

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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November 28, 2025

MEMORANDUM

TO: Members, Subcommittee on Commerce, Manufacturing, and Trade
FROM: Committee Majority Staff
RE: Subcommittee on Commerce, Manufacturing, and Trade Hearing

I. INTRODUCTION

The Subcommittee on Commerce, Manufacturing, and Trade has scheduled a hearing on Tuesday, December 2, 2025, at 10:15 a.m. (ET) in 2123 Rayburn House Office Building. The hearing title is “Legislative Solutions to Protect Children and Teens Online.”

II. WITNESSES

- Marc Berkman, Chief Executive Officer, Organization for Social Media Safety
- Joel Thayer, President, Digital Progress Institute
- Paul Lekas, Executive Vice President, Software & Information Industry Association
- Kate Ruane, Director of the Free Expression Project, Center for Democracy & Technology (*Minority*)

BACKGROUND

The advent of the Internet provided unparalleled access to information, created novel ways to communicate seamlessly across the world, and spawned entirely new industries as a result, delivering substantial economic, social, and cultural benefits for Americans. Simply put, the Internet has been one of the most impactful technological developments of the modern era, both domestically and globally, and it has ushered in a digital age. However, like all digital technologies, the online world can create concrete risks and harms that continue offline, particularly for some of the most vulnerable among us, including children and teens.

Over the last decade, the rapid proliferation of Internet platforms and ubiquitous social media use has led to adverse impacts on our nation’s children. These negative effects include sleep deprivation, increases in mental health disorders such as depression and anxiety, falling

academic performance, online bullying, and access to narcotics and illegal drugs.¹ Further, measures of important elements critical to healthy socialization and emotional development have cratered, including less time spent with friends, fewer close friends, and an overall rise in loneliness.² The use of certain Internet platforms is connected to these trends, particularly given product features designed to facilitate heavy engagement. For example, a 2023 advisory from the U.S. Surgeon General highlighted that children who spend more than three hours a day on social media face double the risk of developing poor mental health outcomes, such as anxiety and depression.³ High consumption of pornography content by boys in particular is also connected with hindered future romantic and sexual relationships.⁴

Novel technologies and trends present emerging challenges along with certain benefits. For example, the rise of artificial intelligence (AI) chatbots offers new ways for children to learn about and understand the world. However, children have used chatbots for sensual and romantic conversations, as well as advice on mental health and even suicide, unfortunately.⁵ Also, Generation Alpha (born starting in the early 2010s) is increasingly focused on social gaming, presenting new risks and harms.⁶ Some online platforms have responded to these harms by implementing default settings and parental controls.⁷ While these tools are welcome and necessary, parents may find it difficult to utilize them, and there is a dearth of evidence on their effectiveness.

From the internet's early days, Congress has sought to balance the significant benefits of digital technologies with greater protections for consumers, especially children. Then, as now, enacting legal protections can create tension with the First Amendment rights of children, adults, and online platforms.⁸ In fact, the Supreme Court has struck down several congressional

¹ See Nirmita Panchal, *Recent Trends in Mental Health and Substance Use Concerns Among Adolescents*, KFF (Feb. 6, 2024), <https://www.kff.org/mental-health/recent-trends-in-mental-health-and-substance-use-concerns-among-adolescents/>.

² See Off. of the Surgeon Gen., U.S. Dep't of Health & Hum. Servs., *Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General's Advisory on the Healing Effects of Social Connection and Community* (2023), <https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>.

³ See U.S. Dep't of Health & Hum. Servs., *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory* (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

⁴ See Veediasha Bekaroo, Smita Rampat & Naushad M. Khan, *Pornography Use: Its Impact on Heterosexual Men's Lives & Romantic Relationship*, 8 J. SOC. RES. & POL'Y 81 (2017).

⁵ See Kate Payne, *An AI Chatbot Pushed a Teen to Kill Himself, a Lawsuit Against Its Creator Alleges*, AP NEWS (Oct. 25, 2024), <https://apnews.com/article/chatbot-ai-lawsuit-suicide-teen-artificial-intelligence-9d48adc572100822fdb3c90d1456bd0>; See also Kashmir Hill, *A Teen Was Suicidal. ChatGPT Was the Friend He Confided In*, N.Y. TIMES (Aug. 26, 2025), <https://www.nytimes.com/2025/08/26/technology/chatgpt-openai-suicide.html>.

⁶ See Annie E. Casey Foundation, *The Impact of Social Media and Technology on Gen Alpha*, ANNIE E. CASEY FOUNDATION: BLOG (Oct. 22, 2024), <https://www.aecf.org/blog/impact-of-social-media-on-gen-alpha> (last updated June 22, 2025).

