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For Immediate Release

FCC ADOPTS RULES TO PREVENT AND ELIMINATE DIGITAL DISCRIMINATION

Implements First Bipartisan Broadband Access Anti-Discrimination Law

WASHINGTON, November 15, 2023—The Federal Communications Commission has adopted final rules to prevent digital discrimination of access to broadband services based on income level, race, ethnicity, color, religion, or national origin. Under the Bipartisan Infrastructure Law, the FCC is required to adopt rules to ensure that all Americans have equal access to reliable, high-speed broadband services without discrimination based on the characteristics listed in the statute.

The new rules establish a framework to facilitate equal access to broadband internet services by preventing digital discrimination of access. Under these rules, the FCC can protect consumers by directly addressing companies' policies and practices if they differentially impact consumers' access to broadband internet access service or are intended to do so, and by applying these protections to ensure communities see equitable broadband deployment, network upgrades, and maintenance.

While recognizing and fully taking into account technical and economic challenges that may prevent full achievement of equal access to broadband service, these rules target business practices and policies that impede equal access to broadband without adequate justification. The rules focus on the very real problem of outcome, such as when decisions untainted by discriminatory intent nevertheless cause different communities to receive different access to broadband services. The rules do not focus solely on the mindsets of industry participants when making decisions that affect access to broadband service.

Under the new rules, the Commission can investigate possible instances of discrimination of broadband access, work with companies to solve problems, facilitate mediation, and, when necessary, penalize companies for violating the rules. The FCC will review consumer complaints of digital discrimination of access through an improved consumer complaint portal and staff will meet monthly to assess trends in complaint patterns. Finally, the Commission adopted model policies and best practices that will support states, local and Tribal governments in their efforts to combat digital discrimination.

The rules define "digital discrimination of access" as "Policies or practices, not justified by genuine issues of technical or economic feasibility, that (1) differentially impact consumers' access to broadband internet access service based on their income level, race, ethnicity, color, religion or national origin, or (2) are intended to have such differential impact." As the law requires, the FCC will consider arguments that legitimate business impediments preclude equal access to broadband service in particular communities.

In November 2021, the Bipartisan Infrastructure Law was signed into law, including the first broadband access anti-discrimination provisions of the digital age, requiring the FCC to adopt rules by November 15, 2023 to “prevent” and identify necessary steps to “eliminate” digital discrimination. As part of the Commission’s rulemaking process, the FCC’s [Task Force to Prevent Digital Discrimination](#) hosted numerous listening sessions and other outreach efforts to hear directly from impacted communities and formally included that input in the official docket. The rules will go into effect 60 days after publication in the Federal Register with the exception of rules that require Office of Management and Budget review under the Paperwork Reduction Act.

Action by the Commission November 15, 2023 by Report and Order and Further Notice of Proposed Rulemaking (FCC 23-100). Chairwoman Rosenworcel, Commissioners Starks and Gomez approving. Commissioners Carr and Simington dissenting. Chairwoman Rosenworcel, Commissioners Carr, Starks, Simington, and Gomez issuing separate statements.

GN Docket No. 22-69

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).