

Computers & Technology, Legislation

Kids Online Safety Act Advances in Senate, Faces Uphill Battle in House

— Juliann Ventura, 8.7.2024



WASHINGTON, D.C. — A bill aimed at protecting children from online harm got a boost in the Senate last week, passing initial consideration and handing a win to Connecticut Sen. Richard Blumenthal and Tennessee Republican Sen. Marsha Blackburn, who spearheaded the legislation.

“This legislation is long overdue, and we should have done this a long time ago, so it’s definitely promising that there was such a big bipartisan vote in the Senate. But the House still looks very complicated politically,” said

Darrell West, a senior fellow in the Center for Technology Innovation at the Brookings Institution, a centrist public policy think tank.

The **Kids Online Safety Act**, which has more than 70 cosponsors, passed the initial step on its way to becoming law in a 86-1 vote. The bill would give parents tools to limit online harm for their children and would require online platforms to prevent and mitigate certain dangers, such as the promotion of suicide, substance abuse or sexual exploitation. It would also provide minors with other safeguards, including limiting other individuals' ability to communicate with young users and restricting access to minors' personal data.

Public reports within the online platforms under this act would be required to include information that boosts transparency — like how likely it is that minors access the platform, how much time minors spend on it, assessments of foreseeable risks to minors, and how and why the platform collects personal data that could cause harm to young people.

“This moving and historic day marks a major win for our children,” Blumenthal said in a statement. “Anyone who doubted whether we’d reach this milestone has never met our advocates — the parents who have lost children and the young people who refused to be treated like Big Tech piggy banks.”

But getting the bill through the first procedural step is only the first of many on its way to becoming a law. West warned that moving the measure forward in Congress is “purely an issue of partisan politics,” which will likely face some obstacles in the Republican-controlled U.S. House and has already experienced pushback outside of Congress.

Several argue that the legislation is too specific while others, like the **American Civil Liberties Union** and some **LGBTQ+ groups**, are concerned it could violate the First Amendment and prevent vulnerable kids from being able to access sensitive information, like reproductive rights.

While having a privacy bill for people of all ages would be beneficial, West said, it’s been difficult to get one passed, so the Kids Online Safety Act is a productive first step.

“Having a privacy bill actually would be a better way to go, because everybody needs their privacy protected, not just young kids. But for a variety of different reasons, it’s been impossible to enact a national privacy bill, and so advocates carved out kids as an area where they thought there would be bipartisan support. And that turned out to be exactly the case,” he said.

Regarding sensitive information, West added that that could be an issue with or without the bill.

“That could be a problem, but it’s also a problem without that legislation,” West said. “That’s the reality today. Parents can impose all sorts of parental controls on a kid’s online behavior. So it doesn’t really change the status quo, as far as I’m concerned.”

Meanwhile, Jennifer Huddleston, a senior fellow in technology policy at the conservative think tank Cato Institute, said she has two main concerns with the bill.

“The key things I am most concerned about are the way this could impact data privacy and data collection for all users, including young people themselves,” Huddleston said. “And also the impact it could have on speech again, both of young people and of adult users.”

Huddleston added that oftentimes, policy has a “one-size-fits-all approach” that might clash with the nature of the bill, given that different families have specific needs for their kids.

“When we look at a bill like the Kids Online Safety Act, one of the issues is that when we’re talking about keeping kids safe online, there are a lot of different things that people mean when they say that. And there are a lot of different situations in different families that may require different tools,” she said.

The Kids Online Safety Act is the first major tech safety reform measure in Congress since 1998, when legislators passed a law that increased access to assisted technology to people with disabilities. First Amendment protection and the amount of money and power in Big Tech are among the

reasons why **tech safety regulation has largely been at a standstill on the Hill.**

Even with the uphill battle the bill faces in the House, Blackburn praised it as being “a major step forward,” and Blumenthal said they “are excited now to work with our champions in the House of Representatives.”

“Today, the Senate took a major step forward in protecting children online by passing the bipartisan Kids Online Safety Act,” Blackburn said in a statement. “This legislation provides young people and parents with the tools, safeguards and transparency they need to protect against online harms.”

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