



U.S. SENATE COMMITTEE ON
COMMERCE, SCIENCE, & TRANSPORTATION

U.S. Senator Maria Cantwell

Senate Floor Speech on COPPA 2.0 and KOSA Cloture Vote

July 25, 2024

[VIDEO](#)

Mr. President, I come to the floor today and I congratulate the Chairman of the Judiciary Committee for this important legislation that has been passed out of the Judiciary Committee. And I encourage him to continue their efforts to hold large social media companies accountable for the way that information is used against American citizens, and I thank him for his good work.

I too want to come to the floor and talk about the Kids Online Safety and Privacy Act that I hope my colleagues will advance today on a cloture motion, so we can get on this legislation and hopefully speedily pass it through the United States Senate.

It's been more than three years now, where families from all across America have come to the nation's Capitol and said that they've lost children to suicide. They've had children harassed and bullied and had to leave school and move to a different location. They've had the safety and security of their children threatened as my colleague just mentioned, some of the bullying and activities that take place.

So today is about advancing forward on privacy legislation aimed at protecting our children by giving new tools to the Federal Trade Commission with new authority to take up this cause, and to clearly outline what we in the United States Senate think needs to be done today to better protect children.

I mentioned that three years and the number of families that have come to the nation's Capitol because they've been here many times and walked away many times discouraged. Because those same big media platforms have then after they've left come here, and tried to lobby members on the fact that they can't accept these ideas. But today hopefully we'll be victorious in giving a few very particular tools to help us, to help our families, and help children try to address this growing crisis.

As we have met with many of these families, it was very clear that we needed to give them something that they could fight back with. So, two pieces of the Kids Online Safety Privacy Act include two important pieces of legislation from the Commerce Committee.

The first is Children and Teens' Online Privacy Protection Act, led by my colleagues, Senator Markey, and Senator Cassidy. I want to thank them for their leadership on this important issue. It has really been a long time and coming, particularly with Senator

Markey, who led on original legislation to protect children under the age of [13] from targeted advertising.

Many people will remember when we tried to say we were going to ban advertising on TV specifically to kids, we've tried to follow that up with the internet. And today we're taking another step.

The three things that this important legislation does is it raises that age from 12 to 16 of those kids who will be protected so that they cannot be targeted for advertising, and it creates a new knowledge standard. So many of these companies got away with saying, "Well, you can't prove I knew they were kids. So, I could just keep doing what I'm doing."

We need more responsibility from the social media companies. And so, we are changing that knowledge standard from actual knowledge, which meant you had to prove - the [FTC] had to prove that the company knew that it was actually targeting kids. [Monitoring their kids' privacy is] a tough task for parents who are trying to raise families, juggle jobs, do all of these things.

So that knowledge standard now has changed to fairly implied based on objective circumstances. So basically, it's saying to these social media companies, you cannot get away with just saying "I didn't know."

You have to do a better job of understanding exactly where these advertisers are coming from, who they're targeting, and if you're helping to target these kids, but we're not going to let you target kids 16 and under. This is such an important issue because spending on digital advertising in the United States is expected to reach \$740 billion this year. \$740 billion.

It is a massive change in what has been revenue for our newspapers, our broadcasters, media, and news organizations that have all had to live by in a community, making sure that information was accurate, making sure that it was not abusive or basically trying to increase a response by using more hate speech. No, no, no.

So all that advertising that went to our newspapers and TV stations, and it's basically pulling the plug out from under them, is now in this massive online advertising world in which yes, there can be a lot of misinformation and a lot of using your own information to target you and to try to increase price.

Hopefully, we'll get to legislation - comprehensive privacy legislation with my colleague, Representative Cathy McMorris Rodgers at some point in time on this. But what we are seeing is that public health showed that social media platforms earned nearly \$11 billion of that \$740 billion, \$11 billion targeting children.

So we know that we don't like this. We know there's no reason for them to do this. We know that it creates perplexing challenges, and that it is a staggering amount of money.

So I so appreciate Senators Markey and Cassidy, for basically giving us a new way to hold these social media companies accountable, saying that you do know that you're targeting these kids, and also to basically raise the age to 16 and then allowing both Attorney Generals and the Federal Trade Commission to enforce this legislation.

The second piece that's included here, and both of these bills were passed out of the Commerce Committee, I think almost two years ago now. So we're glad and we appreciate Senator Schumer bringing them to the floor. So we're glad that they're finally seeing floor action.

The kids online safety bills by Senators Blumenthal and Blackburn, also very focused on giving parents tools to help fight back from social media companies, or just change things that their young teens or parents want to change.

One of my constituents, a young girl from Bellingham, tried to set up her TikTok account to stop showing her videos about eating disorders. They find out, now, derived information about all of us. And if you clicked on anything, they can just take that information and constantly send you data. In this case, she must have said something, did something, but all they wanted to do is basically continue to harass her with eating disorder videos.

Now, the Presiding Officer, the President probably remember we took action against getting a better resolution. We don't want any foreign actors creating maligned actions against the United States through a platform. And our Department of Justice has shown that is exactly what is happening in some instances.

Those foreign actors could be pushing, or bots taking over, once the foreign actors put information out there, basically saying, yes, let's just pummel the heck out of these teenagers with videos that will make them doubt themselves, make them, basically, second guess, or feel under the scrutiny, of their colleagues and friends at school.

So this legislation by Blackburn and Blumenthal will hold social medias accountable for prioritizing their engagement and keeping kids safe. It requires platforms to use tools so that parents can control features. This helps either the parent or the child go in and change that, and say, I don't want to have any of these ads placed towards my children. And it ensures that parents can report harms, and it requires companies to respond to those harms.

Now, my frustration with where we are with the FTC is I'm sure the FTC has a big fat file that has a lot of complaints about what's been done to 12 year olds online. We're now increasing this to a higher age, 16, up to 16 years old. But we need better enforcement by the FTC to look at these accounts and hold these companies accountable, and call them when they have data and information from parents about, they are not responding to help set up and change these social media accounts so they can better protect their children.

This is such an important piece of legislation before us today. It can't save the lives of people we've already lost. But it can help parents, and it can help all of us as a society rein in some of these controls.

The final piece I want to mention, Mr. President, is Senator Thune's Filter Bubble Transparency Act, which is also included. This is Senator Thune's attempt to try to get at what we call a "black box" algorithm, where you don't even know what the algorithm is, and what it is doing.

We had testimony before the Senate Commerce Committee by a Facebook whistleblower, who basically said that the algorithm that the company chose to use was actually increasing hate speech online. And the reason why is because then it got more viewers, and then it sold more advertising. And that was an important witness and whistleblower to come before the committee, because it told us that we have to now understand in a more important way, how much these kinds of ill effects can be targeted towards individuals without us knowing exactly what's going on.

So I think this is an important step, including Senator Thune's language in here on filter bubbles. As I mentioned earlier, we have to do more, we got to get a national privacy piece of legislation to protect all of us against the misuse of our own personal data by businesses and others who want to do us harm, and put a stop to this acceleration at all cost of using our data for some juggernaut industry that probably hopes to reach a trillion dollars, but what will it do to us Americans in the meantime.

So I urge my colleagues to take these very prudent steps today to pass these kids online privacy bills, give parents better tools, give all of us better protection, and upgrade these important aspects to the Federal Trade Commission and to Attorneys General so they can be a good policeman on the beat.