



Committee: House Energy & Commerce Subcommittee on Commerce, Manufacturing & Trade

Event: [Legislative Solutions to Protect Children and Teens Online](#)

Date: December 2, 2025

Member Toplines:

*Full Committee Chair Brett Guthrie (R-KY-02)*¹: Guthrie emphasized Congress's responsibility to advance legislation focusing on age verification, parental consent, privacy protections, and data privacy, all while ensuring strong enforcement and accountability measures are in place. He noted that concerns raised about the Kids Online Safety Act (KOSA; [H.R. 1](#)) last Congress have been addressed to ensure the bill withstands First Amendment legal challenges.

Full Committee Ranking Member Frank Pallone (D-NJ-06): Pallone stressed that data privacy legislation remains his top priority and expressed disappointment that it was absent from the hearing. He highlighted his bill targeting data brokers to prevent the exploitation of children's information, warned of the real-world risks of giving parents total control over teens' online activity, and stressed the need for algorithmic accountability while resisting efforts to preempt existing state protections.

Subcommittee Chair Gus Bilirakis (R-FL-12): Bilirakis emphasized that KOSA sets a strong national standard by requiring default safeguards, limiting harmful content and addictive design features, and enforcing accountability through the Federal Trade Commission (FTC) oversight. He underscored the need to work together to safeguard children from escalating online threats.

Subcommittee Ranking Member Jan Schakowsky (D-IL-09): Schakowsky criticized the bills proposed by Republican lawmakers for not going far enough to protect children. She emphasized that there is a long way to go to adequately safeguard minors online.

Rep. Kevin Mullin (D-CA-15): Mullin argued that the FTC was created to protect consumers, but recent attempts to unlawfully remove two Democratic Commissioners and efforts by the Chair to reduce staff have weakened its ability to do so.

Witness Toplines:

Marc Berkman, Chief Executive Officer, Organization for Social Media Safety: Berkman argued that despite a well-established record documenting harms caused by social media, platforms continue to prioritize growth over safety. He praised the Committee's broad approach and urged the passage of Sammy's Law ([H.R. 2657](#)), emphasizing that third-party safety software is one of the most effective tools parents have to protect their children online.

¹The opening statements of Chair Guthrie, Ranking Member Schakowsky, and Rep. Mullin were unavailable at the time of this memo's circulation.

[Joel Thayer, President, Digital Progress Institute](#): Thayer was deeply critical of Big Tech. He noted that the exploitation of children is profitable, the use of chatbots has directly led to deaths, and that Big Tech's lobbying efforts are rooted in overstated fears about privacy and free speech.

[Paul Lekas, Executive Vice President, Software & Information Industry Association](#): Lekas urged Congress to protect children by passing legislation focused on data privacy and parental controls. He stressed the need for national consistency and a preemptive federal standard while cautioning that some approaches risk triggering constitutional concerns. Lekas emphasized the need to prevent the misuse of third-party data without disrupting socially necessary practices.

[Kate Ruane, Director of the Free Expression Project, Center for Democracy & Technology](#): Ruane called business models built on invasive data collection and security-prone advertising practices the root cause of online harms. She noted that while KOSA helpfully narrows its duty of care, age-assurance mechanisms pose serious privacy and security risks by requiring more collection or processing of sensitive data. Ruane also cautioned against broad federal preemption, warning that many proposals could override strong state protections.

Major Takeaways:

- Bilirakis noted the KOSA discussion draft would require platforms to activate the strongest safety protections by default.
 - Thayer added that major platforms have avoided accountability and that KOSA would change this by clearly defining responsibilities and enforcement mechanisms. Lekas agreed, noting the bill's requirements are feasible for platforms to implement.
 - Rep. **Russ Fulcher** (R-ID-01) discussed enforcement tools to hold Big Tech accountable. Thayer, Berkman, and Lekas argued that enforcement relies on the FTC and state attorneys general for meaningful oversight.
 - Rep. **Darren Soto** (D-FL-09) and **Yvette Clarke** (D-NY-09) criticized the politicization of the FTC and raised concerns about its reliability.
 - Rep. **Jay Obernolte** (R-CA-23) condemned the vague duty-of-care language in KOSA. He urged Congress to define specific requirements to avoid judicial uncertainty.
- Schakowsky asked the witnesses to identify the largest gaps in the proposed legislation, noting her concern that preemption would lead to weaker state protections.
 - Ruane agreed that preemption could weaken state protections and expressed concern that the proposals do not go far enough on age verification. On KOSA, Ruane argued that the duty of care provisions and enforcement mechanisms could disproportionately suppress LGBTQ content, which is often mischaracterized as sexual or harmful.
 - Rep. **Cliff Bentz** (D-OR-02) emphasized concerns from state legislatures regarding federal preemption. Thayer stressed his support for narrow preemption. Berkman argued for a robust federal framework to improve social media safety.

- In response to a question from Rep. **Russell Fry** (R-SC-07) on preemption, Ruane spoke in favor of conflict preemption over broad preemption.
 - Rep. **Robin Kelly** (D-IL-02) expressed skepticism on federal preemption and probed the issue, criticizing how overbroad preemption overrules important state laws.
- In response to criticism from Reps. **Lori Trahan** (D-MA-03), **Kim Schrier** (D-WA-08), and **Kathy Castor** (D-FL-14) that KOSA and the Children's Online Privacy Protection Act (COPPA 2.0; [H.R. 6291](#)) have been weakened by Big Tech, Ruane argued that COPPA 2.0 maintains an outdated “actual knowledge” standard for many actors.
- Pallone’s questioning focused on data privacy. Ruane emphasized that strong privacy protections and bans on data brokers are essential to ensure that kids do not enter adulthood with permanent digital profiles. She warned against banning ephemeral messaging, despite some lawmakers arguing that such messages facilitate illegal activity, due to privacy and safety concerns.
 - Rep. **Neal Dunn** (R-FL-02) strongly opposed ephemeral messaging.
- Rep. **John Joyce** (R-PA-13) asked Thayer about age verification measures; Thayer emphasized that the vertical integration of major tech companies makes implementing age-verification standards difficult.
 - Obernolte warned that requiring each app to verify age separately creates hundreds of data repositories per user, elevating the cybersecurity risk. He advocated for operating-system-level age verification instead of app-level.
- Reps. **Kat Cammack** (R-FL-03) and Trahan criticized the absence of the App Store Freedom Act ([H.R. 3209](#)) in the hearing. Cammack framed app store monopolies as barriers to parental-control innovations. Thayer agreed, noting that more competition would lead to more tools for parents, which could be improved through competition reform legislation.
- Rep. **Laurel Lee** (R-FL-15) highlighted the importance of a national education campaign on online safety. Similarly, Rep. **Erin Houchin** (R-IN-09) discussed launching the bipartisan [Kids Online Safety Caucus](#).
- Rep. **Tom Kean** (R-NJ-07) discussed the safety of video games, highlighting his Safer Gaming Act ([H.R. 6265](#)) to limit communication between users and strangers. Berkman applauded his efforts and referenced a [recent](#) kidnapping incident linked to users of Roblox.