

July 24, 2024

United States Senate  
Washington, DC 20515

Dear Senator:

We, the undersigned organizations, oppose the Kids Online Safety Act (KOSA), which is up for consideration in the U.S. Senate this week.

The undersigned groups have raised a host of concerns about KOSA which remain unaddressed. These include constitutional concerns, privacy concerns, concerns about consistent enforcement of content-based laws, and more<sup>1</sup>.

One common concern among these diverse groups is the Duty of Care requirements that may cause companies to take down content to avoid liability. This could lead to aggressive filtering of content by companies preventing access to important, First Amendment-protected, educational, and even lifesaving content.

We are also concerned this may lead to age-verification on the internet which has raised serious privacy concerns - for young people and adults. Recently, for example, 404 Media<sup>2</sup> reported a major identity verification company left login credentials exposed online for more than a year. And just this week, the White House Kids Online Health & Safety Task Force raised concerns about the accuracy, privacy, and equity of age-verification methods<sup>3</sup>. Age verification also raises constitutional concerns – completely shutting those unable to successfully use age verification technologies or those without identification out from certain websites.

Over the past two years, the undersigned and many more organizations and individuals have raised these concerns with sponsors, leadership, and members of the U.S. Senate. While we appreciate the efforts made to address some issues, significant concerns remain. The legislation does not keep kids and teens safe online but will infringe on the constitutional rights of all Americans. We urge members to vote no on the legislation unless concerns are addressed.

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<sup>1</sup> For example, see the following: American Civil Liberties Union (1,2), Center for Democracy & Technology (1), Chamber of Progress (1), Electronic Frontier Foundation (1), Engine (1), LGBT Tech (1,2), NetChoice (1), Taxpayers Protection Alliance (1), Software & Information Industry Association (1,2), TechFreedom (1,2,3).

<sup>2</sup> Joseph Cox, "ID Verification Service for TikTok, Uber, X Exposed Driver Licenses," *404 Media* (Jun. 26, 2024), <https://www.404media.co/id-verification-service-for-tiktok-uber-x-exposed-driver-licenses-au10tix/>.

<sup>3</sup> Kids Online Health and Safety Task Force, *Online Health and Safety for Children and Youth: Best Practices for Families and Guidance for Industry* (Jul. 23, 2024), at 28, <https://www.samhsa.gov/sites/default/files/online-health-safety-children-youth-report.pdf>.

Signed,

American Civil Liberties Union  
Center for Democracy & Technology  
Chamber of Progress  
Computer & Communications Industry Association  
Copia Institute  
Electronic Frontier Foundation (EFF)  
Engine  
LGBT Tech  
NetChoice  
New America's Open Technology Institute  
Organization for Transformative Works  
Progressive Policy Institute (PPI)  
Software & Information Industry Association  
Taxpayers Protection Alliance  
TechFreedom  
Woodhull Freedom Foundation