



2021 TECH ACCOUNTABILITY PRIORITIES

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For the last 15 years, Color Of Change has worked across industries, issues and municipalities to advocate for a safe and inclusive Internet where Black people can thrive free from harm, exclusion or misinformation. In 2021, our tech accountability priorities for Congress and the Biden-Harris administration are as follows:

BREAKING UP MONOPOLIES

The size of dominant firms insulates them from corporate accountability campaigns and federal regulation. The Stop for Hate Profit Campaign has illustrated how advocacy can only go so far to stand up to monopolies. Despite the fact that nearly 1,000 companies withheld ad revenue and boycotted Facebook for an entire month, the company refused to adequately address the growing white nationalist threat on its platform, conceding to only a few important demands. Additionally, the Federal Trade Commission (FTC) consent decree did not deter Facebook from future privacy violations, and the \$5 billion fine was negligible in light of its \$22 billion profit the year prior. Federal agencies have not been empowered or resourced to regulate firms at their current size and need antitrust regulation to protect Black communities.

Merger review must evolve to reflect a racial justice framework. It must examine how a completed merger between companies may negatively impact Black workers, small businesses and communities. These investigations must analyze how mergers will disproportionately limit the growth of Black entrepreneurship and alternatives for Black workers.

Color Of Change demands Congress pass antitrust laws to address issues that not only impact consumers but also workers and small business owners. Congress can build on the work of Senator Klobuchar's Competition and Antitrust Law Enforcement Reform Act and the House Antitrust subcommittee report to do this. The Senate should also work with the Biden-Harris Administration to appoint strong candidates to antitrust positions. The FTC Merger and Department Of Justice (DOJ) Antitrust Divisions must be led by individuals with strong commitments to public service who are not beholden to the tech companies and are willing to undo past anti-competitive mergers. And crucially, our federal regulators must be fully resourced to match up with the corporate law firms representing tech companies and effectively enforce competition laws.

NET NEUTRALITY

Net neutrality is crucial for advocacy organizations like Color Of Change to thrive online without interference from Internet Service Providers (ISPs). An open Internet was key to the Black Lives Matter movement that started and grew online. Restoring net neutrality is critical to prevent “pay to play scenarios” like Verizon’s move to throttle California firefighters’ wireless data speed service while battling forest fires. Color Of Change and advocates have long warned that ISPs seeking to take advantage of deregulation would harm Black and marginalized communities.

Color Of Change calls on Congress to classify the Internet as a Title II common carrier and designate the Federal Communications Commission (FCC) as its regulatory body.

CLOSING THE DIGITAL DIVIDE

The pandemic has underscored the need for universal Internet access. Government inaction is denying Black and low-income communities the ability to keep up with educational responsibilities and employment opportunities. With COVID-19 vaccine signups occurring primarily in digital spaces, the need to address the digital divide crisis has become even more urgent. Closing the digital divide requires investments in broadband infrastructure as well as more Internet service options in underserved communities.

Color Of Change demands Congress provide more capital to expand broadband infrastructure, including supporting local public broadband alternatives and expanding the Emergency Broadband Benefit, Lifeline and E-rate programs. The COVID-era Emergency Broadband Benefit is a step in the right direction, but permanent programs to ensure universal access even after the pandemic are required.

PROTECTING OUR PRIVACY AND PREVENTING ALGORITHMIC DISCRIMINATION

Privacy is inherently a civil rights issue. Black residents and marginalized communities are disproportionately exposed to the dangers of unchecked surveillance. Without stringent and enforceable safeguards in place, bad actors will continue to exploit loopholes to sell personal and location data to entities and law enforcement agencies that target and exploit Black people.

This data also fuels the algorithms increasingly responsible for decisions that impact our daily lives, often with discriminatory effects. We cannot allow algorithmic accountability measures to be narrow. Algorithms must be evaluated and adjusted robustly to ensure equitable results.

Color Of Change demands a comprehensive federal privacy law that centers nondiscrimination and anti-surveillance principles. Privacy legislation must also call for routine audits for algorithmic bias. Additionally, Congress must increase oversight by creating a new data protection agency that also provides guidance to and lowers market entry barriers for smaller companies and start-ups.

ELIMINATING DISINFORMATION & PRIORITIZING CONTENT MODERATION

The current disinformation crisis is an outgrowth of platform dominance and broken business models. Current policies sufficiently address posts that require moderation. However, platforms can refuse to enforce their policies because there is insufficient pressure, from the market, corporate accountability campaigns and the federal courts and regulators. At the expense of our safety and our democracy, platforms continue to prioritize engagement over truth in order to protect their power and profits.

For example, Facebook and Twitter have demonstrated they are indeed capable of mitigating the spread of disinformation when it comes to some content like COVID-19 disinformation — yet the companies too often choose not to adequately enforce policies around election misinformation. **Color Of Change is demanding the introduction of incentives for social media companies to address disinformation, including regulation of optimization algorithms.**

If Section 230 will be amended, the change must be very tailored and make explicit that Section 230 does not exempt platforms from correcting civil rights violations. Further, amending Section 230 is not the only way to force the companies to act. Members of Congress must continue to secure public commitments from social media platforms to protect Black users who are the frequent target of disinformation.

LIMITING BIOMETRIC SURVEILLANCE

Color Of Change and advocates have warned for years that discriminatory surveillance technologies — like automated license plate readers, camera-equipped drones, stingrays and predictive policing software — have biases baked into their coding and will continue to exacerbate the surveillance of Black communities, who already face disproportionate levels of surveillance.

Law enforcement should not have access to such potent surveillance tools. **Congress must pass a moratorium such as the Facial Recognition and Biometric Technology Moratorium Act of 2020 introduced by Sen. Ed Markey and Sen. Jeff Merkley as well as Reps. Pramila Jayapal and Ayanna Pressley.** We hope to see more members join in support of this bill.

REGULATING POLITICAL ADS ONLINE

The 2016, 2018 and 2020 elections demonstrated how instrumental digital political ads are in spreading disinformation and suppressing the Black vote. Additionally, Facebook allowed nearly **100 digital advertisements with disinformation targeting Georgia voters** to run online in the final days of this year's Senate runoff election.

Color Of Change demands Congress grant the FTC and Federal Election Commission (FEC) the authority to regulate digital and online advertisements for deceptive claims and civil rights violations. Congress should also ensure these agencies are equipped with the necessary funds to hire additional staff including civil rights experts.

