



FIGHT FOR THE FUTURE

November 31, 2023

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
Washington, DC 20515

Dear Leader Jeffries,

We write to you as an organization deeply concerned about the ways that corporate concentration, and particularly Big Tech monopolies, are wreaking havoc on democracy and human rights. In the 116th and 117th congressional sessions, the House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law¹ under chair David Cicilline advanced efforts to curb monopolistic harms. This includes releasing the Investigation of Competition in Digital Markets report in 2020, which documented Big Tech companies' monopolistic abuses,² and advancing bipartisan antitrust legislation in 2021.³ Rep. Cicilline's leadership was in line with the Democratic Caucus and the Biden administration in pursuing a reinvigoration of competition law and policy.

For this reason, we are alarmed that since taking the reins of the subcommittee in June,⁴ ranking member Lou Correa has been openly hostile to reform efforts. In fact, Rep. Correa has proven himself to be far out of line with the majority of the Democratic caucus – and with

¹ Now known as the United States House Judiciary Subcommittee on the Administrative State, Regulatory Reform, and Antitrust

² Washington Post, "House investigation faults Amazon, Apple, Facebook and Google for engaging in anti-competitive monopoly tactics," Tony Romm, Cat Zakrzewski and Rachel Lerman, October 6, 2020, <https://www.washingtonpost.com/technology/2020/10/06/amazon-apple-facebook-google-congress/>

³ Reuters, "U.S. panel votes yes on 'break 'em up' antitrust bill," Diane Bartz, June 24, 2021, <https://www.reuters.com/technology/us-panel-approves-five-antitrust-bills-break-em-up-bill-up-next-2021-06-24/>

⁴ CNBC, "Lawmaker who opposed tech antitrust bills to become top Democrat on House subcommittee," Lauren Feiner, June 14, 2023, <https://www.cnbc.com/2023/06/14/rep-lou-correa-to-be-top-democrat-on-the-house-antitrust-subcommittee.html>

President Biden's stated goal of curbing anticompetitive behavior by wealthy corporations.⁵ As ranking member, Rep. Correa's job is to represent interests greater than his own in leading the House antitrust subcommittee. We urge you to examine Rep. Correa's unfortunate conflicts in this area and take steps to correct course in the antitrust subcommittee so that we do not squander the Biden administration's historic efforts to curb corporate concentration that is negatively affecting American lives. While we appreciate Rep. Correa's leadership in other areas, like protecting abortion rights, his tenure as ranking member of the antitrust committee has unfortunately been grossly out of step with important priorities.

Prior to taking his current position, Correa's strong opposition to antitrust proposals sparked concern. In the last congressional session, Correa signed onto a statement smearing a package of bipartisan antitrust proposals as "radical" and "arbitrary,"⁶ a position out of line with almost every House Democrat. During a House Judiciary Committee markup of the bipartisan legislative package in 2021, Correa voted against all six bills.⁷ In 2022, he was one of just 16 Democrats to vote against a successful legislative package of three antitrust bills on the House floor that had the support of 39 Republicans and of the White House.⁸ In this time period, Correa also notably hired René Muñoz, a lobbyist for Amazon and Apple on antitrust issues as recently as 2022, as his chief of staff.⁹

In recent weeks, Correa has regrettably continued to exhibit hostility to efforts to rein in corporate abuses and confirmed many of the concerns we had about him being in this position.¹⁰ Effectively, Correa has sided with Jim Jordan's war on the Biden Administration's efforts to hold

⁵ The New York Times, "Biden's Antitrust Team Signals a Big Swing at Corporate Titans," Jim Tankersley and Cecilia Kang, July 26, 2021,

<https://www.nytimes.com/2021/07/24/business/biden-antitrust-amazon-google.html>

⁶ "Lofgren, Issa, Swalwell, McClintock, Correa Issue Bipartisan Statement Following Judiciary Committee Markup Of Tech Antitrust Bills," press release from the office of Rep. Eric Swalwell, June 24, 2021, <https://swalwell.house.gov/media-center/press-releases/lofgren-issa-swalwell-mcclintock-correa-issue-bipartisan-statement>

⁷ House Judiciary Committee, Vote 26, 6/24/21, Roll Call 460, H.R. 3843 9/29/22; 2. House Judiciary Committee, Vote 6, 6/23/21; 3. House Judiciary Committee, Vote 14, 6/23/21; 4. House Judiciary Committee, Vote 19, 6/23/21; 5. House Judiciary Committee, Vote 26, 6/24/21; 6. House Judiciary Committee, Vote 29, 6/24/21

⁸ GovTrack, "H.R. 3843 (117th): Merger Filing Fee Modernization Act of 2022," September 29, 2022, <https://www.govtrack.us/congress/votes/117-2022/h460>; The White House, "Statement Of Administration Policy - H.R. 3843 – Merger Filing Fee Modernization Act Of 2022," September 27, 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/09/H.R.-3843-SAP.pdf>.