⁷ See Google, *Online Safety for Children & Families*, GOOGLE SAFETY CENTER, <https://safety.google/families/>; Adam Mosseri, *Introducing Family Center and Parental Supervision Tools on Instagram and in VR*, META NEWSROOM (Mar. 16, 2022), <https://about.fb.com/news/2022/03/parental-supervision-tools-instagram-vr/> (last updated Apr. 1, 2025).

⁸ See Ronald Kahn, *Reno v. American Civil Liberties Union* (1997), FREE SPEECH CENTER (Aug. 6, 2023), <https://firstamendment.mtsu.edu/article/reno-v-american-civil-liberties-union/> (last updated Jan. 3, 2025).

attempts to regulate children’s access to online content as unconstitutional, and only one, the Children’s Online Privacy Protection Act (COPPA), has endured the Court’s rigorous First Amendment review.⁹

The rise of social media, online gaming, and AI tools has changed the internet dramatically since COPPA was enacted in 1998. Further, new technologies, methods, and tools, such as age verification have provided novel avenues to empower parents and protect children from online harms. Earlier this year, Congress enacted—and President Trump signed—the TAKE IT DOWN Act to empower law enforcement and parents alike to address the problem of non-consensual intimate images online, including the proliferation of malicious deepfake pornography.¹⁰

Over the last few years, states have also enacted a variety of measures aimed at improving online protections for children, leading to a patchwork of laws and an assortment of lawsuits against those laws on First Amendment grounds. Nineteen states have enacted laws requiring technological age verification for online pornography websites.¹¹ In July, the Supreme Court in *Free Speech Coalition v. Paxton* upheld the Texas law, paving the way for states—and the federal government—to require age verification for online pornography in a manner consistent with the Constitution.¹² More than a dozen states have enacted broader children’s online safety legislation focusing on app store accountability, age minimums and parental consent requirements for social media use, and age-appropriate design codes.¹³ The vast majority of these laws have been temporarily blocked by the courts on First Amendment grounds and are at various stages of judicial review.¹⁴

A national, constitutionally-sound framework for protecting children online must empower parents, protect children, and hold companies accountable when they fall short of their obligations. It must also provide necessary certainty to ensure Americans can continue to benefit from the internet’s broad-based benefits while also providing appropriate legal protections for children.

IV. LEGISLATION

The Subcommittee intends to discuss the following legislation:

⁹ Children’s Online Privacy Protection Act of 1998, 15 U.S.C. § 6502.

¹⁰ TAKE IT DOWN Act, Pub. L. No. 119 -12, 139 Stat. 55 (2025).

¹¹ See Amber C. Thomson, Howard W. Waltzman, Kathryn Allen, and Megan P. Von Borstel, *Children’s Online Privacy: Recent Actions By The States And The FTC*, MAYER BROWN (Feb. 25, 2025), <https://www.mayerbrown.com/en/insights/publications/2025/02/protecting-the-next-generation-how-states-and-theftc-are-holding-businesses-accountable-for-childrens-online-privacy>.

¹² *Free Speech Coalition, Inc. v. Paxton*, 606 U. S. ____ (2025).

¹³ See Amber C. Thomson et al., *supra* note 10.

¹⁴ See Mary-Rose Papandrea & Matt Perault, *To Protect Kids Online, Follow the Law*, LAWFARE (June 6, 2024), <https://www.lawfaremedia.org/article/to-protect-kids-online-follow-the-law>.

1. H.R. 6291, Children and Teens’ Online Privacy Protection Act (Reps. Walberg and Lee-FL)

This bill amends the Children’s Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and teens. Additionally, the bill bans targeted advertising to kids and teens and require direct notice if data is being stored or transferred to a foreign adversary. This legislation is enforced by the Federal Trade Commission (FTC).

2. H.R. ____, Kids Online Safety Act (Rep. Bilirakis)

This bill requires certain covered platforms to implement measures to mitigate harm to minors. Covered platforms must provide easy-to-use safeguards for minors, and when a platform knows a user is a minor, the platform is required to ensure that the most protective safeguards are enabled by default. A covered platform must also provide tools for parents to help manage their child’s use of the platform, provide certain user disclosures, and is prohibited from advertising illegal products to minors. The bill increases transparency for covered platforms by requiring them to submit an audited report to the FTC outlining minors’ use of their platform, use of safeguards and parental tools, data collection practices, and other information. This bill is enforced by the FTC as an “unfair or deceptive practice” and by the state attorneys general.

