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AN OPEN LETTER TO PUBLIC OFFICIALS: PROPOSED ANTITRUST BILLS WOULD HARM CONSUMERS AND UNDERMINE INNOVATION

We, the undersigned economic, legal, and public policy experts, write to express concern over legislative and executive branch proposals aimed at dramatically expanding government antitrust and competition regulation authority over the technology sector and ultimately the entire economy. Now is a particularly important time to remind policymakers that the principles embodied in the consumer welfare standard and light touch regulation remain relevant, applicable, and vital to our future prosperity.

Earlier this year, several antitrust bills were introduced in the U.S. Senate, supposedly to improve competition in the U.S. technology sector. In reality these bills would punish American companies for offering integrated services, regardless of the benefits to consumers those services provide, and make a number of common business practices like selling private labels alongside name brands a violation of antitrust laws. Rather than advancing helpful competition standards based on sound economics, these proposals would require U.S. tech firms to obtain government pre-approval to promote and integrate new products. Such proposals are not based on any findings of market power or the ability to exclude rivals. Instead these are punitive measures that target a handful of tech firms that fall under a set of arbitrary criteria.

Many of us [have warned](#) about proposals that distort existing antitrust standards and fail to focus on harm to consumers. The Senate bills would almost certainly lead to such harm. They would disrupt the processes through which tech firms design new products and operate, thereby impairing competition in such markets. They would also erode the ability of American firms to compete with rivals in China and elsewhere in a wide range of emerging technologies, ranging from existing digital products to artificial intelligence, advanced robotics and quantum computing.

Government-required break-ups, restructuring, or restrictions on business models do not usually serve the interests of the consumers whom public officials seek to protect. If companies are utilizing business practices in demonstrably anticompetitive ways to harm consumers, existing antitrust law adequately equips the government with the tools to take reasonable action. These proposals seek to shift the focus of antitrust law away from helping consumers and toward bolstering competitors, thereby hindering economic growth and undermining decades of existing antitrust precedent. Moreover, they do not offer a solution to broader concerns about technology and privacy.

It is extremely rare to see proposals that would dramatically increase antitrust authority for only a small number of targeted companies. This could represent a very troubling turning point in competition policy that substantially shifts the focus away from the consumer welfare standard and endangers future innovation and competition. Accordingly, we urge public officials to avoid unnecessary, overzealous changes to antitrust laws that would weaken an already fragile economy and instead look for targeted reforms to improve the lives of consumers and promote pro-growth policies.

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