

June 17, 2026

The Honorable Ted Cruz
Chairman
Committee on Commerce, Science, and
Transportation
United States Senate
554 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Commerce, Science, and
Transportation
United States Senate
428 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Cruz, Ranking Member Cantwell, and Members of the Committee,

We, the undersigned coalition of public-policy groups, think tanks, and nonprofits, write to urge you to reject efforts to tie a national framework for regulating artificial intelligence (AI) to the App Store Accountability Act (S. 1586) and the Kids Online Safety Act (S. 1748). A national AI framework is of great importance, but it should not come at the cost of bills that threaten the right to free speech or American users' privacy and data security.

The primary problem with the App Store Accountability Act (ASAA) is twofold: it would require users of all ages to divulge sensitive data to consume First Amendment-protected online speech while simultaneously creating new opportunities for bad actors online to gain access to this data.

The ASAA would require age verification, a process that would require users of all ages to submit extensive personal information to digital databases, where that information would be exposed to hacks or data breaches. This would threaten the privacy and data security of Americans of all ages.

Children already face vast privacy dangers. As noted by the R Street Institute last year, "The problem is so extensive that research by Experian suggests that 25 percent of children will be victims of identity fraud or theft by the time they are 18."¹ Moreover, R Street continues, "More than half of minors who were victims of identity theft report being denied access to credit at least once because of it, and some deal with the consequences for a decade or more. Some have even acquired a lifelong criminal record for an offense committed by the thief that stole their identity." Requiring children to provide sensitive personal information to access everyday digital tools—which are becoming ever more ubiquitous—would only compound these dangers.

Unfortunately, the privacy dangers of the ASAA do not end there. Parents would be further required to give consent. Parental oversight of, and control over, their children's online lives is unquestionably best. However, the process outlined in the bill would compound risks to data security and privacy. Under ASAA, a parent would have to prove his or her relationship to the child, which would inevitably require even more intrusive data gathering to prove both the identity of the parent and his or her status as the child's legal guardian.

Recent experience demonstrates the dangers of exposing large amounts of sensitive information in vulnerable databases—even those purported to be secure. In the digital age, hacks and data leaks are commonplace. A recent Duke University analysis found that more than four in five companies say they have dealt with a hack.² Tech companies—including some of the largest and best-protected companies—

¹ <https://www.rstreet.org/commentary/child-identity-theft-is-a-huge-problem-the-solutions-are-simple/>

² <https://cfosurvey.fuqua.duke.edu/press-release/more-than-80-percent-of-firms-say-they-have-been-hacked/>

routinely fall victim.³ Even third-party age verifiers, which specialize in the business of age verification, also experience cyber incidents.⁴

The Kids Online Safety Act (KOSA) poses an equally grave threat. It would substantially infringe on free speech, requiring online platforms to suppress certain kinds of content by enforcing an ill-defined “duty of care” mandate. The bill would require online platforms to go to great lengths to protect youthful eyes from content designated as potentially harmful.

The problem lies in the fact that the list of harms to be protected against is subjective, meaning that KOSA would effectively give regulators broad powers to suppress online content they personally define as harmful. While good in its intention, this bill would set a poor precedent that allows for government suppression of free speech.

As an op-ed from the Taxpayers Protection Alliance put it, many “who support KOSA protest that the listed disorders have clear definitions. This is true to an extent—though of limited usefulness. What’s unclear is what kinds of content regulators will deem to contribute to such disorders.”⁵ This discretion would give those charged with implementing KOSA wide latitude to target disfavored speech, resulting in censorship. Platforms, meanwhile, would do everything possible—i.e., would remove large amounts of content—to ensure they do not face liability under these vague standards.

For these reasons, the undersigned organizations urge you to oppose the packaging of the ASAA and KOSA into a larger bill related to a national AI framework. These bills, while well-intentioned, carry with them a host of unintended externalities and constitutional concerns.

Sincerely,

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³ <https://www.csoononline.com/article/534628/the-biggest-data-breaches-of-the-21st-century.html>

⁴ <https://www.protectingtaxpayers.org/press/watchdog-group-files-amicus-brief-defending-mississippian-social-media-users/>

⁵ <https://www.nationalreview.com/2024/09/why-conservatives-are-wrong-to-support-the-kids-online-safety-act/>

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