



Digital Regulator: How To Rein in Big Tech

Digital platforms – dominant online services open to the public – form the center of today’s life. In addition to swiping and posting, people use platforms for shopping, banking, learning, and everything in between. Despite how pervasive digital platforms are and how quickly they – and their problems – evolve and expand, there is no one piece of legislation or enforcement scheme protecting people. This creates a perfect storm of consumer risk, leaving communities vulnerable to all kinds of harm, which is why we need a [digital regulator](#).

It wouldn’t be the first time Congress has stepped in to resolve complex issues in a particular industry. Congress has created many targeted regulators staffed with experts to ensure American companies can push the bounds of innovation and competition without harming the public. Our [proposal](#):

- Authorizes the new regulator with rulemaking authority, employs legal and technological experts, and grants jurisdiction over the entire digital landscape, not just major players.
- Mandates the testing and auditing of specific risky algorithms for their discriminatory impact and general fairness
- Empowers the regulator to develop content moderation guidelines consistent with the First Amendment.
- Creates rules on transparency and explainability that would cut across sectors.
- Advise other agencies on sector-specific AI and digital platform rulemaking.
- Requires digital platforms to offer interconnection to competitors through open application programming interfaces to break down network effects that lock in users.
- Equips the new regulator with pro-competition regulatory tools such as [interoperability](#), non-discrimination, and merger review concurrent with antitrust agencies, to be administered by experts in digital platforms.
- Prohibits self-preferencing by digital platforms, monitored through “black-box testing” to protect proprietary algorithms.
- Restricts acquisitions by dominant digital platforms, including non-horizontal acquisitions usually less scrutinized by antitrust agencies.
- Limits how platforms can use data collected from competitors (or potential competitors).

Key Benefits of a Digital Regulator:

1. Creates a nimble and integrated enforcement system that can span a wide variety of issues that threaten consumers.
2. Creates an expert-rich system that understands and can accurately navigate competing trade-offs in the digital space, protecting consumers while promoting growth and innovation.

If we want to *solve for* and *prevent* problems caused by digital platforms, large or small, then we need a nimble, sector-specific digital regulator equipped to do so.