July 25, 2022

U.S. Senate Committee on Commerce, Science, and Transportation

Dear Senate Commerce Committee Member,

We are writing to urge you to vote “yes” on both the Kids Online Safety Act (S. 3663) and Children and Teens’ Online Privacy Protection Act (S. 1628) at the Senate Commerce Committee markup scheduled for July 27th. By mandating a safety by design approach and restricting unnecessary and harmful data collection and processing, these bills have the potential to significantly improve young people’s wellbeing by transforming the digital environment for children and teens.

Overall, youth have been faced with a growing mental health crisis in recent years. For instance, depression rates for teens doubled between 2009 and 2019. While declines in youth mental health are attributable to numerous factors, the growing use of social media platforms designed in ways that increase exposure to harmful content, undermine privacy, and encourage unhealthy patterns of use has helped exacerbate these trends. Over the last two years, the pandemic has also caused youth to spend more time than ever online. This is happening at a time when suicide is the second leading cause of death for U.S. youth, with one in five teens considering suicide during the pandemic, and eating disorder emergency room admissions for teen girls 12- to 17-years-old doubling since 2019.

After five hearings held by the Subcommittee on Consumer Protection, Product Safety, and Data Security and numerous research findings, the evidence is abundantly clear of the potential severe impacts social media platforms can have on the brain development and mental health of our nation’s youth, including hazardous substance use, eating disorders, and self-harm. Below are just some of the stark national findings:

- Instagram includes 90,000 unique pro-eating disorder accounts with a reach of 20 million followers.
  - Children as young as 9 and 10 follow three or more pro-eating disorder accounts.
  - Meta derives an estimated $230 million annually from pro-eating disorder accounts.

- Fifty-nine percent of U.S. teens have reported being bullied on social media, an experience linked to increased risky behaviors such as smoking and increased risk of suicidal ideation.

- Twenty-five percent of 9- to 17-year-olds report having had an online sexually explicit interaction with someone they believed to be an adult.

- It is estimated that online advertising firms hold 72 million data points on the average child by the time they reach the age of 13, allowing marketers to target young people’s vulnerabilities with extreme precision. Researchers have demonstrated that it is possible to target ads to teenagers on Instagram based on their interests in dieting, alcohol, and gambling.

It has been long established that adolescence is associated with neurological changes that promote cravings for social attention, feedback, and status. Research on associations between social media use is emerging. There are data to suggest possible developmental benefits from online social interaction.
Daine et al., 2013), however, several distinct lines of inquiry also suggest pathways that link social media use to maladaptive outcomes, including engagement in risky behavior, psychological symptoms, illegal behavior, and aberrant brain development (De-Sola Gutiérrez et al., 2016; Griffiths et al., 2014; Kirby et al., 2020). Young users are simply less able to resist temptations to remain online (Ang & Lee, 2017; Somerville & Casey, 2010) as full brain maturation typically does not occur until age 25, which leaves children and youth vulnerable to dozens of potential years of unregulated social media use.

The enormity of the youth mental health crisis needs to be addressed as the very real harms of social media are impacting our children today. Taken together, the Kids Online Safety Act and the Children and Teens’ Online Privacy Protection Act would prevent online platforms from exploiting young users’ developmental vulnerabilities and targeting them in unfair and harmful ways.

The Kids Online Safety Act seeks to hold social media companies accountable after their repeated failures to protect children and adolescents from the practices that make their platforms more harmful. The bill establishes a duty of care for social media companies to protect minors from mental health harms, sexual trafficking, and illegal products. Additionally, the bill requires companies to go through independent, external audits, allows researcher access to platform data assets, and creates substantial youth and parental controls to create a safer digital environment.

The Children and Teens’ Online Privacy Protection Act would expand privacy protections to teens for the first time, establishing a “Digital Marketing Bill of Rights for Teens” that limits the collection of personal information. The bill would also expand protections for children under 13, including banning surveillance advertising, and preventing companies like TikTok and Instagram from turning a blind eye towards the millions of younger users on their sites. In addition, the bill would improve enforcement by creating a dedicated division of Youth Marketing and Privacy at the Federal Trade Commission.

