

Congress and technology: Do lawmakers understand Google and Facebook enough to regulate them?

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Many of us have had the feeling that technology, which continues to change at an ever-dizzying pace, may be leaving us behind. That was embodied this past week during a Congressional hearing, nominally convened to investigate antitrust concerns of four big tech titans: Amazon, Apple, Facebook and Google.

While the five-and-a-half-hour inquiry touched on a range of topics from pesky spam filters and search results to how companies approached acquisitions, the House Judiciary subcommittee hearing laid one thing bare: A sizable disconnect appears to exist between the technology Americans are using and depending on in their daily lives and the knowledge base of people with the power and responsibility to decide its future and regulation.

"Consumers and investors walk away feeling like a lot of these lawmakers don't really understand the [business models](#) to an extent that they could then navigate them and put laws in place that will dictate the future of where they go," said Daniel Ives, an analyst with Wedbush Securities.

The antitrust subcommittee hearing had been convened to look into the tech giants' market dominance. While some questions asked and issues raised were pointed, others may have left constituents and the tech CEOs themselves scratching their heads.

Instead, the hearing primarily became a forum for Republicans to lament what is seen as a bias against conservatives on [digital platforms](#) and for Democrats to ask about issues such as the poor treatment of small businesses and third-party sellers online.

Rep. James Sensenbrenner, R-Wis., asked Facebook CEO Mark Zuckerberg why the social network recently took down Donald Trump Jr.'s post about hydroxychloroquine. "Why did that happen?" he asked.

Whoops, the platform that took that action was Twitter, Zuckerberg noted.

Twitter temporarily suspended the account for posting "misleading and potentially harmful information" related to COVID-19. Earlier in the

week, tech platforms removed the video, which featured some doctors touting the malaria drug as a treatment for COVID-19—it has not been found helpful and can be harmful—and suggesting masks aren't needed in preventing the spread of the virus.

Zuckerberg said the video was removed on Facebook because the platform prohibits content "that would lead to imminent risk of harm. Stating that there is a proven cure for COVID when there is in fact none might encourage somebody to go take something that might have some adverse effects."

Rep. Pramilla Jayapal, D-Wash., questioned Amazon CEO Jeff Bezos about whether the online retailer uses any data from its third-party sellers when making business decisions, especially for its private-branded products. Bezos responded that Amazon has a policy against that, but added "I can't guarantee you that that policy has never been violated."

Sundar Pichai, CEO of Google and its parent company Alphabet, was asked by Rep. Greg Steube, R-Fla., why his father was finding Steube's campaign emails in his spam folder.

And House Judiciary Committee chairman Rep. Jerry Nadler, D-N.Y., took Facebook and Google to task for setting off the decline of journalism, primarily because the tech behemoths dominate digital advertising revenue, siphoning spending on print ads.

Rep. Jim Jordan, R-Ohio, simply attacked all the companies for an anti-conservative bias. "I'll just cut to the chase. Big tech is out to get conservatives," he said.

But for observers of the hearing, "there is definitely the feeling of two ships passing in the night," said Ives.

Despite some smart questions on acquisitions, privacy and spread of misinformation, "the technological ignorance demonstrated by our elected officials in (the) hearing was truly stunning," said Shelly Palmer, CEO at The Palmer Group, a tech strategy advisory group.

"People who are this clueless about the economic forces shaping our world should not be tasked with leading us into the age of AI (artificial intelligence)," he said. "The data elite are playing a different game with a different set of rules. Apparently, Congress can't even find the ballpark."

Signs that Congress may not get tech

Criticism of the questioning went beyond the conference room on Capitol Hill. On Twitter—a tech giant not invited—discussion about the issues extended beyond the hearing.

"Net approval of the tech industry has increased 28% since the start of the coronavirus pandemic," tweeted Alex Stapp, director of technology policy at the Progressive Policy Institute. "Weird time for Congress to hold an antitrust hearing about breaking up Big Tech."

And the discussion continued into the next day. On Thursday, the House voted on an amendment to the Pentagon budget, proposed by Rep. Alexandria Ocasio-Cortez, D-N.Y., prohibiting the military from using the Twitch online video service, esports and video games as ways to gain recruits. The measure failed, but Ocasio-Cortez wondered whether her fellow Congressional members knew what they were voting on.

"Imagine trying to explain to your colleagues who are members of Congress what Twitch is," she tweeted Thursday.

She continued in another Tweet, calling tech literacy a "growing need in Congress so we can legislate to protect people's privacy, etc."

The Wednesday hearing was confrontational and revealed that members of Congress are not necessarily "tech experts. That reality is clear," said Gene Munster, an investor and analyst with Loup Ventures.

Much of the give-and-take focused on the negative aspects of the platforms, he says, which might be used as a reason to trumpet regulation—that could harm the very small businesses some lawmakers professed to champion. "What was clearly missed in Wednesday's conversation is the positive impact that these platforms have had on small businesses that far outweigh the negative impacts," Munster said.

Energizing the hearing was "the elephant in the room," which is the handling of content on social networks, especially manipulation of political speech and medical disinformation, says Laura DeNardis, author of *The Internet in Everything: Freedom and Security in a World with No Off Switch*, and a professor and interim dean of the school of communications at American University.

"Everyone understands that our democracy now is on the line when it comes to disinformation, censorship, who gets to speak in the public sphere and what to do about all these content questions," she said.

While it is important to raise questions about the market power and anti-competitive concerns around the [tech giants](#), DeNardis said, "missing from all of it was an acknowledgment of how important these companies are to our economy and also to our ability to thrive, and for people who are totally isolated to be able to connect in an age of COVID-19."

Tech companies and trade groups such as the Consumer Technology Association must make it their job to educate legislators and their staff as technology evolves, says Michael Petricone, the CTA's senior vice president of government affairs.

Even though there were signs that all members of Congress may not be keeping up with technology, historically, legislators have done a good job, Petricone says. Comparatively other countries, especially those in Europe, "are more apt to crack down on large companies because big is bad," he said. "But in terms of promoting innovation that has not been an effective strategy."

The U.S. is "the globe's innovation leader, and we also have the world's most dynamic startup scene. It's not a coincidence. It's not because of what we eat for breakfast," he said. "We have made consistently good policy choices."

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