Ambassador Katherine Tai  
United States Trade Representative  
Executive Office of the President  
600 17th Street NW  
Washington, DC 20508

Hon. Gina Raimondo  
Secretary  
Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

Ambassador Tai and Secretary Raimondo:

We write to express concern about the administration’s efforts to bind the United States to a specific set of competition policies in the course of negotiations with foreign governments over the possible Indo-Pacific Economic Framework for Prosperity (“IPEF”). Congress, not the President, has the constitutional prerogative to craft domestic policy in the antitrust space, and the undersigned Members of Congress are actively weighing measures to refine federal antitrust law and better promote competitive markets.

In particular, Congress is in the midst of a longstanding exploration of reforms that would reduce the market power of large technology companies and promote consumer interests in the technology sector. The largest technology firms have repeatedly exploited their dominant position in the market to censor disfavored speech and spread harmful social ideologies. And, because a select group of dominant technology firms control the social media market and create barriers to entry for competitors, victims of Big Tech censorship and indoctrination often find that there are few viable alternatives to the incumbents.

Congress has made strides toward curbing these abuses, but the industry has mounted stiff resistance. In recent years, the tech sector has orchestrated efforts to develop the concept of

1 U.S. Const. art. I, § 8.
“digital trade” and enshrine favorable policy in international agreements.\(^5\) Now, with antitrust reform gaining momentum on Capitol Hill, the industry has apparently prevailed on the administration to internationalize the issue, in derogation of Congress’s legislative authority to shape domestic competition policy.

The administration must ensure that it does not propose or adopt text in IPEF that binds the United States to competition policies that Congress may soon reject. For example, the administration should not require that the United States or any foreign government adopt and maintain legal structures modeled on Section 230 of the Communications Decency Act, which many have identified as a tool used by incumbent technology firms to protect themselves from liability and buttress their advantage over would-be competitors.\(^6\) Such efforts would not only undermine congressional prerogatives, but betray the sincerity of the president’s commitment to a “worker-centered trade policy.”\(^7\)

With these considerations in mind, we request that you answer the following questions:

- Has the administration proposed or contemplated any IPEF provisions that could conflict with Congress’ ongoing effort to reform federal antitrust law?
- Has the administration proposed or contemplated any IPEF provisions that could be used by incumbent technology firms to evade current or future enforcement of federal antitrust law on trade-related grounds?
- Has the administration proposed or contemplated any IPEF provisions that could restrict Congress’ power to shape domestic competition policy?
- Have concerns been expressed by the Department of Justice and Federal Trade Commission that proposed IPEF provisions could hinder or confuse enforcement of existing antitrust law?

Please respond to this letter by May 10, 2023, answering the questions posed and addressing in full the interaction of ongoing IPEF negotiations and Congress’s power to shape domestic competition policy.

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Sincerely,

JD Vance
United States Senator

Josh Hawley
United States Senator

Matt Gaetz
Member of Congress

Ken Buck
Member of Congress

Paul A. Gosar, D.D.S.
Member of Congress