February 17, 2023

Senator Dick Durbin
Chairman
United States Senate Committee on the Judiciary
711 Hart Senate Building
Washington, D.C. 20510

CC:
Senator Amy Klobuchar
Chairwoman
Senate Judiciary Subcommittee on Competition Policy, Antitrust, and Consumer Rights
425 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Durbin,

We write to you as advocates of enforcing antitrust law to curtail anti-competitive business practices. As chairman of the Senate Committee on the Judiciary, we appreciate that the committee has held major hearings in recent months under your leadership to examine harms to competition caused by consolidation. This includes a hearing that assessed Ticketmaster’s harms to the ticketing industry in January 2023,¹ as well as a hearing on the anti-competitive implications of the proposed Kroger-Albertsons merger in November 2022.²

Ensuring that corporations are in compliance with federal antitrust law is crucial to building an economy that works for small businesses and consumers. Going forward, we urge your leadership to schedule hearings to examine likely anti-competitive harms caused by other proposed mergers. This includes, but is not limited to, the following acquisition efforts:

- The **proposed acquisition of One Medical by Amazon**, a $3.9 billion proposed merger that would entrench Big Tech giant Amazon’s monopoly power at the expense of patients. The merger has received scrutiny by the Federal Trade Commission (FTC)³ and a coalition of advocacy groups including Public Citizen,⁴ which identified it as posing a threat to patient privacy and the cause of health justice.

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¹ [https://www.nytimes.com/live/2023/01/24/arts/ticketmaster-taylor-swift](https://www.nytimes.com/live/2023/01/24/arts/ticketmaster-taylor-swift)
³ [https://apnews.com/article/technology-health-federal-trade-commission-government-and-politics-b0f46b92d4a5fadb0dbda542298eabb](https://apnews.com/article/technology-health-federal-trade-commission-government-and-politics-b0f46b92d4a5fadb0dbda542298eabb)
• The **proposed acquisition of Kansas City Southern by Canadian Pacific Railway**, a $27 billion railroad industry merger effort that would intensify consolidation in the railroad industry. Currently pending review by the Surface Transportation Board (STB), the merger has received objections from industry groups, community coalitions, and state lawmakers. On January 24, the Department of Justice (DOJ) wrote a letter to the STB where the department expressed “serious concerns about increasing consolidation in the [rail] industry.”

• The **proposed acquisition of Within by Meta Platforms**, a $400 million virtual reality (VR) acquisition made by Facebook’s parent company in an effort to monopolize the emerging “Metaverse” field. The FTC sued Meta over the acquisition in July 2022, noting that the acquisition “[dampen] future innovation and competitive rivalry” in the sector.

• The **proposed acquisition of Horizon Therapeutics by Amgen**, a $28 billion merger effort that would mark one of the largest pharmaceutical deals in recent years. Amgen has long been accused of price gouging, including by the House Committee on Oversight and Reform, as has Horizon Therapeutics. In a letter to the FTC, Senator Elizabeth Warren noted that the merger would enable additional future price hikes on life-saving drugs.

• The **proposed acquisition of VMWare by Broadcom**, a proposed $61 billion acquisition of the cloud computing company that has received antitrust scrutiny from the FTC. Broadcom's clear effort to corner competition through the acquisition has additionally received scrutiny from European and British regulators.

• The **proposed acquisition of iRobot by Amazon**, a $1.7 billion deal for Amazon to take over the maker of the popular Roomba robotic vacuum. This acquisition would buy Amazon troves of

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6 https://www.stopcpkc.com/home/about
8 Comment by the U.S. Department of Justice (Filing ID 306023) on January 24, 2023, available at https://www.stb.gov/proceedings-actions/filings/
14 https://techcrunch.com/2022/12/20/eu-to-probe-61b-broadcom-vmware-deal-over-competition-concerns/
consumer data that it would use to further entrench its position as the country’s most powerful online retail monopoly.\footnote{https://www.theatlantic.com/ideas/archive/2022/08/amazon-roomba-irobot-acquisition-monopoly/671145/}

Going forward, we look forward to working with your leadership in the interest of promoting fair competition in the American economy.

Sincerely,

18 Million Rising
AELP
atAdvocacy
Athena
Blue Future
Center for Digital Democracy
Demand Progress
Democracy for America Advocacy Fund
Fight for the Future
The Freedom BLOC
The Greenlining Institute
Institute for Local Self-Reliance
Keystone Progress
Main Street Alliance
Media Alliance
The Other 98%
Open Markets Institute
Our Revolution
P Street
People’s Parity Project
Progress America
Project Blueprint
Public Citizen
Public Knowledge
Revolving Door Project
Rootsaaction.org
Social Security Works
Surveillance Technology Oversight Project
TakeItBack.Org
The Tech Oversight Project
X-Lab