



The Senate of The State of Texas

March 20, 2026

The Honorable John Cornyn
517 Hart Senate Office Building
Washington, DC 20510

The Honorable Ted Cruz
167 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cornyn and Senator Cruz,

I am writing today to express serious concerns regarding the recent markup of the KIDS Act by the House Energy and Commerce Committee, particularly the version of the Kids Online Safety Act (KOSA) included in the bill.

The House version of KOSA is considerably weaker than the Senate version. It removes the duty of care to prevent online harm to children. It replaces it with broad preemption language that prevents states from enforcing any laws that conflict with federal provisions. Specifically:

"(a) IN GENERAL.—No State, or political subdivision of a State, may prescribe, maintain, enforce, or continue in effect any law, rule, regulation, requirement, standard, or other provision having the force and effect of law if such law, rule, regulation, requirement, standard, or other provision conflicts with the provisions of this subtitle.

(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) may be construed to preempt the applicability of any of the following:

- (1) Any law of a State with respect to trespass, contract, tort, or product liability.
- (2) Any statutory law that creates a remedy or penalty for criminal conduct.
- (3) Any law of general applicability of a State with respect to consumer protection."

These exceptions preserve certain ongoing parental lawsuits, but they confine state legal actions to narrow categories and block broader protections currently provided by states. The states must keep the ability to enact new laws.

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The Senate version takes a fundamentally different approach. It includes a duty of care to protect children online and contains preemption language that respects states' rights.

"The provisions of this Act shall preempt any State law, rule, or regulation only to the extent that such State law, rule, or regulation conflicts with a provision of this Act. Nothing in this Act shall be construed to prohibit a State from enacting a law, rule, or regulation that provides greater protection to minors than the protection provided by the provisions of this Act."

This language is crucial. The online landscape evolves rapidly, and states must retain the flexibility to respond. Thirty-eight state Attorneys General have supported the Senate version of KOSA because it includes a duty of care and allows states to provide stronger protections for children.

I urge you to support legislation that includes a duty of care and balanced preemption language, such as the Senate version of KOSA, to ensure that states retain the ability to protect children online effectively.

Thank you for your time, consideration, and leadership.

Sincerely,



Senator Angela Paxton – SD 8



Senator Carol Alvarado – SD 6



Senator Sarah Eckhardt – SD 14



Senator Brent Hagenbuch – SD 30



Senator César Blanco – SD 29



Senator Roland Gutierrez – SD 19



Senator Bob Hall – SD 2

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Senator Adam Hinojosa – SD 27



Senator Juan "Chuy" Hinojosa – SD 20



Senator Joan Huffman – SD 17



Senator Nathan Johnson – SD 16



Senator Lois Kolkhorst – SD 18



Senator José Menéndez – SD 26



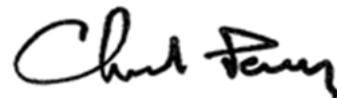
Senator Borris Miles – SD 13



Senator Robert Nichols – SD 3



Senator Tan Parker – SD 12



Senator Charles Perry – SD 28



Senator Kevin Sparks – SD 31



Senator Royce West – SD 23



Senator Judith Zaffirini – SD 21