⁶ Anna Edgerton, Leah Nysten and Emily Birnbaum, *Amazon Hires Senior Senate Aide, Boosting Efforts to Stymie New Tech Antitrust Bill*, BLOOMBERG (Aug. 1, 2022), <https://bit.ly/3BgDaN9> and Judd Smith, *Senior Manager, AWS Federal Public Policy*, LINKEDIN, <https://bit.ly/3hmOccK>.

¹⁷ Meta sent six, Google sent five. Two lobbyists lobbied for both Amazon and Apple and are counted in both totals.

- **Ryan Dattilo**, (**Amazon** in-house)¹⁸ – in January 2021, Amazon hired Dattilo to work on public policy. According to his LinkedIn, Amazon hired Dattilo directly from the Senate Judiciary Committee where he served as chief counsel for antitrust & bankruptcy, a position he held for three years. Prior to that, Dattilo worked as Counsel for the House Judiciary Committee’s Subcommittee on Regulatory Reform, Commercial and Antitrust Law.¹⁹
- **Jason Everett**, (**Amazon** in-house)²⁰ – for nearly a decade, Everett worked for the House Judiciary Committee. In January of 2019, when Everett left House Judiciary, he was the Democratic deputy chief counsel for the committee. After a brief stint at the law firm Covington & Burling, Everett joined Amazon as a senior manager of public policy in November 2019.²¹
- **Sean Pugh**, (**Amazon** in-house)²² – after working for the Federal Trade Commission (FTC) for more than seven years, attorney Pugh was detailed to the Senate Judiciary committee in 2018. Pugh was sent to work for Sen. Mike Lee (R-Utah) and the Senate Judiciary’s Antitrust Subcommittee until 2020. Later that year, Amazon hired Pugh as a senior Manager of Public Policy.²³
- **Lucy Panza**, (**Amazon** in-house)²⁴ – after serving as counsel to Senate Majority Leader Chuck Schumer (D-NY) for four years, Panza joined Amazon in January 2021 as a senior manager of public policy. Prior to working for Schumer, Panza worked as counsel for the Senate Judiciary Committee for two and a half years.²⁵
- **Bobby Parmiter**, (**Amazon** in-house)²⁶ – for close to seven years, Parmiter worked for the House Judiciary Committee, eventually becoming deputy staff director and

¹⁸ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

¹⁹ Ryan Dattilo, *Senior Manager, Public Policy at Amazon Web Services*, LINKEDIN, <https://bit.ly/3hddRoc>.

²⁰ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

²¹ Jason Everett, *Senior Manager, Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3iP5job>.

²² Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

²³ Sean Pugh, *Senior Manager, Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3Y9OXXu>.

²⁴ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

²⁵ Lucy Panza, *Senior Manager of Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3iHtPr3>.

²⁶ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

chief counsel before leaving the committee in 2020. Amazon hired Parmiter in May 2022 as a senior public policy manager.²⁷

- **Stewart Jeffries** (Jeffries Strategies, hired by **Google**)²⁸ – before joining Google in 2013, Jeffries spent seven years as antitrust counsel to the Republicans on the House Judiciary Committee. Jeffries touts his work implementing a “political outreach campaign to secure a successful conclusion” to an FTC investigation into Google’s business practices.²⁹
- **Seth Bloom** (Bloom Strategic Counsel, hired by **Amazon** and **Apple**)³⁰ – after serving as a trial attorney in the DoJ’s Antitrust division in the late nineties, Bloom became counsel and then general counsel of the Senate Judiciary’s Antitrust Subcommittee. After working for the Antitrust Subcommittee for 14 years, Bloom left to start his own lobbying firm in 2013.³¹
- **Eric Rosen** (Invariant LLC, hired by **Apple**)³² – for five years, Rosen served as counsel for the Senate Judiciary Committee, leaving the position in 2006.³³ Rosen claims to know “the levers to pull to influence congressional and Administration action from anti-trust enforcement,” among other things.³⁴
- **Chris Randle**, (**Meta** in-house)³⁵ – after serving on the Judiciary Committee for Sen. Diane Feinstein (D-Calif.) from 2011 through 2013, Randle joined the office of

²⁷ Robert Parmiter, *Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3YbAXfA>.

