



June 15, 2023

The Honorable Dick Durbin
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Durbin and Ranking Member Grassley:

While the U.S. Chamber of Commerce strongly supports the role of journalism and the integral role it plays in American society, the Chamber opposes the current version of S. 1094, the “Journalism Competition and Preservation Act (JCPA) of 2023.”

The current legislation moves well beyond a grant of immunity from antitrust for publishers. Specifically, the Chamber is concerned that:

1. The legislation targets certain companies based on market capitalization and number of users. Any regulatory structure established by Congress should apply broadly across an industry or sector rather than imposing compensation requirements only on certain companies based on arbitrary thresholds.
2. The legislation imposes on all covered platform companies a binding, government-mandated non-contractual “final offer” process that is available to any eligible digital journalism provider who seeks to join and is accepted into a negotiation entity. In other words, one side (covered platforms) are required to enter a non-contractual “negotiation” process with any two eligible people on the other side (journalism providers) who choose to seek negotiation and arbitration under the bill. Further, the overall process itself is one-sided with statutory limitations on what arbiters can take into consideration when determining an award.
3. The legislation requires compensation for merely coming across content as part of the technical process of “crawling” or determining what information exists online. This basic function of the Internet should not trigger compensation.

For all these reasons, we oppose the current version of the JCPA and encourage the Committee to take a different approach.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley".

Neil L. Bradley
Executive Vice President, Chief Policy Officer,
and Head of Strategic Advocacy
U.S. Chamber of Commerce