



## Alliance for a Better Future - KIDS Act Analysis

Alliance for a Better Future is pleased to see Congress seriously reckon with the dangers posed to children by Big Tech's platforms. The harms grow by the day, and families cannot wait a moment longer for Congress to act. But Congress must act in a way that provides meaningful protections to children while also respecting the states' ability to protect their citizens.

**The House is taking the right overall approach to preemption.** The KIDS Act pairs conflict preemption with a savings clause that preserves stronger state protections: a federal floor, not a ceiling. Other more expansive approaches to preemption in children's online safety and AI legislation alike should be a non-starter. Washington cannot tie states' hands from protecting their own citizens. Floor preemption is the correct model for Congress to use, and the House should be commended for advancing this approach.

**However, the bill MUST provide stronger protections to children.** As written, the KIDS Act is too weak and will not do enough to protect children. Some of the biggest changes needed include:

- 1. Ensure survivor parents can seek justice for their children's harms and deaths**  
While we are pleased with the general approach on preemption, this framework needs a technical fix. The savings clause should state, as the bill already does under Title I, that the state "law" it preserves includes both statutory and common law, so it cannot be read to wipe out the lawsuits families are finally winning against Big Tech. We cannot allow this justice to be delayed or denied to provide immunity for Big Tech.
- 2. Hold Big Tech to a strong standard that helps parents, not Big Tech**  
No other industry gets to grade itself on safety. But the KIDS Act allows Big Tech to write their own company policy without a clear standard, explicitly rejecting a duty of care. This bill only requires platforms to take reasonable steps to address the harms, further watered down by carve-outs for a platform's size and technical feasibility. The bill needs a binding obligation tied to a real standard, not one Big Tech writes for itself, and a design-focused duty of care is the strongest option.
- 3. Stop chatbots from telling kids to harm and even kill themselves**  
Nothing in this bill addresses one of the most troubling dangers for today's youth: manipulative "advice" from AI chatbots under the guise of friendship. The bill simply requires a disclosure that the bot is not human and a "suggestion" to take a break after three hours. This is a near meaningless gesture that fails to provide real protections. The bill should require real age verification for companion chatbots, protecting minors from emotional manipulation and creating real liability for Big Tech, as the GUARD Act does.
- 4. Put parents in charge of their kids' data — not Big Tech or schools.**  
The bill's COPPA 2.0 language quietly strips parents of authority over their teenagers' data. Under its definition of "verifiable consent," 14 to 17-year-olds make those choices, not their parents. Worse, it gives schools the right to authorize the collection of children's data at school. Parents, not platforms, school officials, or bureaucrats, should decide; the bill should keep parental consent intact through age 17. We cannot let Big Tech and unelected bureaucrats run our kids' digital lives.

As written, the KIDS Act does not provide children and parents the protection they need now. Weak provisions with flawed technical language endanger the children and families they claim to protect. ABF urges congress not to pass the KIDS Act as it currently is written. **We want to see strong protections for children become law, and will continue to work with members and staff to ensure that Congress passes pro-innovation and pro-family policies.**