²⁸ Lobbying Disclosure, *Jeffries Strategies LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3PbSS1A>.

²⁹ Stewart Jeffries, *President, Jeffries Strategies LLC*, LINKEDIN, <https://bit.ly/3W7naVP> and *Stewart Jeffries, JEFFRIES STRATEGIES*, <https://bit.ly/3iS1O8m>.

³⁰ Lobbying Disclosure, *Bloom Strategic Counsel on Behalf of Amazon*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3iEnj4m>.

³¹ Seth Bloom, *President and Founder at Bloom Strategic Counsel, PLLC*, LINKEDIN, <https://bit.ly/3uyCOOb>.

³² Lobbying Disclosure, *Invariant LLC on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3ULa4MJ>.

³³ Eric Rosen, *Technology Practice Group Leader at Invariant GR*, LINKEDIN, <https://bit.ly/3UM45ao>.

³⁴ Team, *Eric Rosen*, INVARIANT, <https://bit.ly/3PcmRXg>.

³⁵ Lobbying Disclosure, *Meta Platforms, Inc. and Various Subsidiaries*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3iMfYzR>.

Rep. Hakeem Jeffries (D-N.Y.). (Jeffries is a member of the House Judiciary.) Randle worked as Jeffries' legislative director until 2018 when he joined Meta.³⁶

While they may not have worked for the Judiciary Committee, itself, many lobbyists worked for the current members of the Judiciary in another capacity. Some examples include:

- **April Jones (Apple in-house)**³⁷ – On October 5, 2021, AICOA sponsor Klobuchar's deputy legislative director and counsel, April Jones, announced she was leaving to join Apple's lobbying team.³⁸ Jones' portfolio for Klobuchar included technology issues, according to her LinkedIn.³⁹ The hiring received significant media coverage in part because Klobuchar had just earlier that day lamented in hearing that they struggled to rein in Big Tech because "every time I think I've got something done, some other lobbyist pops up."⁴⁰ Klobuchar went on to introduce AICOA in the Senate two weeks later.⁴¹
- **ZJ Hull (Apple in-house)**⁴² – Hull spent eight years working for Rep. Zoe Lofgren (D-Calif.), a member of the House Judiciary Committee. Hull spent most of his time as a legislative counsel to Lofgren. Hull began working for Apple in June 2020.⁴³ While Hull has reportedly lobbied the House on AICOA,⁴⁴ when asked by the *American Prospect* in July 2021, Lofgren, an AICOA critic, said she had not spoken to Hull about bills aimed at curbing Big Tech's power.⁴⁵

³⁶ Chris Randle, *US Policy at Meta*, LINKEDIN, <https://bit.ly/3Fb4Fc9> and Chris Randle, *Employment History*, OPENSECRETS, <https://bit.ly/3YhYoEm>.

³⁷ Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W1dYlv>.

³⁸ Emily Birnbaum and John Hendel, *Big Tech Sweeps up Hill staffers — Just When Congress Needs Them the Most*, POLITICO (Oct. 12, 2021), <https://bit.ly/3uCYj0k>.

³⁹ April Jones, *Senior Government Affairs and Policy Counsel at Apple*, LINKEDIN, <https://bit.ly/3FpKBTA>.

⁴⁰ *Id.*

⁴¹ S.2992 - *American Innovation and Choice Online Act*, CONGRESS.GOV, <https://bit.ly/3Pcg7bT>.

⁴² Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W1dYlv>.

⁴³ ZJ Hull, *Policy Counsel, Cybersecurity and Privacy at Apple*, LINKEDIN, <https://bit.ly/3PepI23>.

⁴⁴ Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W1dYlv>.

