



May 14, 2024

Honorable Cathy McMorris Rodgers
Chair
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515-4705

Honorable Frank Pallone
Ranking Member
House Energy and Commerce Committee
2322A Rayburn House Office Building
Washington, DC 20515-3006

Dear Chair McMorris Rodgers and Ranking Member Pallone,

We are organizations dedicated to the mental and physical health and privacy of our nation's children and teens. Together, we aim to address the harms inflicted upon American families by online platforms. For years, Big Tech has unapologetically prioritized record profits over the wellbeing of young people, all while obscuring their platforms' impact and evading accountability. Change is long overdue.

After years of work, we are closer than ever to taking an important step to protect children and teens with effective bipartisan legislation. The *Kids Online Safety Act* (KOSA) and the *Children and Teens' Online Privacy Protection Act* (COPPA 2.0) have strong support in the Senate and were recently introduced in the House as H.R. 7891 and H.R. 7890, respectively. We are grateful for your leadership in the House Energy and Commerce Committee thus far, but we cannot let this moment pass. That is why we urge you to advance KOSA and COPPA 2.0 to a markup session without delay.

As you guide these crucial bills through committee, it is imperative that you consider a few important revisions needed with respect to KOSA.

- **The duty of care should apply to all covered platforms.** The duty of care outlined in Section 102 of H.R. 7891 only applies to platforms which meet the criteria of a "High Impact Online Company." That definition only captures the largest platforms, excluding hugely popular apps and services such as BeReal, VR Chat, and YikYak. It would not include small platforms or apps, many of which do not currently have trust and safety teams. It also would not include large video gaming platforms such as Fortnite and

Electronic Arts' FIFA because it only applies to platforms primarily used to access user-generated content. Children have been harmed on platforms of all types and sizes, not just the largest and most popular. And they have been harmed on video games, where cyberbullying, sexual exploitation, and sextortion are rampant. These changes have real consequences, which many parents know all-too-well. One of our parent advocates, Kristin Bride, lost her son, Carson, 16, to suicide after being cyberbullied on two small apps, LMK and YOLO.

- **The definition of “compulsive use” should be amended to capture the wide range of problematic behaviors related to overuse.** Psychological science demonstrates that social media features and functions are designed to encourage addiction-like behavior in young people. These behaviors include a likelihood to forgo in-person activities and physical activity, encourage social media use during school instruction hours, and loss of sleep. Right now the definition of “compulsive usage,” which is limited to causation of mental health disorders, does not capture the full range of harms related to overuse. We urge the Committee to define “compulsive usage” as “problematic behaviors such as tolerance to use, withdrawal, craving, and excessive use that are reasonably likely to lead to functional impairment, such as the ability to engage in familial, social, or educational roles.” It is critical to capture these behaviors in order to incentivize platforms to mitigate some of the most concerning impacts of online harms on children and teens. It is much harder for young people to extricate themselves from platforms where they are being harmed or threatened if they feel addicted to them.
- **Financial harms should not be removed from the duty of care.** Many social media platforms and video games cause extensive harm by encouraging compulsive in-game purchases. These financial harms are often a precursor for other, more serious mental health issues. One of our parent advocates, Maurine Molak, lost her son, David, 16, to suicide after he experienced online financial harms and cyberbullying on video game platforms.
- **The “knew or should have known” knowledge standard should apply regardless of platform size.** The knowledge standard in KOSA creates a tiered system that limits the applicability of the bill’s safeguards, notice, and disclosure requirements for all but the largest platforms. As discussed above, many children are harmed on platforms of all sizes, including small and emerging apps. Under the current language, most platforms would not be required to provide KOSA’s safeguards or meet transparency or disclosure requirements unless they have actual knowledge that a user is a minor.
- **The ability to restrict the sharing of geolocation information should not be removed from the safeguards listed in Section 103.** It is common knowledge that many of the harms caused by illegal drug sales online are facilitated through the sharing of geolocation information.

Together, you have a real opportunity to stop the pain and suffering inflicted upon American families. Parents cannot be left to fight this battle on their own. KOSA and COPPA 2.0 will finally hold platforms accountable by preventing them from weaponizing our children's data and manipulating them with sophisticated design practices.

We urge you to lead on behalf of American families and advance KOSA and COPPA 2.0 to a markup session without delay.

Sincerely,

Fairplay
ParentsSOS
Active Minds
AFT
Alexander Neville Foundation
American Academy of Pediatrics
American Association of Child and Adolescent Psychiatry
American Counseling Association
American Foundation for Suicide Prevention
American Psychological Association
Banu Foundation
Becca Schmill Foundation
Berkeley Media Studies Group
Carolina Resource Center for Eating Disorders
Center for Digital Democracy
Center for Online Safety
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Christian Camp and Conference Association (CCCA)
Common Sense Media
Defending the Early Years
Design It For Us
Devin J. Norring Foundation
Eating Disorders Coalition for Research, Policy, & Action
Erik's Cause
Inseparable
Issue One
Jewish Family and Children's Services (SF Bay Area)
Josselyn
Lookup.live
Lynn's Warriors
Maternal Mental Health Leadership Alliance
Mental Health America
Mental Health America of Greater Houston
Mental Health America of Hawaii

Michigan Eating Disorders Alliance
National Alliance for Eating Disorders
National Association of Pediatric Nurse Practitioners
National Association of Social Workers
National Center of Excellence for Eating Disorders
National Federation of Families
National League for Nursing
Parents Television and Media Council
Parents Who Fight
Project STAND
Protect Young Eyes Foundation
REDC Consortium
Rudd Center for Food Policy and Health
Sandy Hook Promise
SAVE-Suicide Awareness Voices of Education
Society of Clinical Child and Adolescent Psychology, Div 53 of the American Psychological Association
South Carolina Legislative Roundtable
Stop Predatory Gambling and the Campaign for Gambling-Free Kids
Strategic Training Initiative for the Prevention of Eating Disorders
Street Grace
The American Association for the Child's Right to Play
The Carly Ryan Foundation
The Kennedy Forum
The Safe Tech Workshop
The Student Data Privacy Project
The Tech Oversight Project
Victus Counseling
Washington Outdoor School
Wired Human
WithAll
Yellowstone Human Trafficking Task Force
Young People's Alliance