



OFFICE OF CHAIRMAN BRENDAN CARR

Carr Applauds Decision Overturning Biden-Era ‘Digital Equity Rules’

Unanimous Decision Determines 2023 Agency Action Was Unlawful Power Grab

WASHINGTON, May 6, 2026—Today, the U.S. Court of Appeals for the Eighth Circuit struck down a Biden-era FCC rule on “digital discrimination.” That regulation would have required broadband providers and others to discriminate against people based on protected characteristics. The court’s decision finds that the Biden FCC overstepped the limits on its statutory authority by adopting the relevant rule and vacated the regulation.

Chairman Carr issued the following statement:

“Today’s appellate court decision is another common-sense win for nondiscrimination. Back in 2023, I dissented from the Biden FCC’s decision to adopt sweeping and unlawful ‘digital equity’ rules. Those regulations would have required broadband providers and many other businesses to discriminate against people based on their race, gender, or other protected characteristics. As I said at the time, the FCC’s decision to adopt those illegal rules only made it harder for providers to bridge the digital divide and took the FCC’s focus off of our core mission.

“Now, the FCC is focused on advancing our Build America Agenda and ensuring that regulated entities do not discriminate, including through our efforts to end invidious forms of DEI discrimination. I commend the appellate court for correcting the FCC’s misguided 2023 decision. The court’s ruling follows the Supreme Court’s decision last week making clear that intentional discrimination is unlawful.”

Additional Background Information:

In the Infrastructure Investment and Jobs Act, Congress tasked the FCC with adopting rules to prevent “digital discrimination of access” to broadband by consumers. After seeking comment on various, lawful ways the agency could have implemented the statute, the Commission adopted “digital discrimination” rules based on an expansive disparate impact theory of liability that Congress never authorized. Those regulations would have allowed the federal government to micromanage nearly every decision of broadband providers and many other businesses. All of that unnecessary regulation would have made it harder for Internet providers to complete the work of ending the digital divide, as then Commissioner Carr stated in 2023 when he dissented from that Biden-era FCC ruling.

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