

Press Release



Biden Administration's Plans To Ban Digital Discrimination Will Widen the Digital Divide

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The Federal Communications Commission (FCC) will soon vote on rules designed to facilitate equal access to broadband by prohibiting digital discrimination. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling walks through the agency's order, its potential negative impacts on facilitating equal access, and the steps Congress can take to provide better direction for the agency.

Key points:

- The FCC defines digital discrimination, using a disparate impact standard, as policies or practices that differentially impact consumers' access to broadband based on their income, race, ethnicity, color, religion, or national origin.
- While Congress required the FCC to pass rules that would facilitate equal access, the agency's disparate impact approach could result in decreased investment in broadband projects and a worsening of the divide between those who have access to broadband and those who don't.
- Congress has the opportunity to step in and either overturn the FCC rules using the Congressional Review Act or pass a new law making clear that the rules should target cases where broadband providers intentionally discriminate based on the specific criteria.

[Read the analysis](#)