

United States Senate
WASHINGTON, DC 20510

April 9, 2021

Mr. Timothy Cook
Chief Executive Officer
Apple Inc.
One Apple Park Way
Cupertino, CA 95014

Dear Mr. Cook:

We write regarding Apple Inc.'s refusal to provide a witness to testify in a timely manner before the Senate Judiciary Committee's Subcommittee on Competition Policy, Antitrust, and Consumer Rights at a hearing to examine the competition issues raised by app stores.

More than half of internet traffic comes through mobile phones, whose users rely on mobile applications to access online content and services—and the vast majority of mobile apps are downloaded from either Apple's App Store or Google's Play Store. Apple's power over the cost, distribution, and availability of mobile applications on the Apple devices used by millions of consumers raises serious competition issues that are of interest to the Subcommittee, consumers, and app developers. A full and fair examination of these issues before the Subcommittee requires Apple's participation.

Apple has been aware for weeks that the Subcommittee was planning a hearing on this topic and was engaged in discussions with our staff regarding who would testify on Apple's behalf. Yet a little more than two weeks [16 days] before the planned hearing, Apple abruptly declared that it would not provide any witness to testify at a hearing in April.

Earlier this year, Apple provided witnesses to testify before the North Dakota Senate and the Arizona House of Representatives to oppose state bills that would regulate the very same conduct that the Subcommittee intends to explore. You testified before the House Antitrust Subcommittee regarding these same issues last year. And on the exact day Apple informed the Subcommittee that it would not provide a witness for an April hearing, the New York Times released a podcast interview in which you discuss competition issues relating to Apple's App Store, including Apple's pending litigation with Epic Games.¹

¹ Kara Swisher, "Sway" podcast, "Apple's C.E.O. Is Making Very Different Choices From Mark Zuckerberg," (Apr. 5, 2021), available at <https://www.nytimes.com/2021/04/05/opinion/apples-ceo-is-making-very-different-choices-from-mark-zuckerberg.html?>

Finally, your staff has noted ongoing litigation as the reason for not providing a witness this month. Many other representatives of companies, both inside and outside of the technology sector, have testified before Congress in similar circumstances, and your staff was aware of the ongoing litigation when they were initially working with us to provide a witness. Apple's sudden change in course to refuse to provide a witness to testify before the Subcommittee on app store competition issues in April, when the company is clearly willing to discuss them in other public forums, is unacceptable.

We strongly urge Apple to reconsider its position and to provide a witness to testify before the Subcommittee in a timely manner.

Thank you for your urgent attention to this matter.

Sincerely,



Amy Klobuchar, Chair
Subcommittee on Competition Policy,
Antitrust, and Consumer Rights



Mike Lee, Ranking Member
Subcommittee on Competition Policy,
Antitrust, and Consumer Rights