

# **Digital Platform Commission Act of 2023**

*U.S. Senators Michael Bennet (D-Colo.) and Peter Welch (D-Vt.)*

Today few companies have more power over our economy, society, and democracy than Big Tech. Despite their immense power, they remain largely unregulated. For years, Congress has failed to keep pace with fast-moving developments in the sector through comprehensive oversight, instead offering narrow, reactive solutions after problems have arisen. The rapid pace of innovation, 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 agencies 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 Federal Aviation Administration. From airplanes to pharmaceuticals to telecommunications, Congress had the wisdom to delegate oversight and regulation of complex sectors of the economy to dedicated independent agencies.

No such agency currently exists for digital platforms. Although the Federal Trade Commission and the Department of Justice have worked to enforce existing antitrust and consumer protection laws, they lack the expert staff and resources necessary for robust and sustained regulation. 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.

It is time for a new Federal Digital Platform Commission to provide comprehensive regulation of these companies to protect consumers, promote competition, and defend the public interest.

Bennet and Welch's Digital Platform Commission Act would:

- Establish a five member federal commission empowered to hold hearings, pursue investigations, conduct research, assess fines, 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 harmful algorithmic processes.
- Empower the Commission to designate “systemically important digital platforms” subject to extra oversight, reporting, and regulation, including requirements for algorithmic accountability, audits, and explainability.
- 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, like transparency standards for algorithmic processes.
- Direct the Commission to support and coordinate with existing antitrust and consumer protection federal bodies to ensure efficient and effective use of federal resources.