



June 16, 2021

Rep. David Cicilline
Chairman
House Judiciary Subcommittee on Antitrust
U.S. House of Representatives

**Bill Supporters Agree with Our New Analysis:
Legislation Would Ban or Degrade Services that Millions Americans Use**

Dear Chairman Cicilline:

Your newly introduced legislation, the “American Innovation and Choice Online Act,” proposes to dramatically change services from Amazon, Apple, Facebook, Google, and Microsoft upon which hundreds of millions of Americans depend.

Despite the importance of these services, recent statements from the bill's supporters suggest a dismissive approach toward its impacts on consumers' daily lives.

For example, a representative of Public Citizen last week acknowledged that the bill would ban or degrade many tech conveniences that people like, saying “I just feel like we'll all be okay even if [Apple's App Store recommendations] doesn't exist”¹; “what kind of psychopath needs a 'one touch' cross-posting function between [Facebook and Instagram]?”²; “I'm down with this [Google being banned from displaying song lyrics]”³, and “I assure you nobody will miss [Facebook Marketplace and Groups]”⁴.

Your proposed legislation would forbid Amazon, Apple, Facebook, Google, and Microsoft from any conduct that: “1) advantages the covered platform operator's own products, services, or lines of business over those of another business user; 2) excludes or disadvantages the products, services, or lines of business of another business user

¹ <https://twitter.com/orientaljanedoe/status/1403381199792492545>

² <https://twitter.com/orientaljanedoe/status/1403380280585502720>

³ <https://twitter.com/orientaljanedoe/status/1403383341857095683>

⁴ <https://twitter.com/orientaljanedoe/status/1403382813525749763>

relative to the covered platform operator's own products, services, or lines of business; or
3) discriminates among similarly situated business users.”⁵

Over the past several days we have been closely assessing the potential impacts of your bill. Our new analysis of the bill's language forecasts the following likely impacts on consumers' technology experience -- but please let us know if this analysis is incorrect:

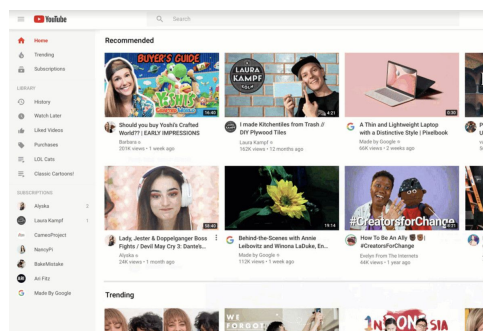
Alexa users could not order from Amazon

Because Amazon shopping is currently integrated into Alexa devices, the bill's ban on “advantaging [one's] own product” could deny consumers this convenience.



YouTube would be required to carry Pornhub videos

While YouTube currently forbids legal adult pornography, the bill would prevent YouTube from “disadvantaging the products of another business user” like Pornhub -- potentially forcing YouTube to carry its videos.



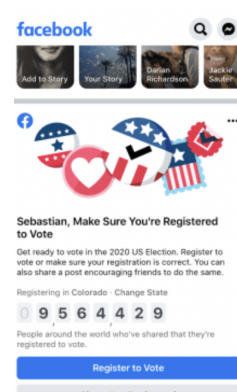
Apple's iPhone would come with no apps or App Store preinstalled

Because preinstalling any apps or its own app store could “advantage the covered platform operator's own products,” the iPhone could not come preloaded with any apps like iMessage or Facetime, or the Apple App Store.



Facebook's Voter Registration Promotion would be banned

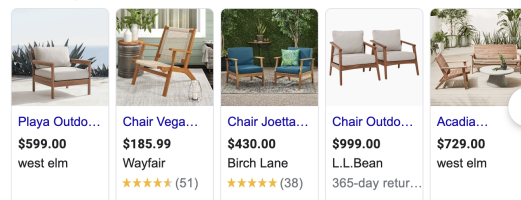
During elections, Facebook "advantages" its election information tool at the top of users' new feeds to encourage civic participation. This could be banned under the bill's language.



Google could not display shopping results in its main search results.

Google could no longer display its shopping results in product searches, because it would be "advantaging" those listings over competing Amazon listings.