⁴⁵ David Dayen, *Zoe Lofgren: The Democratic Holdout on Big Tech Legislation*, THE AMERICAN PROSPECT (July 1, 2021), <https://bit.ly/3BnLctX>.

- **Anne Kierig**, (**Amazon** in-house)⁴⁶ – for more than six years, Kierig worked for Sen. Dick Durbin (D-Ill.), first as a legislative assistant and then as office counsel.⁴⁷ Durbin is the Chair of the Senate Judiciary Committee.⁴⁸ Kierig left Durbin’s office in 2016. Amazon hired Kierig in May 2021. Kierig also worked for Judiciary Committee member Sen. Diane Feinstein (D-Calif.) in the past.⁴⁹
- **Aleix Jarvis** (Fierce Government Relations, hired by **Apple**)⁵⁰, **Walt Kuhn** (**Apple** in-house)⁵¹ and **Virginia Boney** (**Amazon** in-house)⁵² – all three worked for Senator and Judiciary Committee member Lindsey Graham (R-S.C.). Jarvis worked for Graham for 10 years, including as his legislative director.⁵³ Boney spent eight years in Graham office⁵⁴ and Kuhn worked for Graham for five years as Chief Counsel.⁵⁵
- **Ed Pagano**, (Akin Gump hired by **Amazon**)⁵⁶ and **Luke Albee** (Blue Mountain Strategies, hired by Meta)⁵⁷ – Pagano worked for Senate Judiciary member Sen. Patrick Leahy (D-Vt.) for 19 years.⁵⁸ According to his Akin Gump bio, Pagano’s work in Leahy’s office included working with the Senate Judiciary Committee,⁵⁹ a

⁴⁶ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q1 2022), <https://bit.ly/3FhNVQm>.

⁴⁷ Anne Kierig, *Data Protection & Cybersecurity Public Policy*, LINKEDIN, <https://bit.ly/3FHIFXR>.

⁴⁸ About the Chair, *Dick Durbin of Illinois*, COMMITTEE ON THE JUDICIARY, <https://bit.ly/3FlBqDg>.

⁴⁹ Anne Kierig, *Data Protection & Cybersecurity Public Policy*, LINKEDIN, <https://bit.ly/3FHIFXR>.

⁵⁰ Lobbying Disclosure, *Fierce Government Relations on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BhOzo4>.

⁵¹ Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3VOmLYr>.

⁵² Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q1 2022), <https://bit.ly/3FhNVQm>.

⁵³ *Our Team*, FIERCE GOVERNMENT RELATIONS, <https://bit.ly/3HrPEFH>.

⁵⁴ Virginia Boney, *Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3iS6sLI>.

⁵⁵ Kuhn now works for Shopify, Walter Kuhn, *Director, Federal Government Affairs at Shopify*, LINKEDIN, <https://bit.ly/3UDjUjP>.

⁵⁶ Lobbying Disclosure, *Akin Gump Strauss Hauer & Feld on Behalf of Amazon Corporate, LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3Pfab1K>.

⁵⁷ Lobbying Disclosure, *Blue Mountain Strategies on Behalf of Amazon Corporate, LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3UCS2w4>.

⁵⁸ Ed Pagano, *Partner at Akin Gump Strauss Hauer & Feld LLP*, LINKEDIN, <https://bit.ly/3BkHFwZ>.

⁵⁹ Ed Pagano, AKIN GUMP STRAUSS HAUER & FELD LLP, <https://bit.ly/3uDnQ9q>.

committee that Sen. Leahy Chaired multiple times, most recently from 2007 through 2015.⁶⁰ Albee served as Leahy's chief of staff for 12 years.⁶¹

Four different lobbyists hired by Amazon, Google and Meta once worked for Judiciary member Sen. John Cornyn (R-Tex.) in some capacity, including his former Chief of Staff, Google lobbyist Monica Popp.⁶²

The list goes on. Other lobbyists deployed by the Big Four to lobby against AICOA once worked for Judiciary members Sen. Richard Blumenthal (D-Conn.),⁶³ Sen. Sen. Tom Cotton (R-Ark.),⁶⁴ Sen. Chuck Grassley (R-Iowa)⁶⁵, Rep. Darrell Issa (R-Calif.)⁶⁶ and Sen. Tom Tillis (R-Tex.),⁶⁷ among others.

