The Honorable Nancy Pelosi  The Honorable Chuck Schumer  
Speaker  Majority Leader  
U.S. House of Representatives  U.S. Senate  
Washington, DC 20515  Washington, DC 20510  

The Honorable Kevin McCarthy  The Honorable Mitch McConnell  
Minority Leader  Minority Leader  
U.S. House of Representatives  U.S. Senate  
Washington, DC 20515  Washington, DC 20510  

The Honorable Jerrold Nadler  The Honorable Dick Durbin  
Chair  Chairman  
Committee on the Judiciary  Committee on the Judiciary  
U.S. House of Representatives  U.S. Senate  
Washington, DC 20515  Washington, DC 20510  

The Honorable Jim Jordan  The Honorable Chuck Grassley  
Ranking Member  Ranking Member  
Committee on the Judiciary  Committee on the Judiciary  
U.S. House of Representatives  U.S. Senate  
Washington, DC 20515  Washington, DC 20510  

RE:  2021 Congressional Legislation to Update Federal Antitrust Laws

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McCarthy, and Minority Leader McConnell:

As you know, state attorneys general are on the front line of consumer protections and antitrust enforcement for our respective states. This month, we were pleased to see a bipartisan plan in Congress unveiled to update federal antitrust laws.

A comprehensive update of federal antitrust laws has not occurred in decades. Given changes in technology, decreased competition in important sectors, and undue judicial skepticism towards robust enforcement, we applaud Congress for taking up the Ending Platform Monopolies Act\(^1\), American Choice and Innovation Online Act\(^2\), Platform Competition and Opportunity Act\(^3\), Augmenting Compatibility and Competition by Enabling Service Switching (“ACCESS”) Act\(^4\), Merger Filing Fee Modernization Act\(^5\), and State Antitrust Enforcement Venue Act\(^6\). The sponsors of these bills should be commended for working to ensure that federal antitrust laws remain robust and keep pace with that of modern markets.

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As state attorneys general, we are very supportive of Congress’ efforts to modernize federal antitrust laws. As the antitrust bills move forward from the House Committee on the Judiciary for consideration by the full House of Representatives and, eventually, the Senate, we encourage Congress to continue making improvements to these important measures. These include provisions to further enhance consumer protections from unlawful and irresponsible mergers and business practices as well as necessary improvements to ensure that competition and innovation are not stifled. In addition, we urge Congress to include in the legislation a provision confirming that the states are sovereigns that stand on equal footing with federal enforcers under federal antitrust law, including with regard to the timing of challenging anticompetitive mergers and other practices.

As Congress considers how best to improve antitrust law, we encourage the House and Senate to prioritize protecting competition and innovation. We welcome the opportunity to discuss suggestions to address these critical considerations and to improve any of the proposed laws. We stand ready and willing to share our experience with members of Congress, including how our antitrust enforcement efforts have met inappropriate skepticism in the courts, as Attorneys General Peterson and Weiser recently explained in testimony before the House Antitrust Subcommittee.7

As H.R. 3825, H.R. 3816, H.R. 3826, H.R. 3849, H.R. 3843, and H.R. 3460 advance in the lawmaking process, we look forward to working with the House of Representatives and the Senate and being a resource to your members. It is critical, as we do so, that we advance measures to promote competition and that we not let this moment pass. There is simply too much at stake.

Sincerely,

Phil Weiser
Colorado Attorney General

Douglas Peterson
Nebraska Attorney General

Letitia James
New York Attorney General

Herbert H. Slatery III
Tennessee Attorney General

Rob Bonta
California Attorney General

William Tong
Connecticut Attorney General

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