

Statement Opposing the Kids Online Safety Act (S.3663)
16 December 2022

Last month, our organizations signed the attached [coalition letter](#) raising serious concerns with the proposed Kids Online Safety Act (S.3663). An amended version of that bill has since been released, but we remain concerned about the negative impact KOSA would have on the privacy, free expression, and safety of all youth, especially the most vulnerable. Our organizations remain opposed to the legislation.

The new language in KOSA would still enable state Attorneys General to bring enforcement actions against online services under a vague “duty of care” standard. Several state AGs are already engaged in campaigns against trans youth and against social media content moderation practices; giving them a tool that allows them to pursue both aims at once is irresponsible and deeply threatening to the lives and rights of LGBTQ youth.

KOSA also still requires that parents be notified every time a minor (anyone under the age of 17) registers for an online account and to acknowledge that notification. Parents must also be given access to information about the privacy and security settings of the accounts their teens use. This lays the foundation for significant parental surveillance of teens’ digital communications, which puts already vulnerable youth at greater risk of having their privacy invaded and their access to vital communications technologies revoked. This, in turn, could jeopardize teens’ access to mental health services and reproductive health information.

There are additional concerns with the amended bill text, including the strong incentives it creates for online services to engage in content filtering and the threat it poses to end-to-end encryption, and the likelihood that it will undermine the delivery of core educational services. In short, KOSA remains a controversial bill and should not be included in the omnibus legislation or any other end-of-term bill.

Signed,

American Civil Liberties Union
Center for Democracy & Technology
Defending Rights & Dissent
Electronic Frontier Foundation
Fight for the Future
GLSEN
LGBT Technology Partnership