⁶⁰ *Previous Committee Chairman*, COMMITTEE ON THE JUDICIARY, <https://bit.ly/3HmtlRv>.

⁶¹ Lola Duffort and Sarah Mearhoff, *Patrick Leahy to Retire After 8 Terms in US Senate*, VT DIGGER (Nov. 15, 2021), <https://bit.ly/3uBWaSv>.

⁶² Monica Popp, *Partner at Marshall & Popp, LLC*, LINKEDIN, <https://bit.ly/3W4rUvm>, Lobbying Disclosure, *Marshall & Popp LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W5SCDU>, Press Release, *Senate, House Veteran Madison Smith Joins Cozen O'Connor Public Strategies' Washington, D.C. Practice*, COZEN O'CONNOR (Feb.10, 2022), <https://bit.ly/3FGkTva> Madison Smith, Principal, COZEN O'CONNOR PUBLIC STRATEGIES, <https://bit.ly/3UJMZKp>, Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3BppclC>, Salim Alameddin, *Senior Vice President at Crossroads Strategies, LLC*, LINKEDIN, <https://bit.ly/3UL3yW6>, Lobbying Disclosure, *Crossroads Strategies LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3HznoRc>, Jonathan Slemrod, *Partner at Harbinger Strategies*, LINKEDIN, <https://bit.ly/3W5yaCP> and Lobbying Disclosure, *Harbinger Strategies LLC on Behalf of Meta Platforms Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BraYY1>.

⁶³ Anna Yu, *Government Affairs and Public Policy Manager at Google*, LINKEDIN, <https://bit.ly/3hj5QOK> and Lobbying Disclosure, *Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3Y9FkrB>.

⁶⁴ Jonathan Hiler, *Principal, Miller Strategies*, LINKEDIN, <https://bit.ly/3uI2w2Q> and Lobbying Disclosure, *Miller Strategies on Behalf of Amazon Web Services Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q2 2021), <https://bit.ly/3P9U3Pn>.

⁶⁵ Brad Holsclaw, *Who We Are*, TCH GROUP, <https://bit.ly/3Ffp5Rb> and Lobbying Disclosure, *TCH Group on Behalf of Amazon Web Services Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VLZJ4o>.

⁶⁶ Ellen Schrantz, *Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3P9Z9ep>, Ellen Schrantz, *Employment History*, OPENSECRETS, <https://bit.ly/3FcSqfe> and Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3VYR2Ed>.

⁶⁷ Courtney Temple, *US Policy at Meta*, LINKEDIN, <https://bit.ly/3VLeHb1> and Lobbying Disclosure, *Meta Platforms, Inc. and Various Subsidiaries*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3iMfYzR>.

Big Four Lobbyists Deployed to Oppose AICOA Have Strong Connections to Congressional Leadership. Apple Lobbyists Opposing AICOA Likely Have Republican Leadership on Speed Dial

While Judiciary Committee connections are no doubt important for the Big Four, those in congressional leadership positions ultimately decide what gets voted on. Leadership also has significant sway over how their caucuses vote.

In total, 14 lobbyists deployed by the Big Four to lobby against AICOA worked for the eight most powerful members of Congressional leadership (the top two from both parties in both chambers). Five Big Four AICOA-opposed lobbyists worked for Senate Minority Leader Mitch McConnell (R-Ky.), the most of anyone in leadership. The strongest connections appear to be between the lobbyists hired by Apple and the Republican congressional leadership.

