

**Testimony of
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**Before the

Subcommittee on Commerce, Manufacturing, and Trade
Energy and Commerce Committee
United States House of Representatives

Hearing titled

“Legislative Solutions to Protect Children and Teens Online”**

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Chairman Bilirakis, Ranking Member Schakowsky, Chairman Guthrie, Ranking Member Pallone, and members of this esteemed committee, thank you for holding this incredibly important hearing to advance legislative solutions that ensures the health and safety of kids online. I am Joel Thayer. I am a practicing attorney and sit as President of the Digital Progress Institute—a think tank dedicated to finding bipartisan solutions in the tech and telecom policy spaces. Finding political consensus on incremental solutions to today’s acute concerns in tech policy is at the core of our advocacy. Indeed, some of the bills before you today are based off frameworks we helped develop.

This hearing coupled with its bevy of bills makes a few things abundantly clear. First, we care about our children and their well-being on and off their devices. Second, we are no longer satisfied with the status quo. In so many ways, today’s youth are robbed of their innocence far more easily than ever before. This is thanks to the ubiquity of mobile devices and the services

they host. Large tech platforms are inundating kids with lude and lascivious exhibitions and even connecting them to child predators. This is well documented. Senator Marsha Blackburn even went as far as describing Instagram as the “premier sex trafficking site in this country.”¹

Despite what the tech companies trumpet in their press releases, parents are left with almost no resources to combat their encroachments. Worse, tech companies are, indeed, perpetuating the problem.

Herein lies the rub.

Quite frankly, Big Tech’s form of child exploitation pays well. As we all know, our children are not only Big Tech’s users but are also their product. Meta specifically targets young users and even places a monetary value of \$270 on each child’s life.² But the issue is worse still; children are not only feeding Big Tech’s algorithms to sell to advertisers but are also used to inform their respective AI programs. Programs, like chatbots, have already resulted in some child deaths by encouraging kids to commit suicide.³ At DPI, we are all for winning the AI war, but we do not believe children should serve as its casualties.

It is why the measures you are considering today are so essential to both ensuring that we remain dominant in the AI race and we protect our most vulnerable populations—children and teens.

¹ NBC News, ‘*That’s Ridiculous*’: Zuckerberg Pushes Back on Meta Sex Trafficking Accusation, Website (Jan 31, 2024), <https://www.nbcnews.com/video/-that-s-ridiculous-zuckerberg-pushes-back-on-meta-sex-trafficking-accusation-203337797724>.

² Heritage Foundation, X @Heritage (Jan 31, 2024), <https://x.com/Heritage/status/1752767189663240548>.

³ Angela Yang, Laura Jarrett, & Fallon Gallagher, *The Family of Teenager Who Died By Suicide Alleges OpenAI’s ChatGPT is to Blame*, NBC News (Aug. 26, 2025), <https://www.nbcnews.com/tech/tech-news/family-teenager-died-suicide-alleges-openais-chatgpt-blame-rcna226147>.

However, we cannot ignore the long road ahead to get these passed. Big Tech's lobby is not only fierce but also unrelenting. They mire the validities of these solutions by instilling fears of consumers forfeiting privacy and the stifling of speech. But this is all a farse.

As to privacy, I say consider the source. Indeed, courts, regulators, and consumers have found every one of these companies to have violated their users' personal privacy. Take Apple, for instance, that proclaims your privacy is "a fundamental human right."⁴ Discovery from a class-action lawsuit reveals that, since October 2011, Apple had "routinely recorded their private conversations after consumers activated its Siri unintentionally, and disclosed these conversations to third parties such as advertisers."⁵ Some of these disclosures included private conversations with their doctors.⁶ So much for privacy being a "human right."

Google is even worse. In fact, one of Google's privacy violations was so egregious that the Federal Trade Commission (FTC) created a first-of-its-kind settlement, requiring Google "to implement a comprehensive privacy program" that it unbelievably didn't already have.⁷

Social media companies do not fare much better. An FTC report found that social media companies, like Snap, Meta, and TikTok, have "engaged in vast surveillance of users with lax privacy controls and inadequate safeguards for kids and teens."⁸

⁴ Apple, *Privacy*, Website (last visited Dec. 2, 2025), <https://www.apple.com/privacy/#:~:text=Privacy%20is%20a%20fundamental%20human,and%20services%20to%20protect%20it>.

⁵ Jonathan Stempel, *Apple Must Face Siri Voice Assistant Privacy Lawsuit -U.S. Judge*, Reuters (Sep. 2, 2021), <https://www.reuters.com/technology/apple-must-face-siri-voice-assistant-privacy-lawsuit-us-judge-2021-09-02/>.

⁶ *Id.*

⁷ Rachel Courtland, *Google Agrees to 20 Years of Privacy Audits*, IEEE Spectrum (Mar. 20, 2011), <https://spectrum.ieee.org/google-agrees-to-20-years-of-privacy-audits#:~:text=The%20FTC%20says%20this%20is,privacy%20of%20consumers'%20information%22..>

⁸ F.T.C., *A Look Behind the Screens: Examining the Data Practices of Social Media and Video Streaming Services*, Staff Report (2024), <https://www.ftc.gov/reports/look-behind-screens-examining-data-practices-social-media-video-streaming-services>.

Point being, these companies are hardly an authority on proper privacy hygienics.

As to free speech, I stand on the shoulders of Third Circuit Judge Paul Matey who poignantly stated that Big Tech “[s]muggles constitutional conceptions of a ‘free trade in ideas’ into a digital cauldron of illicit loves’ that leap and boil with no oversight, no accountability, no remedy.”⁹ And it’s true. Big Tech has leveraged the (admittedly) messy First Amendment jurisprudence to turn our bulwark for free expression into a sword to cut down laws they don’t like.

But there’s good news. The Supreme Court is creating a clearer pathway for these measures. To start, in *TikTok v. Garland*, the Supreme Court categorically rejected TikTok’s argument that the mere regulation of an algorithm raises First Amendment scrutiny.¹⁰ Even better, the Court clarified that a law regulating a tech platform doesn’t invite First Amendment review if the law’s primary justification is not content based, even if its ancillary justifications are.¹¹

In sum, it’s clear from my review, that the bills before us today, particularly the App Store Accountability Act, the SCREEN Act, and the Kids Online Safety Act, have taken these considerations into account and are poised to resolve many of the challenges parents are facing in today’s digital age with respect to child safety.

I appreciate the committee for inviting me to testify and look forward to your questions.

⁹ *Anderson v. TikTok*, 116 F.4th 180, 185 (3rd Cir. 2024) (Matey, J. concurring).

¹⁰ 145 S.Ct. 57 (2024).

¹¹ *Id.* at 72.