



Digital Regulator Proposal: How To Rein in Big Tech

Digital platforms – dominant online services open to the public – form the center of today’s life. Services such as Facebook, Amazon, Netflix, and Google have fundamentally transformed modern life, revolutionizing communication, commerce, entertainment, and access to information.

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 regulatory agency.

Public Knowledge has [called on Congress to create 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 – the Consumer Financial Protection Bureau, the Equal Employment Opportunity Commission, the Department of Justice, the Federal Communications Commission, and more – all staffed with experts to ensure American companies can push the bounds of innovation and competition without harming the public.

A [digital regulator](#) is even more essential given the recent explosion of artificial intelligence; a regulatory agency can help limit the harms of AI while ensuring AI is developed with the public interest as a central priority, rather than leaving the development of AI systems to run unchecked.

Public Knowledge’s Proposal for a Digital Regulator:

- 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 algorithms for their discriminatory impact and general fairness – including hidden self-preferencing or other attempts to manipulate customers without their knowledge or consent.
- Empowers the regulator to develop content moderation guidelines consistent with the First Amendment.
- Creates rules on transparency and explainability that would cut across sectors.
- Regulates the safety of AI platforms and the use of AI by platforms, and advises other agencies on sector-specific AI and digital platform rulemaking.

- Equips the new regulator with pro-competition regulatory tools such as interoperability and nondiscrimination, along with the power needed to address [specific anti-competitive practices](#).
- Restricts acquisitions by dominant digital platforms, including non-horizontal acquisitions usually less scrutinized by antitrust agencies

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.

Key Benefits of a Digital Regulator:

1. A digital regulator would create a nimble and integrated enforcement system that can span a wide variety of issues that threaten consumers.
2. A digital regulator would create an expert-rich system capable of understanding and accurately navigating competing trade-offs in the digital space to protect consumer welfare.
3. A digital regulator would foster a dynamic ecosystem for digital platforms that encourages innovation, competition, and responsible conduct among businesses.

Learn more in Public Knowledge Senior Vice President Harold Feld's book, "[The Case for the Digital Platform Act: Breakups, Starfish Problems, & Tech Regulation](#)."