



The Daily Dish

JCPA

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Imagine if Congress were to devote scarce lame-duck legislative time and energy to the Leech Collector Competition and Preservation Act (LCCPA), permitting leech collectors to collude in their pricing of leech products for sale to the medical profession. Eakinomics would be like: “Congress dudes, move on. It is over. Medicine isn’t practiced like that anymore and butchering the antitrust laws is a bad idea that won’t change the realities.”

The good news is that there is no LCCPA. The bad news is that there *is* a JCPA – the Journalism Competition and Protection Act – and rumors that there will be an effort to pass it in the lame duck session of Congress. As AAF’s Josh Levine [noted](#) earlier this fall, “the bill would allow ‘eligible broadcasters and publishers,’ such as newspapers and local news broadcasters, to form a cartel and collectively bargain with ‘covered platforms’ including Google, Meta, and Amazon over ‘the terms on which content may be distributed.’”

There’s a lot to be concerned about. In its effort to re-impose the way news was created and delivered in the 1960s, the JCPA simply blesses the creation of cartels and collusion on prices that is illegal elsewhere in the economy, runs roughshod over the existing business models of the platforms, and transfers resources from the economically viable and successful to those who cannot meet the market standards. Or, in Levine’s more restrained language:

“First, the legislation would allow firms to evade the rules that govern competition and anticompetitive conduct instead of adapting to changing technology and consumer preferences. Second, the legislation would limit how services can deliver and tailor content for users, likely infringing upon platforms’ First Amendment rights. Finally, the JCPA subsidizes a dying business model and shields certain firms from competition by forcibly diverting revenues away from large technology companies and toward eligible digital journalism providers.”

It is currently very popular to hate on successful internet platforms. And it is always popular to line up behind the local weather forecaster. But the JCPA is only superficially appealing.