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March 4, 2022

The Honorable Gina Raimondo
Secretary
Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

Dear Secretary Raimondo:

I write today regarding your failure to respond to a letter I sent to you on December 14, 2021, regarding a series of disturbing remarks[1] you made in a video statement to the U.S. Chamber of Commerce about potential regulation of Big Tech by European Union (EU) authorities.[2]

I wrote that letter because your statements appeared to undermine Administration policies on antitrust and competition. The President's Executive Order on Promoting Competition in the American Economy states that the Administration's policy is "to enforce the antitrust laws to meet the challenges posed by new industries and technologies, including the rise of the dominant Internet platforms."[3] The Executive Order also encourages the Federal Trade Commission to use its rulemaking authority to better regulate "unfair competition in major Internet marketplaces."[4]

Your December statement ran counter to the Administration's antitrust efforts, and suggested that you would defend U.S. Big Tech firms from competition efforts from European allies even when those efforts are designed to achieve the same goals as the Biden Administration's policies. I wrote that, "your focus on the impact of the new EU legislation on U.S.-based tech firms and their ability to serve EU customers reads as a rush to defend the market share and profits of giant multinationals," and that, "Big Tech now wants to run the same play and preempt legitimate antitrust, anti-disinformation and misinformation, pro-worker and pro-consumer regulation by

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[1] U.S. Chamber of Commerce, "Remarks by Commerce Secretary Gina Raimondo, to the U.S. Chamber of Commerce, 'Transatlantic Goals," December 9, 2021, https://www.uschamber.com/on-demand/governmentpolicy/us-eu-partnerships-the-biden-administrations-transatlantic-goals-and-priorities.

[2] Letter from Sen. Elizabeth Warren to Commerce Secretary Gina Raimondo, December 14, 2021, https://www.warren.senate.gov/imo/media/doc/2021.12.14%20Warren%20letter%20to%20Raimondo%20on%20EU%20tech%20comments.pdf.

[3] White House, "Executive Order on Promoting Competition in the American Economy," press release, July 9, 2021, https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/.

[4] *Id.*

writing new international rules. They should not be able to rely on you to run interference for them."[5]

My concerns about your activities and views on competition policy have only increased as reports indicate that the Commerce Department continues to lobby the EU on these policies. Reports indicate that one of your top aides has lobbied a member of the European Parliament leading work on relevant EU legislation, including repeating arguments "previously used by Apple in particular."[6] I am deeply troubled by this report and your failure to respond to the questions in my December letter, more than two months after it was sent.

The table below contains the questions that I asked in my December letter, and your responses. It reveals that you failed to answer any of my questions about the extent to which you are undermining Administration competition policies.

| Question from Sen. Warren | Response from Sec. Raimondo |
|---|---|
| 1. What specific concerns were you referring to in your December 9 comments when you stated that "these proposals will disproportionately impact U.S.-based tech firms, and their ability to adequately serve EU customers, and uphold security and privacy standards"? | No response |
| 2. Can you explain how your statements are not in conflict with the Biden Administration's executive order on competition and various policy statements with respect to reining in tech companies? | No response |
| 3. Have you discussed the concerns you cited in your December 9, 2021 comments with executives from or representatives of Google, Facebook, Amazon, or any other large U.S. technology companies?<br>    a. If so, please describe the nature and content of these discussions. | No response |

[5] Letter from Sen. Elizabeth Warren to Commerce Secretary Gina Raimondo, December 14, 2021, https://www.warren.senate.gov/imo/media/doc/2021.12.14%20Warren%20letter%20to%20Raimondo%20on%20EU%20tech%20comments.pdf.

[6] Financial Times, "US officials lobby European powerbroker on Big Tech regulations," Javier Espinoza and Kiran Stacey, February 8, 2022, https://www.ft.com/content/c7a0d74c-9a10-4f5c-a381-2e60d3ea5a1f.

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|---|---|
| b. Have you had similar discussions with representatives of competitor companies or companies in nearly every sector of the economy experiencing the negative effects of excessive market power deployed by large U.S. technology companies?<br><br>c. Have you had similar discussions with representatives of labor, consumer, environmental, or other advocacy organizations? | |
| 4. What, specifically, are the goals of U.S. trade policy as you see them with regard to large technology firms? Do they explicitly include promoting robust competition and curbing monopolies, protecting workers' rights, protecting consumer data privacy, and protecting consumers from disinformation? | No response |
| 5. What specific discussions, if any, have you had with EU authorities regarding the Digital Markets Act and Digital Services Act? | No response |

Congress and the public deserve answers about your activities defending Big Tech companies, and the extent to which these activities are hurting American consumers and the economy. I therefore reiterate my request that you provide answers to the questions in my December 14, 2021 letter by no later than March 14, 2022.

Sincerely,

Elizabeth Warren
United States Senator