There has been no significant federal legislation to protect children and adolescents online since the passage of COPPA in 1998 – long before smartphones and platforms like Facebook and YouTube even existed. With young people spending more time online than ever before, it is critical that Congress give them the protections they deserve when using the internet for learning, connection, and entertainment.

We thank you for your attention to this critical matter.

Sincerely,

Fairplay

American Academy of Pediatrics

American Psychological Association

Center for Digital Democracy

Common Sense Media

Eating Disorders Coalition
Mental Health America
Academy for Eating Disorders
Active Minds
Alaska Eating Disorders Alliance
Amanda Birkhead Nutrition Counseling LLC
American Association for Psychoanalysis in Clinical Social Work
American Association of Child and Adolescent Psychiatry
American Association of Social Work and Social Welfare
American Counseling Association
American Federation of Teachers
American Foundation for Suicide Prevention
Anxiety and Depression Association of America
Association for Ambulatory Behavioral Healthcare
Association of Latino Administrators and Superintendents (ALAS)
Banu Foundation
Be Real
Becca Schmill Foundation
Berkeley Media Studies Group
Bilateral Safety Corridor Coalition
Brave Movement
Carolina Resource Center for Eating Disorders
Centerstone
The Center for Online Safety
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Children and Screens: Institute of Digital Media and Child Development
Citizens for Decency
Clinical Social Work Association
Community Campaign against Human Trafficking - West Florida
Compass 31
Consumer Action
Crosswalk Atl
Defending the Early Years (deyproject.org)
Depression and Bipolar Support Alliance
Eating Disorder Coalition of Iowa
Eating disorders Resource Center
ECPAT-USA
EDGE Consulting Partners
EDRC
Electronic Privacy Information Center (EPIC)
The Emily Program
End Exploitation Montana
Exposure Labs - Creators of The Social Dilemma
General Federation of Women's Clubs (GFWC)
#HalfTheStory
I Am Light Ministries
IGGY Ventures LLC
International Society for Psychiatric Mental Health Nurses
Jasmine Grace Outreach
The Jed Foundation
The Kennedy Forum
Live More Screen Less
LOG OFF Movement
LookUp.live
Lynn's Warriors
Massachusetts PTA
Maternal Mental Health Leadership Alliance
MaryAnn Michaelis Counseling Services LLC DBA Addo Recovery
Mayor of Morrisville, North Carolina
McCallum Place
Media Education Foundation
Mental Health America of Arizona
Mental Health America of Greater Dallas
Mental Health America of Greater Houston
Mental Health Association of South Mississippi
Mental Health Colorado
Mentari
Multi-Service Eating Disorders Association (MEDA)
National Alliance for Eating Disorders
The National Alliance to Advance Adolescent Health
National Association for Children's Behavioral Health
National Association of Pediatric Nurse Practitioners
National Association of State Mental Health Program Directors
National Center of Excellence for Eating Disorders
National Center on Sexual Exploitation (NCOSE)
National Eating Disorders Association
National Federation of Families
National League for Nursing
National Register of Health Service Psychologists
NC Stop Human Trafficking
Parent of Survivor
Parents Who Fight
ParentsTogether
Pinkmantaray LLC
Porn Free Colorado
Postpartum Support International
Protect Young Eyes
Public Citizen
RAINN
Realized potential Inc
REDC Consortium
REGO Payment Architectures
RI International
SAFEchild
Sandy Hook Promise
The Samaritan Women - Institute for Shelter Care
Schizophrenia & Psychosis Action Alliance
Shift SC

Stop Predatory Gambling and the Campaign for Gambling-Free Kids

STRIPED (Strategic Training Initiative for the Prevention of Eating Disorders)

SunCloud Health

Susan K. Youngsteadt LCSW, PLLC

UConn Rudd Center for Food Policy & Health

UltraViolet Action

Veritas Collaborative

Waldorf Early Childhood Association of N. America

Washington State PTA

WealthManagement Ministries-Prevention Works Joint Task Force & Coalition

WithAll

Worthy²

YCA Human Trafficking Task Force