

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69, Notice of Proposed Rulemaking (December 21, 2022).

Open up the Communications Act, and on the very first page you will find that Congress tasked the Federal Communications Commission with making communications available to “all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex.”

Despite that soaring language, we know there has long been a digital divide in this country. We know because too many people in too many places do not have the broadband connections they need to participate in modern civic and commercial life. Plus the pandemic brought home just how important these connections are for everyone, everywhere—and that we have work to do to reach those who are still unconnected, underserved, and overlooked.

That is one of the driving forces behind the Bipartisan Infrastructure Law and its historic \$65 billion investment in broadband. This effort includes our Affordable Connectivity Program that is now helping more than 15 million low-income households afford broadband. But Congress knew more was needed—and that dollars alone are not enough to do the job.

That is why section 60506 of the Bipartisan Infrastructure Law directs the FCC to work to ensure that all of us “benefit from equal access” to broadband. It requires that the FCC create rules to prevent and eliminate “digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin.” The urgency here may be new but that language is not. Look closely—it echoes the command right at the beginning of the Communications Act. But Congress has made clear we need to give it new meaning at this moment. And this won’t be easy—but we are committed to doing it right.

Getting it right means thinking about these issues in a new way. So here’s what we have done so far. We created the Task Force to Prevent Digital Discrimination, which is leading our outreach on this proceeding and related issues. We also rechartered the Communications Equity and Diversity Council and broadened its lens, looking beyond media to explore diversity and equity across the broader technology and communications sector. And in every FCC rulemaking, we now seek comment on how the rulemaking may impact diversity, equity, inclusion, and accessibility.

That brings us to the task at hand—issuing rules to prevent and eliminate digital discrimination. We started this process with a Notice of Inquiry, seeking comment on key terms in the statute, like “digital discrimination,” “equal access,” and “technical and economic feasibility,” in order to hear from the public about how we should interpret them. We followed that up with a series of listening sessions with stakeholders, led by our Task Force to Prevent Digital Discrimination, so we could hear from affected communities, people fighting digital discrimination on the ground, as well as experiences with industry. Because the only way we are going to create rules that prevent and eliminate digital discrimination is by hearing from everyone who has a role to play, including state, local, and Tribal governments, public interest advocates, and providers.

Today we move forward with a Notice of Proposed Rulemaking. This document builds on our earlier efforts. That means we now seek more targeted comment on how to define digital discrimination. We also propose reforms to our consumer complaint system to create a dedicated pathway for digital discrimination complaints. And we propose to adopt the model policies and best practices for states and localities that our Communications Equity and Diversity Council recently adopted.

Getting to final rules next year will require more engagement, more collaboration, and more work. The input we have received thus far from stakeholders is an awfully good start. But to get this right, we still need more input and ideas because we can’t reach our goal of connecting everyone, everywhere unless we eliminate digital discrimination. So let’s get to it.

Thank you to the staff across the agency who worked on this effort, including Bradford Berry, Emily Caditz, Callie Coker, Matthew Collins, Rashann Duvall, Lisa Edwards, Connor Ferraro, Jesse Goodwin, Jodie Griffin, Trent Harkrader, Heather Hendrickson, Aurelie Mathieu, Jaime McCoy, Kiara Ortiz, and Hayley Steffen from the Wireline Competition Bureau; Alejandro Roark, Samantha Steen, D’wana Terry, and Sanford Williams from the Task Force to Prevent Digital Discrimination; Monica DeLong, Garnet Hanly, Susannah Larson, John Lockwood, Jessica Quinley, Joel Taubenblatt, Matthew Warner, and Morasha Younger from the Wireless Telecommunications Bureau; Ed Bartholme, Diane Burstein, James Brown, Edyael Casaperalta, Darryl Cooper, Barbara Esbin, Aaron Garza, Bambi Kraus, Sayuri Rajapakse, Suzanne Singleton, and Kimberly Wild from the Consumer and Governmental Affairs Bureau; Loyaan Egal, Lisa Griffin, David Marks, Rosemary McEnery, Lisa Saks, and Ashley Tyson from the Enforcement Bureau; Hillary DeNigro, Evan Morris, and Holly Saurer from the Media Bureau; Ken Carlberg, Scott Cinnamon, Debra Jordan, Nicole McGinnis, and Zenji Nakazawa from the Public Safety and Homeland Security Bureau; Cara Grayer, Maura McGowan, and Joy Ragsdale from the Office of Communications Business Opportunities; Mark Azic, Patrick Brogan, Joanna Fister, Eugene Kiselev, Giulia McHenry, Eric Ralph, Michelle Schaefer, and Maciej Wachala from the Office of Economics and Analytics; Malena Barzilai, Terry Cavanaugh, Jacob Lewis, Richard Mallen, Linda Oliver, Karen Onyeije, William Richardson, William Scher, and Elliott Tarloff from the Office of General Counsel; and Thomas Buckley, Daniel Daly, Celia Lewis, Mark Stephens, Sarah Stone, and Cara Voth from the Office of Managing Director.