



October 15, 2019

Honorable Frank Pallone
Chairman, Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Honorable Greg Walden
Ranking Member, Energy and Commerce
2322 Rayburn House Office Building
Washington, D.C. 2051

Re: Statement of James P. Steyer, CEO and Founder of Common Sense Media regarding the Hearing on Sec. 230 and "Fostering a Healthier Internet to Protect Consumers."

Dear Chairman Pallone and Ranking Member Walden:

Thank you for the opportunity to submit this comment for the record on your important hearing on Sec. 230 and "Fostering a Healthier Internet to Protect Consumers." I am grateful that you are taking up this pressing issue that affects our country and our democracy and that also directly impacts kids and families, and I hope that you will closely consider the unique needs of children as you explore the issues surrounding Sec. 230 and the proliferation of harmful content online.

Common Sense Media is America's leading organization dedicated to helping kids and families harness the power of media and technology as a positive force in kids' lives. We have a deep background in telecommunications policy as it relates to kids and families. Launched 15 years ago, Common Sense Media has more than 110 million unique consumer users each year. We provide independent research, advice, ratings and reviews, and trustworthy information to help families thrive in the 21st century. As technology products are now an integral part of the school experience, we designed an award-winning Digital Citizenship Curriculum to help educators with a comprehensive K-12 curriculum that guides students through technology dilemmas (cyberbullying, tech addiction, and news literacy, for example). More than 700,000 registered educators use our resources and we have more than 68,000 member schools, including well over half of U.S. schools and 14,000 schools in other countries. Through our Common Sense Research program, we provide parents, educators, health organizations, and policymakers with reliable, independent data on children's use of media and technology and the impact it has on their physical, emotional, social, and intellectual development. Common Sense has been an important voice in Congress, before the FCC and FTC, and in state legislatures regarding children's online privacy and digital equity issues.

I am deeply concerned that Sec. 230 has allowed for an explosion of irresponsible, harmful, and dangerous content on the Internet with no accountability for the companies that house and profit off that content. It is my view that without a strong government incentive, industry efforts to take down or limit harmful content are often inadequate reactive "one-offs." Platforms promise a safe environment for friends and families to

connect and share but industry's own "community standards" are not reliable and result in parents being left with the overwhelming challenge of trying to "moderate" the internet for their kids on their own. Platforms could design their sites to support content moderation and to guide kids and parents to healthy content but instead parents are contending with both dangerous content and manipulative design techniques that relentlessly push content and addictive use. Technology companies can and should step up but the current language and interpretations of Sec. 230 have allowed companies to abdicate this duty.

While more longitudinal research is needed on the impact our "always on" culture is having on our kids, what we do know, and what many parents have experienced firsthand, is that there has been rapid growth in the last few years when it comes to access to technology and the amount of time kids and families spend in front of screens. In 2012, 34 percent of teens used social media more than once a day; today, 70 percent do.¹ At the same time, most teens -- seventy-three percent -- think social media is designed to make them spend more time on their devices and distract them and their friends. Notably both kids and parents share concerns about the content they come across on platforms.

Here are some of the things we already know about digital media consumption that are relevant to the debate over Sec. 230 as highlighted by MacArthur Genius Award Recipient and legal scholar, Danielle Citron, in "The Internet's Safe Harbor is Not Safe for Kids"²:

Kids of all ages are watching -

- Eighty-one percent of parents with children 11 and younger let their kids watch videos on YouTube.³
 - Sixty-one percent of these parents say their child has encountered content on YouTube that they felt was unsuitable for children.⁴
- Eighty-five percent of teens say they use YouTube.⁵
- Teens use Instagram (61%), Snapchat (63%), and Facebook (43%).⁶

¹ Rideout, V., & Robb, M. B. (2018). *Social media, social life: Teens reveal their experiences*. San Francisco, CA: Common Sense Media.

² <https://www.common sense media.org/kids-action/blog/the-internets-safe-harbor-is-not-safe-for-kids>

³ Smith, A., Toor, S., & Van Kessel, P. (2018, November 7). *Many turn to YouTube for children's content, news, how-to lessons*. Retrieved from <https://www.pewinternet.org/2018/11/07/many-turn-to-youtube-for-childrens-content-news-how-to-lessons/>.

⁴ *Id.*

⁵ Pew Research Center (2018, May). *Teens, social media & technology*. Retrieved from <https://www.pewinternet.org/2018/05/31/teens-social-media-technology-2018/>

⁶ <https://www.common sense media.org/research/social-media-social-life-2018>

Vulnerable teens feel more vulnerable online -

- Teens with low social-emotional well-being experience more of the negative effects of social media than kids with high social-emotional well-being.⁷

Teens are on social media more than ever -

- The proportion of teens who use social media multiple times a day has doubled over the past six years: In 2012, 34% of teens used social media more than once a day; today, 70% do.⁸

Kids use social media as a source for news -

- Among children aged 10 to 18 who use social media, 76% get news from a social networking site. Of those:⁹
 - Forty-one percent of tweens choose YouTube as their preferred social media site for news.¹⁰
 - Forty-seven percent of teens choose Facebook as their preferred social media site for news.¹¹

Social media is cause for concern -

- Fifty-four percent of teens say that if parents knew what actually happened on social media, they'd be a lot more worried about it.

Because most platforms turn a profit from advertising revenue, the incentives for a platform to “self regulate” and use the “sword” to moderate content as Sec. 230 intended are misaligned with a platform's own needs to turn that profit. Platform ad revenue depends on driving traffic to the site and keeping users on the site. The easiest way to do this is by allowing for the most outrageous content to proliferate. Platforms then push that outrageous content to kids (recommendation algorithms) and employ manipulative design techniques (autoplay, likes, streaks, badges) to keep kids on the platform. Instead of managing content as the authors of Sec. 230 envisioned, platforms see Sec. 230 as a simple “shield” to protect them from the liability that could arise from all the harmful, toxic, extreme, and even illegal material they allow on their sites. Pushing this toxic content is a simple path to profits and Sec. 230 neutralizes any outside incentives that might have lead these companies to moderate their platforms.

Amending Sec. 230, admittedly a difficult endeavor, is necessary to ensure a safer online environment for children. We must ensure that the language of Sec 230 both allows for platforms to moderate content but also to incentivize that platforms *actually* moderate

⁷ Rideout, V., & Robb, M. B. (2018). *Social media, social life: Teens reveal their experiences*. San Francisco, CA: Common Sense Media.

⁸ Rideout, V., & Robb, M. B. (2018). *Social media, social life: Teens reveal their experiences*. San Francisco, CA: Common Sense Media.

⁹ <https://www.commonsensemedia.org/research/news-and-americas-kids-infographic>

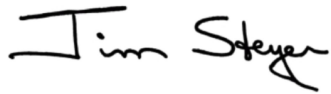
¹⁰ *Id.*

¹¹ *Id.*

content. Today, kids must be online for life and learning, platforms and government have a responsibility to make sure there are safeguards in place.

Thank you for your consideration of these comments as you debate the best path forward regarding Sec. 230 and ensuring the Internet is a safe place for everyone. Common Sense stands ready to assist you as you move ahead on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Jim Steyer". The signature is written in a cursive, slightly informal style.

James P. Steyer
Founder and CEO, Common Sense