The public image of Apple is certainly not one many would associate with the Republican party. And while Apple's employees may be overwhelmingly Democrats,⁶⁸ the majority of lobbyists hired by Apple to lobby against AICOA are Republicans. And these Republican lobbyists have close relationships to Republican leadership:

Alums of Senate Majority Leader Mitch McConnell (R-Ky.)

- **Billy Piper** (Fierce Government Relations, hired by **Apple**)⁶⁹ – for 20 years, Piper worked for McConnell. Piper joined McConnell's office right out of college.⁷⁰ For eight years, Piper served as his chief of staff.⁷¹ When Piper left McConnell's office in late 2010 McConnell referred to him as a "trusted advisor, a valued counselor and a close friend" as well as calling him "indispensable."⁷²

⁶⁸ Contribution Totals, *Apple Inc*, OPENSECRETS, <https://bit.ly/3iCJibV>.

⁶⁹ Lobbying Disclosure, *Fierce Government Relations on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BhQzo4>.

⁷⁰ *Our Team*, FIERCE GOVERNMENT RELATIONS, <https://bit.ly/3HrPEFH>.

⁷¹ Billy Piper, *Fierce Government Relations*, LINKEDIN, <https://bit.ly/3BjNZ0I>.

⁷² Meredith Shiner, *McConnell's Chief of Staff to Leave*, POLITICO (Dec. 1, 2010), <https://bit.ly/3YcYO6O>.

- **Hazen Marshall** (Marshall & Popp, hired by **Google**)⁷³ – after serving as Mitch McConnell’s policy director for eight years, Marshall started his own firm in 2019. Google hired Marshall to lobby against AICOA.⁷⁴
- **Brendan Dunn** (Akin Gump Strauss Hauer & Feld, hired by **Amazon**)⁷⁵ – Dunn joined Akin Gump in 2018 after serving as McConnell’s policy advisor and counsel for more than five years.⁷⁶
- **Kyle Simmons** (The Simmons & Russell Group, hired by **Google**)⁷⁷ – Simmons served as chief of staff in McConnell’s leadership office for nine years before he left in 2010.⁷⁸ When Simmons left, McConnell said he had been “more than a staffer; he’s been a colleague, a confidant and a dear friend.”⁷⁹
- **David Schiappa** (The Duberstein Group, hired by **Amazon**)⁸⁰ – after spending decades in Congress and serving for 13 years as Senate secretary for McConnell and the GOP, Schiappa left Congress in 2013.⁸¹ When he left, McConnell said Schiappa had “played a key role in every legislative accomplishment in the Senate during his tenure as Secretary,” and “his wisdom and legislative expertise have been invaluable not only to the last three Senate Republican Leaders but to every member of the Senate on both sides of the aisle.”⁸²

⁷³ Lobbying Disclosure, *Marshall & Popp LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W5SCDU>.

⁷⁴ Hazen Marshall, *Co-President at Marshall & Popp*, LINKEDIN, <https://bit.ly/3W4djOp> and Lobbying Disclosure, *Marshall & Popp LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W5SCDU>.

⁷⁵ Lobbying Disclosure, *Akin Gump Strauss Hauer & Feld on Behalf of Amazon Corporate, LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3Pfab1K>.

⁷⁶ Brandan Dunn, *Partner at Akin Gump Strauss Hauer & Feld LLP*, LINKEDIN, <https://bit.ly/3UCy0BW>.

⁷⁷ Lobbying Disclosure, *The Simmons & Russell Group LLC on Behalf of Google Client Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3uCawCo>.

⁷⁸ Kyle Simmons, *Employment History*, OPENSECRETS, <https://bit.ly/3FbOf3b>, Kyle Simmons, THE SIMMONS & RUSSELL GROUP, <https://bit.ly/3VIASyB> and Jessica Brady, *Second Top McConnell Aide to Step Down This Year*, ROLL CALL (Dec. 1, 2010), <https://bit.ly/3Pydlhe>.

