

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

December 22, 2025

Mr. Marc Berkman
CEO
Organization for Social Media Safety
6442 Platt Avenue, Suite 1914
West Hills, CA 91397

Dear Mr. Berkman:

Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade hearing on Tuesday, December 2, 2025, to testify at the hearing entitled, "Legislative Solutions to Protect Children and Teens Online."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Monday, January 12, 2026. Your responses should be mailed to Alex Khlopin, Policy Analyst, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to alex.khlopin@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Gus M. Bilirakis
Chairman
Subcommittee on Commerce, Manufacturing, and Trade

cc: The Honorable Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment — Additional Questions for the Record

The Honorable Russ Fulcher (R-ID)

1. Mr. Berkman, in 2020 AI was a background tool for companies. Today, it's everywhere on the user and customer side, especially with kids. It's prevalent in social media platforms they're on, the games they play and sadly, and even the so called "relationships" they form. The AI landscape is rapidly evolving, forcing parents and policymakers to scramble to keep up to ensure our vulnerable youth are safe. Mr. Beckham, what's the biggest gap between how fast AI is evolving and how slowly our policies are responding...what do you see are some of the biggest risks and issues that we are not addressing right now?

The Honorable Russ Fulcher (R-ID) Mr. Berkman, in 2020 AI was a background tool for companies. Today, it's everywhere on the user and customer side, especially with kids. It's prevalent in social media platforms they're on, the games they play and sadly, and even the so called "relationships" they form. The AI landscape is rapidly evolving, forcing parents and policymakers to scramble to keep up to ensure our vulnerable youth are safe. Mr. Berkman, what's the biggest gap between how fast AI is evolving and how slowly our policies are responding...what do you see are some of the biggest risks and issues that we are not addressing right now?

Response for the Record (Marc Berkman, CEO, Organization for Social Media Safety)

Thank you for the question. To clarify the Organization for Social Media Safety's scope: we approach AI through a consumer-protection lens, particularly as it is deployed via social media, and so, we do not focus, at this time, on any broader existential or systemic risks regarding AI, including singularity, national security implications, or macroeconomic impacts.

As suggested in the question, AI features and products are being launched and iterated rapidly. Major changes to existing features accessed by millions of American children, including social media algorithms, chatbots, and synthetic media capabilities, can roll out with minimal public notice, and any resulting harms can scale immediately. Yet our public policy protections move more slowly than both this pace of technological development and its related risks. This creates a situation in which families alone bear the burden of protecting against risks that are unobserved, poorly measured, or poorly understood, even as AI features become widely adopted and more embedded in our children's daily lives.

The currently identified concerns include:

1. A rapidly growing risk category is AI systems that simulate relationships, trust, intimacy, or authority, often referred to as "social AI" or "chatbots." We already have evidence that chatbots are causing severe, acute harms, including the following reported cases:
 - Megan Garcia alleged that her 14-year-old son Sewell Setzer III fell victim to a chatbot that pulled him into what she described as an emotionally and sexually abusive relationship that led to his suicide in February 2024.¹
 - The Raine family has alleged that another chatbot caused 16-year-old Adam Raine's death by distributing ChatGPT to minors despite knowing it could encourage psychological dependency and suicidal ideation.²

¹ Associated Press. (2026, January 7). *Google and chatbot maker Character to settle lawsuit alleging chatbot pushed teen to suicide*. AP News. <https://apnews.com/article/ai-chatbot-lawsuits-character-google-fbca4e105b0adc5f3e5ea096851437de>

² Tiku, N., & Schaul, K. (2025, December 27). *74 suicide warnings and 243 mentions of hanging What ChatGPT said to a suicidal teen*. The Washington Post. <https://www.washingtonpost.com/technology/2025/12/27/chatgpt-suicide-openai-raine/>

- In another case, a chatbot suggested violence against parents, and other self-harm content.³
- Another report alleged a young person sought repeated drug-use advice from a chatbot over time and later died of an overdose.⁴
- An internal Meta Platforms document detailing policies on chatbot behavior permitted the company’s artificial intelligence creations to “engage a child in conversations that are romantic or sensual” and generate false medical information, among other concerns.⁵
- Another report found that AI chatbots are now encouraging dangerous weight loss and eating habits in teen users.⁶

We are particularly concerned about AI’s long-term mental health risks for children. Chatbots may materially displace human interaction and affect children’s social, emotional, and cognitive development.⁷ One study has raised concerns that heavy reliance on ChatGPT-like tools may erode critical thinking in some contexts.⁸ By the time these longer-term risks are properly understood, millions of children might have already suffered irreparable harm. Congress must play a role in ensuring that we develop a robust, fully funded infrastructure to study these risks so that developers, non-governmental organizations, and families can react with due speed in an evidence-based manner to protect children.

