



Insight

Compendium of AAF Work on KOSA and COPPA 2.0

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Introduction

The Senate Commerce Committee will likely vote on the Kids Online Safety Act (KOSA) and the Children and Teens' Online Privacy Protection Act (COPPA 2.0) on July 27. These bipartisan bills are aimed at addressing perceived harm to children caused by social media companies and other online platforms. On July 25, President Biden urged Congress to pass these bills, echoing remarks made at his State of the Union address related to protecting children online.

While ensuring children's online safety is clearly important, these bills, as previous American Action Forum work has explored, would come with significant costs to user privacy and could potentially violate the First Amendment. As lawmakers consider this legislation, they should carefully weigh the tradeoffs of these bills.

KOSA

[KOSA Updates Seek To Address Critics' Concerns](#)

[The Kids Online Safety Act Lame Duck Push](#)

[Kids Online Safety Act Could Do More Harm Than Good](#)

[Assessing Child Online Safety Legislation](#)

Why It Matters

KOSA would impose a “duty of care” that online platforms must meet to protect underage users, specifically targeting the algorithmic amplification of potentially harmful content to minors. Platforms would be required to act in the “best interests” of minors who use the platform. These “protection by design requirements” would impact the way firms construct their algorithms and ranking features and the types and amounts of data they collect, as well as open them up to expanded liability from regulators unsatisfied with a platform's efforts. This could have serious implications for users' data privacy and access to information. Further, these requirements could run afoul of the First Amendment, as the government would decide what types of algorithms – proprietary code – is acceptable.

COPPA 2.0

[COPPA 2.0: The Costs of Layering on Liability](#)

Why It Matters

COPPA 2.0 would extend COPPA's protections to any user under age 17, broaden the scope of websites and firms covered by the law, add regulatory compliance related to data collection and management, and expand enforcement authority to state attorneys general. Expanded liability would raise economic costs for all firms participating in digital markets, which could have a negative effect on competition and innovation. The legislation would also increase the amount of data firms must collect, store, catalogue, and potentially delete for all users, including minors, undermining the stated goal of the legislation. The bill could seriously impact users' rights to view content and speak online anonymously, chipping away at two of the foundational principles of a free and open internet, while at the same time increasing the amount of sensitive information platforms collect from users.