



Representative Cathy McMorris Rodgers
Chair, House Committee on Energy and
Commerce
2188 Rayburn House Office Building
Washington, DC 20515

Representative Frank Pallone
Ranking Member, House Committee on Energy
and Commerce
2107 Rayburn House Office Building
Washington, DC 20515

Dear Chair McMorris Rodgers, Ranking Member Pallone and members of the House Committee on Energy and Commerce:

[Internet Works](#) – a coalition of 19 small and medium-sized technology companies – vehemently supports efforts to keep children safe online and recognizes the overarching goals of the Kids Online Safety Act ([H.R. 7891](#)), commonly called KOSA. However, we would be remiss not to draw attention to the many unintended consequences KOSA would have on small and mid-sized services’ ability to serve and protect their users.

Our membership is intentionally diverse in size, business model, user demographics and more. Accordingly, our members – along with the internet ecosystem writ large – need the flexibility to implement content moderation controls in a way that is relevant to individual models and reflective of the potential risk to each platform’s unique user base.

Many of our members are not social media platforms and are not likely to be used by minors. And while all of our members take safety and privacy for all users – children included – very seriously, the member companies who are not social media platforms and unlikely to be used by minors seek strengthened language to ensure the bill is properly targeted at platforms Congress truly has in mind.

With that in mind, some of our concerns with the most recent version of KOSA include:

- Insufficient clarity that the scope of the bill is limited to where it is intended, namely, large social media platforms routinely used by a significant number of minors.
- An implied requirement for age verification throughout the bill. The knowledge standard that the bill creates and its objective circumstances test could be read to require a broad range of services to adopt such practices. Age verification, which has no universal standard, can create significant privacy issues for users because services will have to collect more information from minors and parents to comply with the bill requirements or employ third-party vendors who may not take the same care with user data. Age verification also creates an unreasonable privacy and operational burden on adults, particularly when it is implemented on sites not frequented by minors. The Supreme Court has also affirmed that it poses an untenable constraint on adults’ First Amendment rights.

- Concern that the duty of care could unintentionally force services to restrict or remove legitimate and important speech or limit access to spaces for community and learning, including for adults, by defaulting everyone into an experience designed for children; this is why courts have halted similar duty of care measures in California. While we understand and appreciate that changes have been made to improve this language, we believe these fundamental concerns have yet to be addressed.
- Requiring parental controls to be created for services like those in Internet Works that don't appeal to minors and have only a de minimis number of users under 18. Such a requirement is costly and hurts the ability of these services to compete with larger tech platforms.
- While the current FTC enforcement structure is an improvement over past versions of the bill that envisioned enforcement at the state attorney-general level, this still presents a grave risk of politicized enforcement, leaving the interpretation of what is "harmful" to children up to the judgment of political appointees.

Internet Works, and our members, understand that child safety online is a top priority for lawmakers, and we will continue to work with policymakers to find regulatory solutions that promote innovation, freedom of expression and consumer choice in products and safety practices, while making the internet a safer place for everyone. We were [pleased](#) to see the REPORT Act signed into law this year, and Internet Works [continues to support](#) the Invest In Child Safety Act as a good foundation for protecting children online and holding bad actors accountable.

Internet Works and all our members thank you for your leadership on this crucial issue, and we look forward to continued collaboration in ensuring all kids are safe online.

Respectfully,

Internet Works