

NetChoice

February 4, 2025

Dear Chairman Cruz, Ranking Member Cantwell and Members of the Senate Commerce Committee,

On behalf of NetChoice, a trade association committed to making the internet safe for free enterprise and free expression, we write regarding the Kids Off Social Media Act (KOSMA) which the Committee is expected to markup on Feb. 5. While there are some good components and the Senators are rightly prioritizing creating a safer online environment for young Americans, this bill falls short of such a goal.

The Supreme Court has consistently held that minors possess constitutional protections, as affirmed in *Brown v. Entertainment Merchants Association* (2011). Under the current proposal, a blanket ban on social media access for those under 13 would prevent young people from accessing even age-appropriate platforms like YouTube Kids, while broad content recommendation restrictions for users under 17 would limit access to valuable educational resources and community support networks that many young people rely on for learning and development.

By requiring all Americans—regardless of age—to submit sensitive personal documentation to access online services, KOSMA would create significant cybersecurity vulnerabilities. This is particularly concerning given the increasing frequency of government data breaches at both federal and state levels. Children, who are already primary targets for identity theft¹, could face even greater risks as these platforms become more attractive targets for bad actors.

Additionally, conditioning Americans' access to constitutionally protected speech and information on their willingness to submit personal documentation to online services raises important constitutional considerations that warrant further discussion.

Rather than pursuing broad restrictions that might drive young people to riskier, less regulated platforms, Congress could build upon the positive elements of KOSMA by focusing on solutions such as:

- Expanding the bill's educational initiatives for digital safety
- Ensuring law enforcement has adequate resources to investigate and prosecute online predators
- Empowering parents with better tools and resources to guide their children's internet use

¹<https://web.archive.org/web/20190805094052/https://www.experian.com/blogs/ask-experian/know-protect-child-identity-theft/>

The challenges of keeping children safe online are real, and we commend the Committee's attention to this crucial issue. While we are concerned about certain aspects of KOSMA's current approach, we are hopeful we can work together to find solutions that both protect children and preserve essential privacy and constitutional rights. As always, we welcome the opportunity to discuss how we might strengthen the bill's positive elements while addressing these important concerns.

Thank you for your consideration and continued commitment to protecting America's youth.

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