



House of Representatives
Judiciary Committee
Ranking Member Jim Jordan

The House Judiciary Republican Agenda for Taking on Big Tech

Big Tech is out to get conservatives. Leader McCarthy has put forth a Republican framework to stop Big Tech rooted in American first principles and the rule of law. Consistent with this framework, House Judiciary Republicans intend to pursue a collaborative and open process toward a conservative approach to tackling this challenge. This document expands on the Republican framework and presents specific proposals that will speed up and strengthen antitrust enforcement, hold Big Tech accountable for its censorship, and increase transparency around Big Tech's decisions.

-Speed-

Our plan accelerates overdue antitrust scrutiny. The laws currently on the books can and should be used to break up Big Tech. The problem has been, however, that these actions take too long and they allow companies years of legal maneuvering. An important step is to speed up this process and incentivize robust challenges to the dominance of the tech platforms. The conservative response should include the following:

- **Expedited trial court consideration.** In the early Twentieth Century, Congress required courts to aggressively apply antitrust laws. Consistent with the Expediting Act of 1903, this proposal would require faster treatment of antitrust cases against Big Tech companies at the trial court, create an adequate record for any appeal, and ultimately ensure speedy justice in the fight against Big Tech.
- **Direct appeal to the Supreme Court.** Antitrust cases take so long to litigate in part because of the length of the appellate process. Borrowing again from aspects of the Expediting Act of 1903, this proposal would speed up consideration of these cases by providing for a direct appeal to the Supreme Court and requiring the Supreme Court to act quickly when these cases get there.
- **Empower state attorneys general.** State attorneys general are crucial partners in enforcing our nation's antitrust laws. Several states have started or joined cases targeting Big Tech. This proposal would allow state attorneys general to utilize the same fast-track procedures available to the Federal government so that they will be on equal footing in their cases.

-Accountability-

Our plan subjects Big Tech to legal accountability for its censorship. Platforms like Twitter, Facebook, and YouTube are functionally the public square of the digital age. It is wrong

that these platforms control and censor speech with impunity. But it is nearly impossible for Americans to seek a remedy against Big Tech's censorship decisions in court. In addition, the current regulatory regime divides enforcement between two unrelated agencies, creating an inefficient and unaccountable process. The conservative response to holding Big Tech accountable should include:

- **A cause of action to empower Americans.** For far too long, Big Tech has been able to censor the views of conservatives with effectively no recourse available to those affected. This proposal would create a statutory basis for Americans to directly challenge Big Tech in court for its censorship and silencing of conservatives.
- **Overhauling Big Tech's liability shield.** Congress passed Section 230 of the Communications Decency Act to allow internet platforms to moderate unlawful or offensive content on their platforms. Big Tech has exploited this protection to make subjective content moderation decisions, often in a manner harmful to conservative voices. This proposal will ensure that any content moderation decisions are done in good faith, based on objectively reasonable criteria, and in accord with particularized rules.
- **Consolidated antitrust enforcement authority.** The current system of splitting antitrust enforcement between the Department of Justice and the Federal Trade Commission is inefficient and counterproductive. The arbitrary division of labor empowers radical Biden bureaucrats at the expense of Americans. This proposal will consolidate antitrust enforcement within the Department of Justice so that it is more effective and accountable.

-Transparency-

Our plan brings transparency to Big Tech's content moderation decisions. Not only are the platforms currently immunized from lawsuits regarding their censorship, but all of their decisions about who to censor are made in secret. Recognizing that these platforms function as the main vessels for speech in the modern era, this plan for bringing transparency to Big Tech should include:

- **Content moderation transparency.** Big Tech's content moderation decisions can be imposed summarily and with little justification. This proposal will require that for large platforms, content moderation decisions and censorship must be listed, with specificity and particularity, on a publicly available website. A platform's failure to do so would result in a massive fine.