

July 26, 2022

The Honorable Maria Cantwell  
United States Senate  
Chair, U.S. Senate Committee on Commerce,  
Science, and Transportation  
511 Hart Senate Office Building  
Washington, DC 20510

The Honorable Roger Wicker  
United States Senate  
Ranking Member, U.S. Senate Committee on  
Commerce, Science, and Transportation  
555 Dirksen Senate Office Building  
Washington, DC 20510

**Re: The Senate should focus on protecting kids and teens through preemptive and comprehensive privacy legislation**

Dear Chair Cantwell and Ranking Member Wicker:

The undersigned trade associations and organizations represent a broad cross-section of the American economy. We support the passage of preemptive, comprehensive federal privacy legislation that creates clear and workable standards to benefit all consumers and businesses. We share the desire to create strong privacy protections for kids and teens, as evidenced by the [Privacy for America Principles for Privacy Legislation's](#) inclusion of new protections for individuals over the age of 12 and under the age of 16.

The Senate Commerce Committee has publicized its plans to markup two bills that would regulate children's and teens' privacy. But rather than proceed with privacy legislation directed toward these age groups alone, we believe that a better path forward would be to work towards the creation of standards that improve privacy for *all* Americans, including kids and teens. As currently drafted, the Kids Online Safety Act ("KOSA") and the Children and Teens' Online Privacy Protection Act ("COPPA 2.0") are drafted so broadly that almost any online service enjoyed by adults would be impacted. We strongly believe that privacy protections must be included within preemptive, comprehensive legislation that protects all consumers in the United States. Such legislation should establish sensible and understandable operational standards that create a coherent framework for meaningful rights and protections for consumers as well as compliance by all businesses.

As currently proposed, KOSA would apply to any "social media service, social network, video game, messaging application, video streaming service, educational service, or an online platform that connects to the internet and that is used or is reasonably likely to be used by a minor." Such a broad scope, coupled with the increased applicable age range to those 16 and younger, would sweep in most if not all curated video streaming services, and could also include some online services that provide video as an ancillary part of their business (*e.g.*, news websites and weather apps). These types of video streaming, gaming, and other general interest online services do not allow consumers to make the same social connections or provide the algorithmic-based "feed" experience that KOSA attempts to regulate. While protecting kids and teens' mental and physical health when they engage online is an important goal, attempts to do so should not inadvertently diminish the ability of adults to freely and fully experience the Internet.

Similarly, COPPA 2.0 would prohibit any “mixed use” online service, for example, a service that is directed to individuals aged 16 and under but does not “target” those users, from collecting personal data about users before first verifying the user’s age. Such an approach, especially when coupled with a constructive knowledge-type standard that introduces ambiguity on when an individual should be considered a “minor” under the law, would cause many online services to err on the side of over-inclusivity. Because most websites of general interest, such as sports, news, movie, and video game-centered websites, as well as myriad other online services, attract both adult and teen users, the impact of this age verification provision would be to require age gates and account creation for virtually all websites and services across the Internet. This result would force more personal data to be collected from consumers, thereby contravening the important principle of data minimization, and would stop adults from freely connecting and engaging on the Internet.

We reiterate our support for a national, preemptive, comprehensive privacy law that strengthens protections for kids and teens within a broader privacy framework for all Americans. To that end, we believe that it is far preferable to create a strong and comprehensive national, preemptive privacy law applicable to Americans of all ages that will avoid the unintended negative consequences of KOSA and COPPA 2.0 outlined above.

Sincerely,

Privacy for America

American Advertising Federation

American Association of Advertising  
Agencies

Association of National Advertisers

Insights Association

Interactive Advertising Bureau

The National Business Coalition on  
E-Commerce & Privacy

cc: Members of the U.S. Senate Committee on Commerce, Science, and Transportation