3. H.R. ____, Reducing Exploitative Social Media Exposure for Teens (RESET) Act (Rep. Houchin)

This bill prohibits social media platforms from allowing children and teens under the age of 16 to create or maintain accounts. Platforms must delete existing accounts held by children and teens and any personal data collected from children and teen users. The bill directs the FTC to enforce these provisions. States may also bring civil actions against platforms whose violations of these provisions have adversely affected their residents.

4. H.R. 2657, Sammy’s Law (Reps. Wasserman Schultz and Carter-GA)

This bill requires large social media platform providers to create, maintain, and make available to third-party safety software providers a set of real-time application programming interfaces, through which a child or a child’s parent or legal guardian may delegate permission to a third-party safety software provider to manage the child’s online interactions, content, and account settings and provide visibility into the child’s online engagement. Third-party safety software providers are required to register with the FTC, receive annual audits, take measures to protect a child’s data, and are prohibited from selling data collected by the third-party safety software provider.

5. H.R. 3149, App Store Accountability Act (Rep. James)

This bill requires app store providers to request age information from individuals at the time of account creation, verify the individual’s age, and, if that individual is a minor, obtain

verifiable parental consent from the affiliated parental account to download apps or make in-app purchases. The bill places additional requirements on app store providers, which include protecting the confidentiality of personal data and prominently displaying any age rating information. The bill also establishes requirements for app developers to verify the age category of potential users, confirm whether verifiable parental consent was obtained, and notify an app store provider of significant changes to their app. The bill directs the FTC to issue guidance on compliance and certification. A violation of the bill is treated and enforced as an “unfair or deceptive act or practice” by the FTC and subject to enforcement by state attorneys general.

6. H.R. 1623, Shielding Children's Retinas from Egregious Exposure on the Net (SCREEN) Act (Rep. Miller-IL)

This bill requires all commercial pornographic websites to adopt and operate applicable technology verification measures to ensure that a child cannot access pornographic content. Pornographic websites have the option to contract a third party to help comply with the bill. Additionally, the bill establishes data security requirements, prohibits pornographic websites from collecting data beyond what is minimally necessary to verify a user’s age, and forbids retaining information longer than is necessary to demonstrate compliance. A violation of this bill is enforced as an “unfair or deceptive act or practice” by the FTC.

7. H.R. 6290, Safe Social Media Act (Reps. Bentz and Schrier)

This bill directs the FTC, in conjunction with the Department of Health and Human Services, to conduct a study on social media use by minors which includes the types of personal information collected, how algorithms use that personal information, usage patterns between different age ranges, mental health impacts of social media use, and any harmful effects and benefits of extended social media use by minors.

8. H.R. 6253, Algorithmic Choice and Transparency Act (Rep. Cammack)

This bill requires online platforms to notify minors if the platform uses an algorithm to organize content based on user-specific data from the minor and provide information on how the algorithm operates, how data provided by the minor informs the algorithm, and the algorithm’s role in optimizing user engagement. Also, online platforms are required to provide minors, as a default option, with an algorithm not based on user-specific data.

9. H.R. 6259, No Fentanyl on Social Media Act (Reps. Evans and Dingell)

This bill directs the FTC, in collaboration with the Departments of Justice and Health and Human Services, to produce a report on the role of social media in enabling access to fentanyl by minors. The report would examine aspects of the issue ranging from the impact of this access to minors and how drug traffickers use social media to sell fentanyl, to the role design characteristics of social media platforms play in facilitating access, along with actions by social media companies, law enforcement, and others that could help to prevent access to fentanyl. The

report also directs the FTC to consult with relevant stakeholders and provide recommendations for Congress.

10. H.R. 6289, Promoting a Safe Internet for Minors Act (Reps. Lee-FL and Soto)

This bill directs the FTC to conduct a nationwide education campaign to promote safe internet use by minors, including through encouraging best practices for educators, parents, platforms, and minors, facilitating information sharing on the latest trends negatively impacting minors online, and enabling access to publicly available online safety education and public awareness efforts. The bill also requires the FTC to submit an annual report to Congress.

11. H.R. ____, Safeguarding Adolescents From Exploitative (SAFE) Bots Act (Reps. Houchin and Auchincloss)

This bill requires chatbot platforms that knowingly interact with minors to disclose, in age-appropriate language, that the chatbot is an artificial intelligence system, along with suicide and crisis intervention hotline information. The bill prohibits chatbots from stating that they are licensed professionals. The bill also directs chatbot platforms to establish and implement policies to prevent certain harms to minors. The bill is enforced as an “unfair or deceptive act or practice” by the FTC and by state attorneys general. Finally, the bill directs the Secretary of Health and Human Services to conduct a longitudinal study on the effects of chatbots on the mental health of minors.

