

June 29, 2026

RE: American Civil Liberties Union, Oppose the Kids Internet and Digital Safety Act (KIDS Act)

Dear Members of the House of Representatives:

The American Civil Liberties Union (ACLU) urges you to oppose the Kids Internet and Digital Safety Act (KIDS Act). **The ACLU will score this vote.** Although intended to protect kids online, this bill would instead pose significant privacy risks and lead to the censorship of protected speech.



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A number of provisions within this legislation, including the Shielding Minors from Obscenity Act (SCREEN Act), and the Kids Online Safety Act (KOSA) would require or encourage platforms to verify the ages of their users. The SCREEN Act explicitly requires age verification for platforms that host adult content. KOSA, although purporting not to require age verification, would nevertheless strongly incentivize it. KOSA imposes obligations on platforms that turn on whether they know a user is a minor, but the bill defines knowledge as “knows or should have known.” This standard doesn’t require platforms to know for a fact that its users are minors because it allows courts and regulators to decide, after the fact, if a platform “should” have known a users’ age. Under this knowledge standard, the only sure-fire way for platforms to avoid liability is to verify a users’ age.

Age verification will severely jeopardize user privacy by turning droves of information over to platforms’ – who may or may not protect it adequately. Age verification also threatens the First Amendment rights of adults. Despite a First Amendment right to speak out and access information online, any adults who are unable to verify their ages (because they lack valid identification, face technological difficulties, or lack digital skills) would be shut out from apps and websites. Moreover, adults who can successfully validate their ages might still be reluctant to access information online over a fear that a data breach could lead to the disclosure of sensitive information contained within their browsing history.

The KIDS Act may also prevent minors from accessing important resources online. In response to KOSA’s requirement that platforms establish “reasonable policies” to address harms including sexual exploitation and abuse, threats of physical violence, or the sale or use of narcotics, tobacco or alcohol, platforms are likely to remove information that they think could cause those harms. While platforms may intentionally over-censor to avoid liability, the problem will be compounded by imprecise content moderation methods. For example, a platforms’ content moderation algorithm may inadvertently remove information about addiction recovery, because it

contains similar keywords as content that could cause kids to buy or drink alcohol.

Although we appreciate the members of the Energy and Commerce Committee for their efforts to protect kids online and reduce the privacy and speech related harms in this legislation, we cannot support the KIDS act until these harms are fully mitigated. We urge you to ensure that attempts to create safer spaces for young people do not inadvertently work against everyone's free speech and privacy rights by voting "no" on the KIDS Act. Please do not hesitate to contact Jenna Leventoff at jleventoff@aclu.org with any questions.

Sincerely,



Jenna Leventoff
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Christopher Anders
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