

United States Senate
WASHINGTON, DC 20510

July 24, 2024

Dear Colleague:

This week, the Senate will consider S. 1409, the Kids Online Safety Act (KOSA). While the intent of this legislation is laudable, the bill raises significant First Amendment concerns, imposes vague, undefined requirements on internet platforms, and empowers politically motivated enforcers to advance their own ideological interests to the detriment of the American people. I will be voting against this bill, and I encourage you to do the same.

KOSA would impose an unprecedented “duty of care” on internet platforms to mitigate certain harms associated with mental health, such as anxiety, depression, and eating disorders. While proponents of the bill claim that it is not designed to regulate content, imposing a “duty of care” on online platforms to mitigate harms associated with mental health can only lead to one outcome: the stifling of First Amendment protected speech.

Should platforms stop children from seeing climate-related news because climate change is one of the leading sources of anxiety amongst younger generations? Should they stop children from seeing coverage of international conflicts because it could lead to depression? Should pro-life groups have their content censored because platforms worry that it could impact the mental well-being of teenage mothers? This bill opens the door to nearly limitless content regulation.

The bill contains a number of vague provisions and undefined terms. The text does not explain what it means for a platform to “prevent and mitigate” harm, nor does it define “addiction-like behaviors.” Additionally, the bill does not explicitly define the term “mental health disorder.” Instead, it references the Fifth Edition of the Diagnostic and Statistical Manual of Mental Health Disorders or “the most current successor edition.” As such, the definition could change without any input from Congress.

We do not impose these types of burdens on any other sector of the economy. For example, the bill seeks to protect minors from alcohol and gambling ads on certain online platforms. However, minors can turn on the TV to watch the Super Bowl or the PGA tour and see the exact same ads without any problem.

This bill is a Trojan Horse. It claims to protect our children, but in reality, it stifles free speech and deprives Americans of the numerous benefits created by the internet. Any genuine effort to protect children online must start at home. And if the government does decide to get involved, it must ensure that First Amendment rights are protected, and platforms have clear guidelines on how to comply with the law. This bill fails to do either.

I intended to vote against S. 1409 and encourage you to do the same.

Sincerely,



Rand Paul, M.D.
United States Senate