⁷⁹ Erika Lovely and John Bresnahan, *McConnell Gives Emotional Send-off for Chief of Staff*, POLITICO (Feb. 11, 2010), <https://bit.ly/3FwXfOz>.

⁸⁰ Lobbying Disclosure, *The Duberstein Group Inc. on Behalf of Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3Pcuc0S>.

⁸¹ David Schiappa, *Managing Partner*, THE DUBERSTEIN GROUP, <https://bit.ly/3HntIvd>.

⁸² Emily Pierce, *Schiappa Out, Dove in as Senate GOP’s Key Floor Staffer*, ROLL CALL (July 30, 2013), <https://bit.ly/3FcsiB7>.

Alums of Senate Minority Whip John Thune (R-S.D.)

- **Nick Rossi** (**Apple** in-house)⁸³ – In August 2021, Senate Minority Whip John Thune went to the Senate floor and gave a nearly eight-minute speech showering his outgoing Chief of Staff, Nick Rossi, with thanks and praise.⁸⁴ Rossi had worked for Thune since 2013 and most recently served as chief of staff to Thune’s Whip office. Towards the end of the speech, Thune says of Rossi, “I hope he won't mind the occasional phone call to pick his brain on some of the issues that are facing the Senate.”⁸⁵

That line from Thune likely sparked the interest of Rossi’s next employer, Apple. While Rossi’s LinkedIn is not updated at the time of this writing,⁸⁶ Rossi first appeared on an Apple lobbying disclosure in the fourth quarter on 2021, when he reportedly lobbied AICOA and other bills.⁸⁷ Rossi also has a Judiciary Committee connection, having worked for the committee as chief counsel from 2006 to 2009.⁸⁸

Alums of House Minority Leader Kevin McCarthy (R-Calif.)

- **George Caram & Jeff Miller** (Miller Strategies, both hired by **Apple**, Miller was also hired by **Amazon**)⁸⁹ – for seven years, Caram worked for Minority Leader Kevin McCarthy (R-Calif.), finishing in 2017 as a senior legislative assistant. After a year working for the Trump White House, Caram joined Miller Strategies in 2018.⁹⁰ Caram’s boss, Jeff Miller – the founder and CEO of Miller Strategies,⁹¹ is a

⁸³ Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W1dYlv>.

⁸⁴ John Thune, *Thune Honors Outgoing Chief of Staff Nick Rossi*, YOUTUBE (Aug. 4, 2021), <https://bit.ly/3VXKYLw>.

⁸⁵ *Id.*

⁸⁶ Nick Rossi, *Chief of Staff, Office of the U.S. Senate Republican Whip*, LINKEDIN, <https://bit.ly/3hei6jq>.

⁸⁷ Lobbying Disclosure, *Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3VOMLYr>.

⁸⁸ Nick Rossi, *Chief of Staff, Office of the U.S. Senate Republican Whip*, LINKEDIN, <https://bit.ly/3hei6jq>.

⁸⁹ Lobbying Disclosure, *Miller Strategies on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3uHIPYF>. Miller was also hired by Amazon, see Lobbying Disclosure, *Miller Strategies on Behalf of Amazon Web Services*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3FEzKX0>.

⁹⁰ George C., *Principal at Miller Strategies LLC*, LINKEDIN, <https://bit.ly/3Hnu3hA>.

⁹¹ *Who We Are*, MILLER STRATEGIES, <https://bit.ly/3uCkcxw>.

top Trump bundler⁹² that has a very close relationship with McCarthy. On election day 2022, *Politico* published a piece on Miller highlighting his close relationship to McCarthy. According to *Politico*, Miller has McCarthy's "ear" and could become "the most powerful unelected man in DC."⁹³ Caram shared the *Politico* piece on his LinkedIn page, seemingly basking in the power he and Miller were set to obtain, posting it along with the message: "Happy Election Day."⁹⁴

- **Ben Howard** (The Duberstein Group, hired by **Amazon**)⁹⁵ – Howard worked as the floor director for both McCarthy (2014 – 2017) and Scalise (2018) before working for the Trump White House.⁹⁶

Alums of House Minority Whip Steve Scalise (R-La.)

