



April 7, 2021

The Honorable Maria Cantwell, Chair
The Honorable Roger Wicker, Ranking Member
U.S. Senate Committee on Commerce, Science, and Transportation
United States Senate
Washington, D.C. 20510

Re: Nomination of Lina Khan

Dear Chair Cantwell and Ranking Member Wicker:

The Online Merchants Guild is writing to express our enthusiastic support of Lina Khan’s nomination to the Federal Trade Commission. We ask that the Committee support Khan’s nomination at her upcoming Senate confirmation hearing.

The Online Merchants Guild (“OMG”) is a non-profit trade association representing online merchants, most of which are owner-run. Many of our members are true kitchen-table enterprises—people who making a living sourcing and supplying the goods that Americans want to buy from online stores like Amazon.com, eBay, and the merchants’ own websites. Although our members are in industry, in terms of market power they are closer to consumers than they are to the tech giants on whom our members depend for access to the ecommerce marketplace.

The OMG promotes tax, intellectual property, trade, and other policies that protect online merchants and preserve the innovative spirit of our members. Our goal is to level the playing field, reduce burdens on small businesses that privilege larger incumbents, and ensure that online merchants have a meaningful say in the future of ecommerce policy.

Khan’s nomination is vital because of her unimpeachable record of getting down to the real-world details of how Big Tech companies operate, standing up to them when the facts warrant, such as when they compete unfairly against our members, or turn them into scapegoats.¹ Khan has worked across the aisle to uncover the anticompetitive abuses of dominant firms. Her investigative work details how the government’s failure to enforce antitrust laws against Big Tech’s predatory “copy, acquire, or kill” strategy has decimated a once-vibrant start-up economy—and threatens the survival of entire industries of small mom-and-pop businesses already on the brink.

The toll these abusive practices have taken on OMG’s members is immense. Dominant firms set unfair rules for market access, scapegoat small sellers, and avoid their own tax liabilities while pushing what should be their burden upstream to micro-business owners. Khan understands that ineffective enforcement and oversight have allowed dominant firms to effectively operate above-the-law, while smaller companies find it nearly impossible to enter or remain the marketplace. Clear-eyed federal oversight and enforcement is essential because, in our experience, as some tech giants play the states off one another for development sites and use that leverage to limit state political appetite to hold these giants accountable, the need for someone as uniquely qualified as Khan to lead the Commission becomes critical.

¹ <https://www.chicagotribune.com/business/ct-biz-amazon-sales-tax-lawsuit-california-20210108-lscyxit6cza7tm75hwlmvofypm-story.html>; See also <https://www.citizen.org/article/prime-gouging/>



As FTC Commissioner, Khan will hold accountable those organizations that think they can control the rules of the game without consequence—and fight for the small owners trying to grow online businesses in America. We strongly urge you to support the rapid confirmation of Khan as a highly qualified nominee.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Rafelson", is positioned above the typed name.

Paul Rafelson
Executive Director
Online Merchants Guild

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