Technology and Telecom Policy

The new Congress will be confronted with a long and growing list of technology issues affecting communications, financial services, broadband, consumer protections, and more. President-Elect Biden has not provided detailed proposals relating to technology and telecommunications but can be expected to support House Democrats in the areas described below.

- **Data Privacy:** Congress has been at an impasse on moving major data privacy legislation, despite actions taken by California and other states to enact major data privacy laws that move toward the European "General Data Protection Regulation." The California Privacy Rights Act ("Proposition 24") approved on Tuesday will put more pressure on Congress. Issues such as preemption and private rights of action have made the debate more partisan. During his Senate career, President-Elect Biden backed proposals that were "anti-encryption" as part of counterterrorism legislation, but it is unclear how much this will affect his views on new proposals that protect individual privacy. In addition to broad data privacy legislation, Congress will also consider placing new restrictions on Chinese-affiliated companies subject to data disclosure laws in China.
- **Social Media Liability:** President-Elect Biden has called for changes to section 230 of the Communications Decency Act, treating social media platforms and other content providers as publishers. There is growing bipartisan consensus in Congress to amend the current liability shield, although no agreement yet on details.
- **Fintech Regulation:** As third-party technology providers increasingly interact with regulated financial institutions to improve the efficiency of the financial system, expand access to credit, and improve consumer convenience and choice, Congress faces difficult decisions about how to modernize the current federal-state regulatory structure. The House Financial Services Committee has begun this analysis, and efforts of the House Financial Technology Task Force can be expected to accelerate.
- **Cybersecurity:** Biden has called for cybersecurity investments to protect the electric grid and greater protection of critical infrastructure.
- **Artificial Intelligence:** The Biden Administration is likely to support strong anti-bias regulation of AI and for the digital economy generally. This is especially likely as it relates to law enforcement, housing, and employment.
- **Telecommunications:** Most observers expect the Biden Administration to restore net neutrality rules. The Federal Communications Commission, with a new Democratic majority, can be expected to reassert jurisdiction over broadband and impose net neutrality rules. Biden has proposed a $20 billion investment in rural broadband.