- **Eric Zulkosky** (Fierce Government Relations, hired by **Apple**)⁹⁷ – for almost six years, Zulkosky worked for House Minority Whip Steve Scalise (R-La.). Zulkosky began as a legislative assistant and eventually became legislative director. In his final three years working for Scalise, Zulkosky was the Director of Member Services for Scalise's Minority Whip office.⁹⁸
- **Darren Achord** (**Amazon** in-house)⁹⁹ – after serving as Scalise's deputy chief of staff for almost two years, Achord left to lobby for Amazon in 2016. Achord now serves as Amazon's Director of Public Policy.¹⁰⁰

⁹² Karl Evers-Hillstrom, *Trump's Washington Proves Lucrative for his Top Lobbyist Bundler*, OPENSECRETS (July 23, 2019), <https://bit.ly/3UCXYFm>.

⁹³ Hailey Fuchs, *He Has 'Kevin's Ear' and Could Become the Most Powerful Unelected Man in DC*, POLITICO (Nov. 8, 2022), <https://bit.ly/3UDpZwF>.

⁹⁴ George C., *Principal at Miller Strategies LLC*, LINKEDIN, <https://bit.ly/3Hnu3hA>.

⁹⁵ Lobbying Disclosure, *The Duberstein Group Inc. on Behalf of Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3Pcue0S>.

⁹⁶ Ben Howard, *Vice President at The Duberstein Group Inc*, LINKEDIN, <https://bit.ly/3Fgbv01> and Ben Howard, *Partner, THE DUBERSTEIN GROUP*, <https://bit.ly/3hj88gC>.

⁹⁷ Lobbying Disclosure, *Fierce Government Relations on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BhQzo4>.

⁹⁸ Eric Zulkosky, *Fierce Government Relations*, LINKEDIN, <https://bit.ly/3VBjKKZ> and Press Release, *Whip-Elect Steve Scalise Announces Staff*, STEVE SCALISE REPUBLICAN WHIP, <https://bit.ly/3h6L6K5>.

⁹⁹ Lobbying Disclosure, *Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q1 2022), <https://bit.ly/3FhNVQm>.

¹⁰⁰ Darren Achord, *Director, Public Policy at Amazon*, LINKEDIN, <https://bit.ly/3PaKUGf>.

- **Ben Howard** (The Duberstein Group, hired by **Amazon**)¹⁰¹ – Howard worked as the floor director for both McCarthy (2014 – 2017) and Scalise (2018) before working for the Trump White House.¹⁰²

Apple did hire one lobbyist with a connection to Democratic leadership. They hired Invariant LLC's Anne MacMillan to lobby against AICOA.¹⁰³ MacMillan spent a year and half as a senior policy advisor to House Speaker Nancy Pelosi (D-Calif.).¹⁰⁴ Connections to Sen. Chuck Schumer (D-NY) and Sen. Dick Durbin (D-Ill.) are highlighted in the previous section.

This section could go on for many more pages. We could highlight how Jeff Richetti, the brother of Biden White House Counselor Steve Richetti, is lobbying against AICOA for Amazon.¹⁰⁵

We could write an entire section on Brian Ballard, described as “the most powerful lobbyist in Trump’s Washington” by *Politico*,¹⁰⁶ who lobbied against AICOA for Amazon.¹⁰⁷

Big Tech's decision to employ so many lobbyists with ties to those deciding AICOA's fate was not by coincidence but by design.

¹⁰¹ Lobbying Disclosure, *The Duberstein Group Inc. on Behalf of Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q4 2021), <https://bit.ly/3Pcue0S>.

¹⁰² Ben Howard, *Vice President at The Duberstein Group Inc*, LINKEDIN, <https://bit.ly/3Fgbv01> and Ben Howard, *Partner*, THE DUBERSTEIN GROUP, <https://bit.ly/3hj88gC>.

