

Lawmakers, Taking Aim at Big Tech, Push Sweeping Overhaul of Antitrust

A bipartisan group of House members introduced five bills targeting Amazon, Apple, Facebook and Google.



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WASHINGTON — House lawmakers on Friday introduced sweeping antitrust legislation aimed at restraining the power of Big Tech and staving off corporate consolidation. If passed, the bills would be the most ambitious update to monopoly laws in decades.

The bills — five in total — take direct aim at Amazon, Apple, Facebook and Google and their grip on online commerce, information and entertainment. The proposals would make it easier to break up businesses that used their dominance in one area to get a stronghold in another, would create new hurdles for acquisitions of nascent rivals and would empower regulators with more funds to police companies.

The legislation could reshape the way the companies operate. Facebook and Google, for instance, could have a higher bar to prove that any mergers aren't anticompetitive. Amazon could face more scrutiny when selling its own branded products like toilet paper and clothing. Apple could have a harder time entering new lines of business that are promoted on its App Store.

“Right now, unregulated tech monopolies have too much power over our economy. They are in a unique position to pick winners and losers, destroy small businesses, raise prices on consumers and put folks out of work,” said Representative David Cicilline, Democrat of Rhode Island and chairman of the antitrust subcommittee. “Our agenda will level the playing field and ensure the wealthiest, most powerful tech monopolies play by the same rules as the rest of us.”

The introduction of the bills, which have some bipartisan support, is the most aggressive challenge yet from Capitol Hill to Silicon Valley's tech giants, which have thrived for years without regulation or much restraint on the expansion of their business. Last year, the antitrust subcommittee released a scathing report about the industry after a 16-

month investigation, declaring that Amazon, Apple, Facebook and Google engaged in a variety of monopolistic behavior. The proposals released on Friday try to address the concerns detailed in the report.



Representative David Cicilline said the bills would “level the playing field.” Justin T. Gellerson for The New York Times

Over the past decade, dozens of bills addressing data privacy, speech liability and children’s online safety have failed. But efforts to curb the dominance of the biggest tech companies have gained broad support in recent years. The Justice Department and the Federal Trade Commission during the Trump administration accused Google and Facebook of anticompetitive practices and filed lawsuits that are expected to be fought for years. Democrats and Republicans point to the dominance of a handful of firms as a root cause for the spread of disinformation, inequality in labor and wages, and haphazard rules for speech across the internet.

The tech giants face similar challenges to their power across the globe, including antitrust investigations in Europe and new legislation in Australia and India to curb their power.

“These are just the type of new laws we need to really address the problem of gatekeeper power by dominant digital platforms,” said Charlotte Slaiman, the competition director for Public Knowledge, a public interest group. “Big tech firms have so many powerful tools to protect their monopolies. These bills would give antitrust enforcers a few more powerful tools to open up digital platform markets for competition.”

The bills set up a showdown with the tech industry’s powerful influence armies. Over the past decade, the industry has assembled the largest group of lobbyists in Washington, and the companies sponsor think tanks, fund academic papers and employ top antitrust litigation firms to defend their businesses.

Some of the proposals are likely to gain widespread support among lawmakers, including one focused on getting more funding for antitrust agencies through higher merger fees; the Senate recently passed a similar bill. Another bill that could gain traction would give consumers the ability to take their digital history to other websites, which would weaken the stranglehold that large companies like Facebook have over personal data.

But other bills will be harder to pass. One would make it illegal for a company like Google, which has a dominant search engine, to own another business that relied heavily on online search. For example, the company would not be allowed to favor search results for its YouTube video service under the new law, and it could be required to spin off the video business if it favored it over competitors. Another bill would prohibit a dominant company from using its weight to exclude rivals and from demanding conditions, like buying goods and services from the company, of others that wanted access to its platform.

Adam Kovacevich, the head of Chamber of Progress, a lobbying group with Big Tech members, said consumers would be deprived of popular products if the bills succeeded.

“Banning conveniences like Amazon Basics brand batteries, Apple’s Find my Phone tool or Google Maps appearing in Google search results are ideas that would spark a consumer backlash,” he said.

Facebook and Google declined to comment. Amazon and Apple didn’t immediately respond to requests for comments.

Some smaller tech companies hailed the bills.

Roku, the online streaming device maker, said in a statement that the largest tech companies “flagrantly ignore” existing antitrust laws and harmed consumers.

“An aggressive set of reforms is needed to prevent a future where these monopolists further abuse consumer choice and hamper access to innovative and independent products,” the company said.

Antitrust experts say the bills would embolden enforcers, who have become constrained by court decisions that have narrowed interpretations of century-old antitrust laws.

“This is a reaction to the fact that our antitrust laws have been construed so narrowly by the Supreme Court,” said Eleanor M. Fox, a professor of law at New York University. “Because of this problem, it is very appropriate for Congress to be stepping in to prohibit and determine what’s bad and what’s good for markets.”

Republicans are divided on aspects of the bills. Representative Ken Buck of Colorado, a Republican on the subcommittee, has been a consistent critic of the power of Big Tech. But he has also insisted on narrowing aspects of the laws to ensure that smaller companies aren’t swept up in the changes.

Mr. Buck, like other Republicans, has been particularly critical of the power of social media firms over speech and has alleged censorship of conservative political figures by Facebook and Google.

“This legislation breaks up Big Tech’s monopoly power to control what Americans see and say online,” he said, “and fosters an online market that encourages innovation and provides American small businesses with a fair playing field. Doing nothing is not an option. We just act now.”