⁹ CNBC, "Chief of staff to new top Democrat on antitrust subcommittee lobbied for Apple, Amazon," Lauren Feiner, June 15, 2023,

<https://www.cnbc.com/2023/06/15/correas-chief-of-staff-lobbied-for-apple-amazon-on-antitrust.html>

¹⁰ The Hill, "Progressive campaign blasts California Democrat as 'Big Tech's Best Friend'," Rebecca Klar, September 1, 2023,

<https://thehill.com/policy/technology/4181576-progressive-campaign-blasts-california-democrat-as-big-techs-best-friend/>

predatory monopolists accountable.¹¹ Notable examples of Correa aligning with extremist Republicans include:

- During a House Judiciary Committee hearing in September featuring testimony from Attorney General Merrick Garland, Correa parroted talking points from the Chamber of Commerce and other Big Tech affiliated groups in criticizing the Biden Administration's actions relating to European Union's antitrust efforts.¹²
- On November 7, Correa was one of *just five* Democrats to support an amendment pushed by Republican Representative Thomas Massie, a staunch opponent of antitrust reform who chairs the subcommittee, to defang the Department of Transportation's (DOT) efforts to promote competition.¹³
- A week later, in his introductory remarks at an oversight hearing featuring Assistant Attorney General Jonathan Kanter, Correa reiterated his hostility towards DOJ competition efforts, sharply criticized Kanter and FTC Chair Khan over their draft merger guidelines, quoted a letter stating their actions were "like a declaration of war on business," and entered that letter into the record. In his follow-up questioning, Correa reiterated Big Tech and Chamber of Commerce talking points about European antitrust efforts and verbally badgered Kanter on the subject – interrupting him multiple times and cutting him off before he could finish his response.
- The same week, Correa chose not to sign onto a letter to the office of the White House Counsel encouraging that the Administration account for its competition policy when vetting judicial nominees. His absence on the letter was conspicuous because it was signed by, among others, Rep. Pramila Jayapal, House Judiciary Committee ranking member Jerry Nadler, and even all three Democratic members of Congress running for Senate in Correa's home state of California.¹⁴

¹¹ The New Republic, "Jim Jordan Likes to Pretend He's Worried About Big Tech. Here's the Truth.," Tori Otten, October 11, 2023, <https://newrepublic.com/article/176148/jim-jordan-attack-big-tech-accept-donations>

¹² The Revolving Door Project, "Revolving Door Project Sends Letter To Rep. Correa On Big Tech Conflicts Of Interest," Andrea Beaty, October 13, 2023, <https://therevolvingdoorproject.org/revolving-door-project-sends-letter-to-rep-correa-on-big-tech-conflicts-of-interest/>

¹³ Office of the Clerk, U.S. House of Representatives, "Roll Call 615 | Bill Number: H. R. 4820," November 7, 2023, <https://clerk.house.gov/Votes/2023615>

¹⁴ Letter to White House Counsel Ed Siskel on November 13, 2023, <https://jayapal.house.gov/wp-content/uploads/2023/11/Letter-to-WH-Counsel-on-Antitrust-Law-FINAL.pdf>

Months into his tenure as ranking member, it's clear that Correa's hostility toward antitrust enforcement and the Biden Administration's competition agenda remains strong. While it is unfortunate for any Democratic member to appear more comfortable joining arms with extremist Republicans like Jim Jordan than with President Biden on competition policy, it is indefensible that such a member would pursue these self interests as ranking member of the antitrust subcommittee itself. Accordingly, we urge you to remove Correa from subcommittee leadership as soon as practical and replace him with someone who will support your caucus's and the President's competition agenda.

Sincerely,

Fight for the Future

cc:

Rep. Katherine Clark, Democratic Whip

Rep. Pete Aguilar, Democratic Caucus Chairman

Rep. James Clyburn, Assistant Democratic Leader

Rep. Jerold Nadler, Ranking Member, House Judiciary Committee

Rep. Lou Correa, Ranking Member, House Subcommittee on the Administrative State, Regulatory Reform, and Antitrust