¹⁰³ Lobbying Disclosure, *Invariant LLC on Behalf of Apple Inc*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3ULa4MJ>.

¹⁰⁴ Anne MacMillan, *Principal, Invariant*, LINKEDIN, <https://bit.ly/3Pb2FoS>.

¹⁰⁵ Lobbying Disclosure, *Ricchetti Incorporated on Behalf of Amazon.com Services LLC*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3BmvngM> and Brian Schwartz, *The Brother of a Top Biden Advisor Lobbied the White House This Year on Behalf of Big Health-Care Companies*, CNBC (April 21, 2021), <https://bit.ly/3iUirbE>.

¹⁰⁶ Theodor Meyer, *The Most Powerful Lobbyist in Trump's Washington*, CNBC (April 2, 2018), <https://bit.ly/3heZRuf>.

¹⁰⁷ Lobbying Disclosure, *Ballard Partners on Behalf of Amazon.com*, SECRETARY OF THE SENATE LOBBYING DISCLOSURE DATABASE (Q3 2022), <https://bit.ly/3W1Bv5R>.

Conclusion

Monopoly power directly translates to excessive political power. Over the past two decades, Big Tech has reaped monopoly profits.

Amazon, Apple, Google and Facebook have a combined market value of \$6.2 trillion, according to *Forbes*.¹⁰⁸ The \$106 million they spent on lobbying over the past two years amounts to a rounding error for them.

Compared to AICOA supporters, the opposition has engaged Congress more, spent more on lobbying and contributions, and enlisted more insiders. This inside pressure – along with \$120 million in outside attack ads – has blunted AICOA’s momentum.

To keep competition at bay, Big Tech will continue to lobby, poach staffers and fund attack ads. Whatever they need to do. The only way to stop them is through legislation.

And with just weeks left in this Congress, the window of opportunity may be closing. Congress must act.

¹⁰⁸ Andrea Murphy and Isabel Contreras, *The Global 2000*, *Forbes* (May 12, 2021), <https://bit.ly/3FtttER>

Appendix: Methodology

Lobbyist engagements - To determine the lobbying energy devoted to The American Innovation and Choice Online Act (AICOA), we analyzed all quarterly lobbying disclosures filed with the Office of the Clerk of the U.S. House of Representatives from the second quarter of 2021 through the third quarter of 2022.

We pulled out all instances in which a lobbying client reported hiring a lobbyist to lobby on either the House (H.R. 3816) and/or the Senate (S. 2992) versions of the bill. We refer to each such instance as a “lobbyist engagement” on the bill. Doing so revealed more than 1,100 engagements.

Determining support or opposition - Our analysis found that 108 different organizations hired lobbyists to lobby on one or both AICOA versions. We set out to determine if the lobbying organization has a position of support or opposition on a bill. We were able to do so for 73% of all the lobbyist engagements we found. We also determined additional engagements came from lobbying entities that were neutral, though throughout the analysis we focus engagements for which we found either a support or opposed position.

We determined the position of lobbyists making engagements using five different methods. First, we searched for public statements by the lobbying client stating support or opposition to the bill. Of the engagements we determined to have been deployed in support or in opposition to the bills, 81% of the positions were derived using this first method. Second, using the results of the first method, we scrutinized trade group membership to determine a likely position by its corporate members, if the trade group was found to support or oppose a bill using the first method. An additional 7% of our support or opposed engagements were determined using this method.

Our third method for obtaining a position involved looking at public statements on a policy position included in the bill, 4% of lobbying engagement positions were obtained using this method.

The fourth method we used involved taking lobbyists that were hired by lobbying clients with an explicit position on a bill and considering all the engagements by those lobbyists on that bill to be in line with that position. This method accounted for 8% of our determinations.

Our fifth method included reaching out to many of the lobbying clients for which we could not find a position. Most did not respond.