





# NetChoice

## Are the House and Senate Companions The Same?

*How does Sen. Klobuchar's "American Innovation and Choice Online Act" compare to Rep. Cicilline's "American Choice and Innovation Online Act"?*



In late September, Sen. Grassley said he was working on a bipartisan antitrust package with Sen. Klobuchar "but it has to be a lot different than the bills that came out of House Judiciary." But just how much?

Does this bill...	House	Senate
<p><i>...target only big tech companies?</i></p> 	<p><b>No.</b> Certainly not in the long term- Based on market cap not industry specific and likely to impact finance and traditional retail in the future; also allows designation as critical trading partners.</p>	<p><b>No.</b> Certainly not in the long term- Based on market cap or net sales not industry specific and likely to impact finance and traditional retail in the future; also allows designation as critical trading partners.</p>
<p><i>...address concerns about content moderation by tech companies?</i></p> 	<p><b>No.</b> Has nothing to do with content moderation and will not impact many social media services including Twitter, SnapChat, Reddit, and Clubhouse.</p>	<p><b>No.</b> Has nothing to do with content moderation and will not impact many social media services including Twitter, SnapChat, Reddit, and Clubhouse.</p>
<p><i>...expose consumer data and weaken data security?</i></p> 	<p><b>Likely yes.</b> Forces platforms to turnover our personal information to unknown third-parties and provide backdoor access to foreign actors.</p>	<p><b>Likely yes.</b> Forces platforms to turnover our personal information to unknown third-parties and provide backdoor access to foreign actors unless an affirmative defense is met.</p>
<p><i>...give power to government entities like the FTC to decide who is covered and how i interpreted?</i></p> 	<p><b>Yes.</b> Empowers the FTC to be the arbiter of who is subject to the legislation in many cases.</p>	<p><b>Yes.</b> Empowers the FTC to be the arbiter of who is subject to the legislation.</p>

## Does this bill...

### House

### Senate

*...risk consumer-friendly offerings?*



**Yes.** Including Amazon Prime's free shipping and Microsoft Teams included in Office 365.

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*...focus on the size of a business when considering their potential violation rather than harm to consumers?*



**Yes.** This package would change to a presumption that companies subject to its standards are harming competition rather than focusing on the impact on consumers.

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*...raise the costs to small businesses on platforms?*



**Most likely.** Breaking up platforms and limiting the ways in which they can offer services would likely raise the cost of advertising and limit the ability of small businesses to use these platforms to connect with customers or raise their cost of doing business online.

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*...prevent amplification of minority and veteran owned businesses?*



**Yes.** Makes it illegal for platforms to promote minority and veteran sellers with whom they have a relationship.

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*...presume covered companies are guilty until proven innocent?*



**Yes.** Especially in regards to the package as a whole.

**Yes.** Requires an affirmative defense in regards to issues of privacy, security, legality or core-enhancing features.

*...prevent featuring generic alternatives to name brand products?*



**Yes.** And in some cases would likely prohibit covered entities from even offering generic alternatives in general.

**Yes.** Would make it illegal for services to engage in practices that feature their own products including comparing generics or highlighting reviews from a service's own platform.

***The Senate proposal is not more moderate than the House version. In fact, it's just as problematic and anti-consumer.***