Ads · Shop teak chair



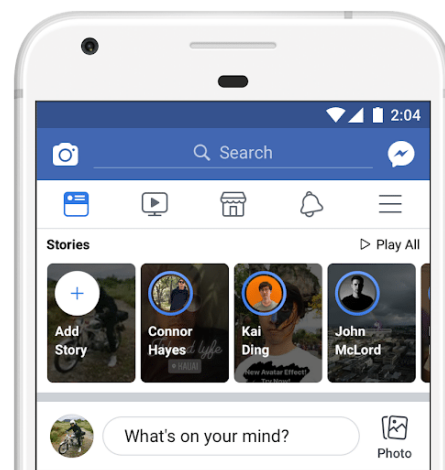
Amazon would be banned from offering Prime users free shipping on eligible products

Because Prime's free shipping "advantages" certain products and "discriminates" against non-Prime products, it could be prohibited.



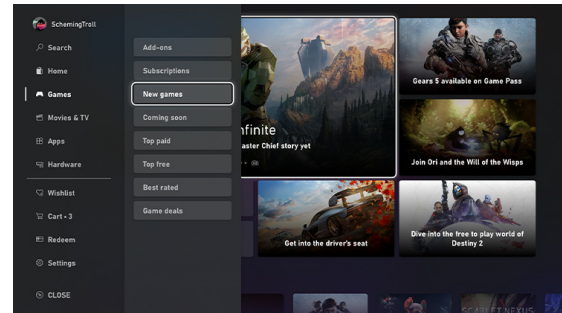
Instagram Stories would be banned from Facebook

Facebook could no longer "advantage" Instagram stories by displaying them above the Facebook news feed.



Xbox could not preinstall Microsoft's Xbox Games Store

Including its Xbox Games store on new Xboxes would give Microsoft an “advantage” over other game stores, so it could be prohibited.



Apple would be required to carry Parler, Gab, and 4Chan in the App Store

Because such policies would “discriminate among similarly situated business users,” Apple could be forced by the bill to carry the free-for-all apps in its store.



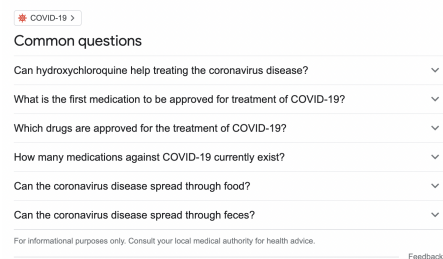
Facebook would be required to carry Alex Jones' Sandy Hook conspiracies

Because the law prevents Facebook from discriminating among similarly situated business users, it could prevent Facebook from removing Alex Jones' lies and conspiracy theories from their service.



Google's COVID-19 “oneboxes” would be banned

Google currently “advantages” its public health information on COVID-19 above other website listings, to help combat misinformation and disinformation. This could be banned under the bill.



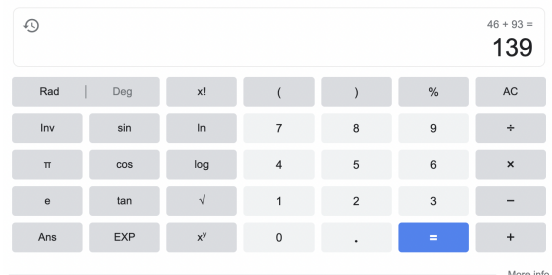
Amazon couldn't offer Prime Video as part of its Prime membership

Doing so would advantage Prime Video over Netflix and Hulu, and could therefore be banned.



Google couldn't include a calculator in math search results

Doing so would advantage Google's built-in calculator over the website www.calculator.net, and could therefore be banned.



We take the bill's supporters at their word regarding the intent of your bill, but we encourage you to correct our analysis if we have misunderstood the impact of your legislation.

In recent days, commentators have said that your legislation would “blow up” “major parts of the Internet,”⁶ “destroy many of the integrated products consumers currently enjoy,”⁷ “create massive unintended consequences that won't be very good for the internet,”⁸ and “make it much more difficult to deliver an integrated product that appeals to customers by being easier-to-use.”⁹

Our organization shares your goal of promoting healthy competition online, but we are concerned that your bill **targets conveniences that make consumers' lives easier** and **imposes mandates that would degrade consumers' experiences online**. Given the stakes involved for hundreds of millions of Americans, we encourage Congress to proceed carefully and cautiously in this area.

Sincerely,

A handwritten signature in blue ink that reads 'Adam Kovacevich'.

Adam Kovacevich
CEO and Founder
Chamber of Progress

⁶ <https://www.protocol.com/newsletters/sourcecode/new-antitrust-bills-antitrust-action>

⁷ <https://progressivepolicy.org/pressrelease/ppi-statement-on-new-antitrust-legislation/>

⁸

<https://www.techdirt.com/articles/20210611/14141546975/will-congress-big-new-push-antitrust-actually-so-lve-any-competition-issues.shtml>

⁹ <https://stratechery.com/2021/the-cicilline-salvo/>