



**ENOUGH IS ENOUGH**<sup>SM</sup>

Making the Internet Safer for Children and Families

## Overview of KOSA, COPPA, & the EARN IT Act

### S. 3663 (KOSA)

- Cited as the “Kids Online Safety Act.”
- Introduced to the Committee on Commerce, Science, and Transportation by Senator Richard Blumenthal [D-CT] and co-sponsored by Senator Marsha Blackburn [R-TN] on February 16, 2022.
- Other co-sponsors include Senators Edward Markey [D-MA], Shelley Moore Capito [R-WV], Ben Ray Lujan [D-NM], Bill Cassidy [R-LA], Tammy Baldwin [D-WI], and Joni Ernst [R-IA].
- Requires that social media platforms provide minors with options to protect their information, disable addictive product features, and opt out of algorithmic recommendations.
- Enforces platforms to enable the strongest settings by default.
- Gives parents new controls to help support their children and identify harmful behaviors.
- Provides parents and children with a dedicated channel to report harm to kids on the platform.
- Creates a responsibility for social media platforms to prevent and mitigate harm to minors, such as promotion of self-harm, suicide, eating disorders, substance abuse, sexual exploitation, and unlawful products for minors.
- Requires social media platforms to perform an annual independent audit that assesses the risks to minors, their compliance with this legislation, and whether the platform is taking meaningful steps to prevent those harms.
- Provides academic and public interest organizations with access to critical datasets from social media platforms to foster research regarding harm to the safety and well-being of minors.

### S. 1628 (COPPA)

- Cited as the “Children and Teens’ Online Privacy Protection Act.”
- Introduced to the Committee on Commerce, Science, and Transportation by Senator Edward J. Markey [D-MA] and co-sponsored by Senator Bill Cassidy [R-LA] on May 13, 2021.
- Other co-sponsors include Senator Richard Blumenthal [D-CT] and Senator Cynthia Lummis [R-WY].
- Establishes greater online privacy protections for children and minors.
- Extends privacy protections previously applicable only to children (ages 0-12) to minors (ages 12-16).
- Prohibits operator of a website, online service, online application, or mobile application directed to a child or minor with constructive knowledge the user is a child or minor from collecting the user’s personal information without (1) providing notice and obtaining consent; (2) providing a parent or minor with certain information upon request; (3) conditioning participation by a user on the provision of personal information; or (4) establishing and maintaining reasonable procedures to protect the personal information collected from users.
- Prohibits targeted marketing directed to a child or directed to a minor without the minor’s consent.
- Outlines a set of principles governing how operators should collect and use personal information, as well as provide information to a parent or guardian.

- Ensures a parent or guardian the ability to challenge accuracy of personal information.
- Certifies that the operator must provide for the erasure or correction of inaccurate personal information.
- Implements mechanisms for the operator for the erasure or elimination of personal information at the request of users and makes users aware of these mechanisms.
- Prohibits the sale of internet-connected devices targeted for children and minors unless they meet certain cybersecurity and data security standards.
- Requires manufacturers of internet-connect devices to display a privacy dashboard detailing how personal information is collected and used.

### S. 3538 (EARN IT Act)

- Cited as the “Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2022.”
- Introduced to the Committee on the Judiciary by Senator Lindsey Graham [R-SC] and co-sponsored by Senator Richard Blumenthal [D-CT] on January 31, 2022.
- Other co-sponsors include Senators Richard Durbin [D-IL], Chuck Grassley [R-IA], Diane Feinstein [D-CA], John Cornyn [R-TX], Sheldon Whitehouse [D-RI], Josh Hawley [R-MO], Mazie Hirono [D-HI], John Kennedy [R-LA], Robert Casey Jr. [D-PA], Marsha Blackburn [R-TN], Catherine Cortez Masto [D-NV], Susan Collins [R-ME], Margaret Wood Hassan [D-NH], Joni Ernst [R-IA], Mark Warner [D-VA], Cindy Hyde-Smith [R-MS], Lisa Murkowski [R-AK], Ted Cruz [R-TX], Jacky Rosen [D-NV], and Thomas Tillis [R-NC].
- Revises the federal framework governing the prevention of online sexual exploitation of children.
- Establishes the National Commission on Online Child Sexual Exploitation Prevention to develop best practices for interactive computer services providers to prevent, reduce, and respond to the online sexual exploitation of children.
- Limits the liability protections of interactive computer service providers with respect to claims alleging violations of child sexual exploitation laws.
- Replaces various statutory references to *child pornography* and *material that contains child pornography* with *child sexual abuse material*.
- Implements changes to the reporting requirements for electronic communication service providers and remote computing service providers (providers) who report apparent instances of crimes involving the sexual exploitation of children to the National Center for Missing and Exploited Children.
- Requires providers to report facts and circumstances sufficient to identify and locate each minor and each involved individual.
- Increases the amount of time that providers must preserve the contents of a report.