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Senate Judiciary Committee
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And Commerce Chairman
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Representative Hakeem Jeffries
House Minority Leader
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Senator Richard Blumenthal
Senate Judiciary Committee
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Washington, DC 20510

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

Dear Majority Leader, Minority Leaders, Speaker and Committee
Members:

We, the undersigned Attorneys General, as the chief legal
officers of our states, write in opposition to the Kids Internet and Digital
Safety Act (KIDS Act), H.R. 7757.

While the KIDS Act claims to “protect children and teens online,
empower parents and strengthen families,”¹ the bill would instead
insulate Big Tech from appropriate oversight and accountability and
imperil the young people it purports to protect.

We recognize the serious and growing risk that many online
digital platforms pose to minors. Indeed, State Attorneys General have
commenced litigation to hold accountable some of the largest tech

¹ H.R. 7757, Preamble.

platforms for harming children in our jurisdictions. Many of our states have passed landmark legislation addressing the same harms the KIDS Act misleadingly purports to mitigate.

The KIDS Act, which concerns a remarkably broad collection of prominent online policy questions—including online obscenity,² online harms to children,³ social gaming platforms,⁴ and artificial intelligence chatbots⁵—would preempt conflicting state law in each covered domain.⁶ Although the bill permits limited enforcement by State Attorneys General,⁷ it empowers federal preemption and intervention of such enforcement in all cases.⁸

Such sweeping federal preemption is independently alarming, but the bill's inadequate approach to these issues compounds our concern.

Tellingly, the bill's "Kids Online Safety" provisions expressly disavow any duty of care.⁹ And another section of that subtitle specifically disclaims any age assurance obligation for covered platforms.¹⁰ The bill permits market and product-focused research on minors under the guise of "privacy, security, transparency, or safety."¹¹ And furthermore, the bill's "Artificial Intelligence Chatbots" provisions include a gaping enforcement loophole for AI chat functions that can be construed as "incidental" to the platform's "primary purpose."¹²

To be clear, we appreciate the valuable role federal legislation can play in tech policy. In that spirit, many State Attorneys General strongly support the Kids Online Safety Act, S. 1748, which has broad bipartisan sponsorship; preserves states' authority to enact laws, rules, or regulations that similarly protect children; prohibits market or product-focused research on children; and imposes upon online platforms a meaningful duty of care.

But unmistakably, the KIDS Act misses the mark. The bill not only fails to meaningfully protect kids, but also, imperils the significant progress our jurisdictions have achieved on a wide array of tech issues. Given the rate of technological progress and the limited efforts to date to pass responsive laws that protect children, it is too soon to shut down the "laboratories of democracy." State law legal developments, through both legislation and enforcement, are the surest route to legal innovation that can approach the speed of technological innovation.

² Id. at Title I.

³ Id. at Title II.

⁴ Id. at Title III.

⁵ Id. at Title IV.

⁶ Id. at §§ 106; 221; 237; 244; 304; 407.

⁷ Id. at § 601(b).

⁸ Id. at § 601.

⁹ Id. at § 213(c)(2).

¹⁰ Id. at § 220.

¹¹ Id. at § 243(a)(1).

¹² Id. at § 402(1)(B).

We can—and must—create a safer digital environment for generations of American children. The State Attorneys General stand as your partners in that important work and appreciate your attention to this critical issue.



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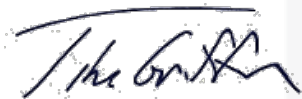
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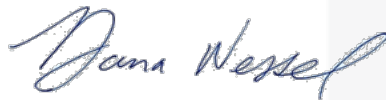
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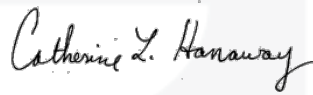
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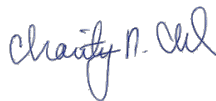
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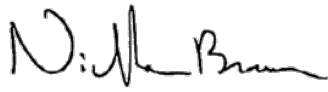
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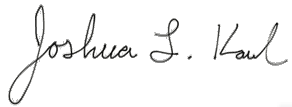
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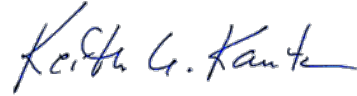
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