12. H.R. ____, Kids Internet Safety Partnership Act (Rep. Fry)

This bill directs the Secretary of Commerce to establish the Kids Internet Safety Partnership. The Partnership would coordinate with Federal agencies, including the FTC, and stakeholders to identify harms suffered by minors related to the use of online services and mobile applications, as well as widely accepted or evidence-based best practices for addressing such harms. The Partnership is directed to publish a report on the efficacy of safeguards for minors and parental tools used by online services and mobile applications, along with a playbook of widely accepted or evidence-based best practices related to age verification, assurance, and estimation techniques; design features; parental tools; default privacy and account settings; third-party safety software services; and limitations and opt-outs related to personalized recommendation systems and chatbots.

13. H.R. 5360, AI Warnings And Resources for Education (AWARE) Act (Reps. Houchin and Auchincloss)

This bill directs the FTC to develop and make publicly available educational resources for parents, educators, and minors on privacy and data collection practices, best practices for parental supervision of minors’ use of AI chatbots, and how to identify safe and unsafe AI chatbot use. The educational resources must be modeled on those developed by the FTC’s Youville program.

14. H.R. 6265, Safer Guarding of Adolescents from Malicious Interactions on Network Games (GAMING) Act (Rep. Kean)

This bill requires a provider of an interactive online video game to offer safeguards to the parent of a user who is under the age of 18. The safeguards provided must allow the parent to limit communication between the minor and other users, including adult users, and must be enabled by default for covered users. The safeguards also must be enabled by default on the most protective level of control for privacy and safety settings that the provider offers to users and can only be disabled by the parent.

15. H.R. ____, Assessing Safety Tools for Parents and Minors Act (Reps. Fulcher and Landsman)

The bill requires the FTC to review and assess the effectiveness of industry efforts to promote online safety through education, parental controls, age-appropriate content labels, and privacy and safety settings. The FTC is required to submit a report to Congress on the review and include recommendations.

16. H.R. 6273, Stop Profiling Youth and (SPY) Kids Act (Rep. Miller-Meeks)

This bill prohibits covered platforms from knowingly conducting market or product-focused research on individuals under 13 and requires verifiable parental consent to conduct such research on individuals under 17.

17. H.R. 6257, Safe Messaging for Kids Act (Rep. Dunn)

This bill prohibits covered social media companies from offering ephemeral messaging features on their platform for minors. It requires parental controls, activated and managed by verifiable parental consent, and default settings for minors related to direct messaging features. It also requires that app stores provide a clear warning to parents when a minor attempts to download a social media platform that includes direct messaging features.

18. H.R. 6292, Don't Sell Kids' Data Act of 2025 (Rep. Pallone)

This bill prohibits data brokers from collecting, using, or maintaining the personal data of minors. The bill is enforced by the Federal Trade Commission, states attorneys general, and a private right of action with treble damages, and also prohibits the use of predispute arbitration agreements for the rights and remedies in the bill.

19. H.R. ____, Parents Over Platforms Act (Reps. Auchincloss and Houchin)

This bill places several responsibilities on app stores, including ascertaining the age category of users, and allows parents of minors to approve downloading or using apps. App stores are also responsible for providing certain capabilities and information to developers

pertaining to age information, access to certain apps, and parental controls. The bill requires app developers to allow or disallow a minor's download or use of an app, provide information to parents on online safety and privacy settings, use commercially reasonable efforts to determine whether a user is a minor, obtain parental consent prior to allowing a minor to access an app that is deemed unsuitable for minors, among other requirements. It further places certain restrictions on app developers to use or share age information gathered under this bill. The bill provides a safe harbor to app stores and app developers for certain types of actions and non-actions. The bill is enforced by the FTC.

V. KEY QUESTIONS

1. How does the First Amendment affect the ability for Congress to legislate on children's online safety? What is the impact of the Supreme Court's decision in *Free Speech Coalition v. Paxton* and other ongoing litigation across the states?
2. How can COPPA be modernized to protect minors in today's internet ecosystem?
3. How can age assurance technologies, including age verification, assist in protecting minors online? How can legislation ensure that age assurance solutions are effective and protect privacy?
4. What are the limits of parental controls and default account settings in protecting minors online? How can legislation improve the efficacy of these tools?
5. What is the appropriate role of parents and guardians in their child's online experience? How can legislation empower parents?
6. How should legislation address emerging trends on children's online safety such as social gaming, AI tools, and novel risks?

VI. STAFF CONTACTS

If you have any questions regarding this hearing, please contact Committee Staff at (202) 225-3641.