



The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230, Capitol Building
Washington, DC 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, Capitol Building
Washington, DC 20515

December 1, 2022

Dear Leader McConnell and Leader McCarthy,

On behalf of the Competitiveness Coalition and against a backdrop of economic anxiety, we write today to raise the alarm about the proposed activity from the outgoing Congress during the lame-duck session, specifically plans to force a vote on the American Innovation and Choice Online Act (S. 2992) and the Open App Markets Act (S. 2710).

According to [media reports](#), the Biden White House is planning, “a last-ditch effort to get a stalled pair of bills through Congress before a predicted Republican takeover in January.” The Administration has [confirmed these reports](#), stating they are, “planning on stepping up engagement during the lame duck on the President’s agenda across the board, antitrust included.” Concurrently, [activist groups](#), including foreign entities, have bolstered their efforts with advertising blitzes urging lawmakers to fall in line and pass these anti-entrepreneurial packages.

This would be ill-advised on multiple fronts. First, it would indicate that the current Congress is ignoring the struggles of hardworking Americans who have been squeezed by high prices across the board, from gas to groceries, and now increased interest rates via the Federal Reserve. Second, Larry Summers, the former economic advisor to former Presidents Bill Clinton and Barack Obama, warned that “[hipster antitrust](#)” policies, like those reflected in S. 2992, could make the economy “more inflationary and less resilient.” Summers’ early warnings about inflation were unfortunately ignored by the White House and congressional leaders, and even dismissed by some as “[transitory](#).”

Third, U.S. Senator Amy Klobuchar (D-MN), the Democratic lead sponsor of S. 2992, has been undeterred in her pursuit of the legislation. There is speculation Senator Klobuchar intends to leverage success on this legislation as a springboard for higher political office. Conservative members of Congress should not aid or abet this effort.

When we last [wrote](#) to you in July, we also cautioned that these proposals would pose serious national security risks and threaten the United States’ global standing in the technology sector. In the time that has since passed, our rivals have become more emboldened to supersede U.S. tech dominance. For example, at the recent National Party Congress when he won an unprecedented third term, Chinese Communist Party Leader President Xi Jinping [pledged](#) China will, “gather



strength to carry out indigenous and leading scientific and technological research, and resolutely win the battle in key core technologies.”

In the Senate, both pieces of legislation passed the Judiciary Committee earlier this year regrettably with Republican support. In light of our troubled economy, we request that you whip a “no” vote should current Democratic leadership attempt a full Senate vote. In the House, we similarly request that you resist any attempts to conflate concerns about content moderation with so-called antitrust.

The results of the elections have created opportunities and obligations for the next Congress. Atop that list is addressing the economic uncertainty coursing throughout our country and our citizens right now. Asked which issue mattered most this year, nearly a third of voters nationwide (32%) said inflation, according to [NBC News](#) exit polls. Ensuring that neither S. 2992 nor S. 2710 becomes law would be two productive steps toward fulfilling their mandate.

Should you have further questions or need additional information on either piece of legislation, please don’t hesitate to reach out. We would be happy to provide information to you or your staff. Thank you for your attention to this important matter.

Sincerely,

Scott Brown, Chair, Competitiveness Coalition

Brent Wm. Gardner, Chief Government Affairs Officer, Americans for Prosperity

Daniel J. Mitchell, President, Center for Freedom and Prosperity

Curt Levey, President, The Committee for Justice

Ashley Baker, Director of Public Policy, The Committee for Justice

Yaël Ossowski, Deputy Director, Consumer Choice Center

Adam Brandon, President, FreedomWorks

Mario H. Lopez, President, Hispanic Leadership Fund

Douglas Holtz-Eakin

Dr. J. Robert McClure III, President & CEO, The James Madison Institute

Charles Sauer, President, The Market Institute



Pete Sepp, President, National Taxpayers Union

Karen Kerrigan, President & CEO, Small Business & Entrepreneurship Council

Patrick Hedger, Executive Director, Taxpayers Protection Alliance

Casey Given, Executive Director, Young Voices