



TOP AMERICA FIRST ACTIONS TO

***REIN IN BIG
TECH AND
PROTECT KIDS
ONLINE***



The internet has revolutionized communication and brought many benefits to America.

But it also has a dark side. Big Tech firms are censoring Americans and suppressing their speech, and many children encounter harmful material on social media or elsewhere online.

One in nine children are exposed to online pornography by the age of 9. More than one in five children ages 10–17 are sexually solicited online. Big Tech needs to be reined in to protect both free speech rights and America’s children.

TOP AMERICA FIRST ACTIONS TO *REIN IN BIG TECH AND PROTECT KIDS ONLINE*

1 Regulate Big Platforms as Common Carriers

Congress should require major social media platforms to act as common carriers in order to enjoy Section 230 immunity. Common carriers, including telephone companies, are required to transmit lawful content without discrimination. Platforms should be required to communicate lawful content without viewpoint discrimination. States should similarly pass laws regulating Big Tech platforms as common carriers.

2 Require Big Platforms to Include Free Speech Protections in their Terms of Service

Congress and states should require major social media platforms to include enforceable free speech protections in their terms of service. Courts have ruled that Section 230 of the Communications Decency Act does not preclude users from enforcing terms of service. AFPI has produced model state legislation that embodies this approach.

3 Prohibit Federal Employees From Censoring Americans

Litigation and the “Twitter Files” have revealed that the Biden Administration is engaged in a wide-ranging “censorship enterprise.” Many federal employees routinely ask platforms to suppress lawful content that expresses disfavored views. The First Amendment prohibits the government from directly or indirectly censoring Americans’ political conversations. Federal employees should be prohibited from “requesting” that private companies censor materials.

4 Prohibit the Distribution of Pornography to Minors

There is no constitutional right to distribute

pornography to minors. Websites, online platforms, and internet service providers should be heavily penalized if they transmit pornographic content to a minor. This liability would induce online services to develop effective methods for protecting children from indecent materials.

5 Give Parents Back Control of their Child's Online Activities

Parents are the ultimate decision-makers for their children, and online activity should be no different. Parental consent should be required before a minor can open or operate an online account. Parental controls should also be required for every minor’s account, including giving parents full administrative access and the ability to control screen time. In the case of abusive parents, this would not restrict minors from reporting incidents through other websites and encrypted means that are available to them currently. Platforms that serve minors should also be required to make safety settings that screen out obscene materials the default platform setting.

6 Raise the COPPA Age From 13 to 16

The Children’s Online Privacy Protection Act (COPPA) requires operators of commercial websites, online services, and mobile apps to obtain permission from parents before gathering information about children under the age of 13. That age should be raised to ages 16 and under. Several states have already raised the age for privacy protection to 16, including California. It is past time for federal privacy protections to be updated to follow suit.

7 Institute “Privacy by Design” Principles into Platforms Serving Minors

“Privacy by Design” is a framework based on proactively embedding privacy into the design and operation of IT systems, networked infrastructure, and

business practices. These principles would protect minors by embedding limitations into the design of the platforms themselves by limiting: (a) adult interactions with minors; (b) geolocation services and the ability to find minors online; and (c) targeting tools to keep minors on the platform/online.

8 Develop Mandatory Age Verification Best Practices

There is generally no standard way to verify the accuracy of the self-reported ages of users on online platforms. This exposes children to the danger of predators lying about their age to communicate with them. It enables children to lie about their age to create an account and exposes children to dangers online at an earlier age. The National Institute of Standards and Technology should create a set of mandatory standards online platforms must implement to verify a user’s age.

9 Mandate Parental Notification When a Minor Interacts With Sexual Content Online

Minors encounter sexual and explicit content online. Unfortunately, this often occurs without the knowledge of their parents. Platforms should be required to alert parents if a minor is exposed to sexual or explicit content.

10 Audit Platforms’ Risks to Minors

Online platforms pose varying degrees of risks to minors. Those that allow minors to operate accounts should conduct an independent, third-party annual audit that addresses the risks the platform poses to minors. The audit should also report steps they have taken to reduce those risks, with an annual report of their findings given to Congress. This would give parents a greater ability to protect their children online.