

tl;dr – Congressman Buck’s Third Way

November 10, 2020

[Samuel Bowman](#) and [Geoffrey A. Manne](#)



Background: U.S. Rep. Ken Buck (R-Colo.) has proposed what he calls a “Third Way” to improve competition in digital markets. While Buck rejects many of the remedies proposed by the House Judiciary Committee’s Democrats, he generally accepts their premises about the state of the market. Ultimately, Buck’s “Third Way” is intended to highlight areas where he and the Democrats agree, while avoiding some of the specific regulations the Democrats have proposed.

But... Buck’s proposals would lead to a similar outcome to what the Democrats are proposing, even if he wants to avoid that. His most significant proposals—to apply the essential facilities doctrine to digital platforms, require them to be interoperable with other services, to ban self-preferencing by those platforms, and to ban below-cost selling—would constrain significantly the abilities of existing platforms to serve their customers and of would-be entrants to compete with incumbents. They also would most likely necessitate significant regulation, including price controls.

[Read the full explainer here.](#)

[View Article](#)