

Digital Platform Commission Act of 2022

Senator Michael Bennet

Today few companies have more power over our economy, society, and democracy than Big Tech. Despite their immense power, they remain largely unregulated. As a result, Big Tech is left to write its own rules absent meaningful federal regulations to protect the public interest. For years, Congress has failed to keep pace with fast-moving developments in the sector through comprehensive regulation, instead offering narrow, reactive solutions after problems have arisen. The fast-moving nature of Big Tech, combined with the technically complex challenges of regulation, suggest this pattern will continue without a fundamentally new approach.

This is not the first time a new sector of the economy has emerged to amass extraordinary and unregulated power. In the past, Congress has answered these developments by creating expert federal bodies empowered to provide timely, thoughtful, and durable regulations. Looking back, it is hard to imagine America without the expert oversight of the Food and Drug Administration, the Federal Communications Commission, or the Securities and Exchange Commission. From railroad to pharmaceuticals to telecommunications, Congress had the wisdom to delegate oversight and regulation of complex sectors of the economy to a new federal body.

No such body currently exists for digital platforms. Although the Federal Trade Commission and the Department of Justice have done admirable work to enforce existing antitrust and consumer protection laws, they lack the expert staff, resources, and tech-oriented culture necessary for robust and sustained oversight. They also have jurisdiction across the entire economy, raising questions about their capacity to provide focused oversight. Moreover, both bodies to date have acted reactively to challenges raised by Big Tech, when proactive, long-term rules are needed. Finally, although antitrust and consumer protection laws are essential, they do not capture the broader range of concerns implicated by Big Tech, from disinformation to addiction to the evisceration of local journalism.

It is time for a new Federal Digital Platform Commission to provide much-needed oversight of digital platforms to promote competition, protect consumers, and defend our democracy. Senator Bennet's Digital Platform Commission Act would:

- Establish a five member federal commission empowered to hold hearings, pursue investigations, conduct research, and engage in public rule-making to establish rules of the road for digital platforms to promote competition and protect consumers, for example, from addicting design features or biased algorithms.
- Empower the Commission to designate “systemically important digital platforms” subject to extra oversight, reporting, and regulation.
- Create a Code Council of technical experts and representatives from industry and civil society to offer specific technical standards, behavioral codes, and other policies to the Commission for consideration.
- Direct the Commission to support and coordinate with existing antitrust and consumer protection federal bodies to ensure efficient and effective use of federal resources.