

August 4, 2025

The Honorable Chuck Schumer, Minority Leader
United States Senate
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Minority Leader Schumer:

On July 1, you and your Senate colleagues voted 99–1 to remove a provision (Sec. 43201(c)) from the House-passed budget reconciliation bill that would have banned states from regulating artificial intelligence.¹ The resounding defeat of this overreaching attempt to preempt commonsense law and regulation was a bipartisan rebuke to Big Tech. Because a form of that moratorium is reported to be included in President Trump's forthcoming AI Action Plan, understanding the importance of that vote is critical.

That lopsided vote did not come out of nowhere, and it should come as a surprise to no one. In fact, whenever Big Tech faces actual votes in committee or on the floor of the Senate or House under the full view of the American public, Big Tech tends to lose. While their power behind closed doors is immense, that power fades quickly in the light of day. In addition to the overwhelming majority that voted against the AI moratorium in July, the Senate has also overwhelmingly passed other bills that would bring accountability to Big Tech, such as the Merger Filing Fee Modernization Act, which included provisions to protect and expand funding for federal Big Tech antitrust enforcement, which passed the full Senate 88-8 as part of the December 2022 omnibus.²

However, too often, including under your leadership, good legislation to rein in the industry's excesses dies because it never gets the chance of a public vote. Each time, the work done by legislators, staff, and advocates to craft effective and fair legislation that would protect the public is stopped at the finish line, and these bills die despite the reality of powerful bipartisan support in both houses for responding forcefully to Big Tech harms whenever public votes are offered. Some recent examples in the Senate:

- The **Open App Markets Act (OAMA)** cleared the Senate Judiciary Committee 20–2 in February 2022.³ This bill would have ended Big Tech's stranglehold over

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<https://apnews.com/article/congress-ai-provision-moratorium-states-20beeeb6967057be5fe64678f72f6a0>

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<https://www.wsgr.com/en/insights/biden-signed-omnibus-bill-includes-several-pieces-of-legislation-affecting-antitrust.html>

³ <https://www.axios.com/2022/02/03/app-store-bill-sails-out-of-senate-judiciary-committee>

app stores by requiring fair access for developers and limiting self-preferencing.

- The **American Innovation and Choice Online Act (AICOA)** passed out of the Judiciary Committee 16–6 that same month, again with strong bipartisan support.⁴ This legislation would have prevented dominant platforms from giving preferential treatment to their own products and services at the expense of competitors and consumers.
- The **Fourth Amendment is Not For Sale Act** passed the House in 2024, and would have stopped law enforcement from buying information from data brokers they would otherwise need a court order to obtain.⁵ The bill never got a Senate vote.

Every serious survey of views on meaningful tech accountability legislation has confirmed what we can all see plainly: the public support is there for bills like these. The votes are there, too, on both sides of the aisle, when an actual vote takes place.

These realities are why so many supporters of Big Tech accountability were disappointed in 2022 when you declined to bring AICOA and OAMA to the floor, repeatedly claiming your lack of confidence in whip counts. As you remember, other lawmakers, from both parties, felt differently at the time, with Sens. Josh Hawley, Chuck Grassley, and Lindsey Graham joining Sens. Amy Klobuchar and Elizabeth Warren and the Congressional Progressive Caucus in saying the votes were there and pressing you to act.⁶ At the time, your rationale strained credulity. In retrospect, it looks worse, as the bipartisan consensus grows stronger and corroborating examples mount showing what happens when Big Tech faces public votes.

The inclusion of the AI moratorium in the reconciliation bill is further evidence that the Big Tech companies' ongoing campaign to shield themselves from regulation — to distract us from the damage their products do, and to strip Americans of the right to defend themselves and their children from online dangers — can be countered when legislators from both parties come together.

We urge you to keep these dynamics in mind as you continue to lead the Democratic caucus moving forward. The days of deferring to Big Tech talking points about “innovation” and “uncertainty” are over, and so too should be the days of doubting that measures holding them accountable cannot pass. Indeed, as the dangers of

⁴ <https://www.washingtonpost.com/technology/2022/01/20/senate-advances-antitrust-bill/>

⁵ <https://cyberscoop.com/house-passes-4th-amendment-is-not-for-sale-act/>

⁶ <https://time.com/6203777/antitrust-bill-big-tech-schumer/>;
<https://www.bloomberg.com/news/articles/2022-07-27/schumer-tells-donors-tech-antitrust-measure-is-unlikely-to-pass?embedded-checkout=true>

unregulated AI technology become ever more evident, those talking points are increasingly ringing hollow. We count on you to stand up for the people and push back against pressure from corporate giants that can afford to flood Congress with campaign contributions and lobbying cash — and do everything you can to help good bills become law.

Sincerely,

Demand Progress

American Economic Liberties Project

Consumer Federation of America

350.org

Friends of the Earth US

Future of Music Coalition

Institute for Local Self-Reliance

Kairos Action

Kapor Center Advocacy

National Employment Law Project

NETWORK Lobby for Catholic Social Justice

Public Knowledge

The Tech Oversight Project