Furthermore, in January 2026, Google and AI chatbot maker Character Technologies agreed to settle a lawsuit from a mother who alleged a chatbot pushed her teenage son to kill himself.⁹ We are concerned that with the settlement, these companies have avoided necessary scrutiny of risky operations and feature designs. With millions of child users and the massive potential scale of harm, Congress should consider sunshine in litigation legislation for AI-related lawsuits, that limits confidentiality provisions which conceal public safety hazards, to ensure that secret lawsuit settlements in this area do not become an avenue to hide clear and present

³ Tiku, N. (2024, December 10). *An AI companion suggested he kill his parents. Now his mom is suing.* The Washington Post. <https://www.washingtonpost.com/technology/2024/12/10/character-ai-lawsuit-teen-kill-parents-texas/>

⁴ Black, L., & Council, S. (2026, January 5). *A Calif. teen trusted ChatGPT’s drug advice. He died from an overdose.* SFGATE. <https://www.sfgate.com/tech/article/calif-teen-chatgpt-drug-advice-fatal-overdose-21266718.php>

⁵ Horwitz, J. (2025, August 14). *Meta’s AI rules have let bots hold ‘sensual’ chats with kids, offer false medical info.* Reuters Investigates. <https://www.reuters.com/investigates/special-report/meta-ai-chatbot-guidelines/>

⁶ Upton-Clark, E. (2024, December 6). *Character.AI is under fire for hosting pro-anorexia chatbots.* Fast Company. <https://www.fastcompany.com/91241586/character-ai-is-under-fire-for-hosting-pro-anorexia-chatbots>

⁷ Xu, Y., Prado, Y., Severson, R.L., Lovato, S., Cassell, J. (2025). Growing up with artificial intelligence: Implications for child development. In: Christakis, D.A., Hale, L. (eds) *Handbook of Children and Screens*. Springer, Cham. https://doi.org/10.1007/978-3-031-69362-5_83

⁸ Chow, A. R. (2025, June 23). *ChatGPT may be eroding critical thinking skills, according to a new MIT study.* TIME. <https://time.com/7295195/ai-chatgpt-google-learning-school/>

⁹ The Associated Press. (2026, January 7). *Google and chatbot maker Character to settle lawsuit alleging chatbot pushed teen to suicide.* AP News. <https://apnews.com/article/ai-chatbot-lawsuits-character-google-fbca4e105b0adc5f3e5ea096851437de>

risks for children.

2. Social media platforms have used evidence of vulnerability or emotional fragility to target advertisements to teens, exacerbating depression, distress, eating disorders, body image issues, and self-harm, among other outcomes.¹⁰ With more advanced AI systems in place, the ability to analyze our children’s data has grown exponentially, and with that ability comes the opportunity for increased manipulation and exploitation of vulnerable youth. Congress needs to enact data minimization, limits on sensitive inference, and guardrails on profiling-based targeting, particularly where minors are foreseeable users.

3. Voice cloning, deepfakes, synthetic images, and highly targeted persuasion enable scams and coercion to scale faster than traditional enforcement models.¹¹ The FTC’s September 2025 inquiry into consumer-facing AI “companion” chatbots underscores the growing concern about how companies test, monitor, and mitigate negative impacts on children and teens. The tools for deception are scaling faster than those for detection, deterrence, and remedy. We do applaud Congress for passing the Take It Down Act to protect against Intimate Imagery Deepfakes targeting minors.

4. Social media consumers cannot protect themselves from risks they cannot perceive, and right now, there is no consistent, enforceable requirement across social media platforms to clearly disclose when a user is interacting with an AI chatbot or avatar versus a real person.¹² Without upfront transparency, users, especially children and other vulnerable individuals, may share highly sensitive information, place undue trust in advice, or become emotionally reliant or emotionally dependent in ways they would have avoided had they known it was AI. This is a classic consumer-protection failure: the absence of clear disclosure prevents informed consent and blocks basic self-protective best practices. It also raises serious privacy and data-security concerns, because users may reasonably assume they are in a human-to-human exchange when their messages are instead being collected, processed, and potentially retained or used to train systems. Congress should require clear, conspicuous AI interaction disclosures and meaningful guardrails so people can make informed choices before harm occurs.

These are some, not all, of the AI-based risks that need more Congressional attention. Congressman, you also asked about what the *biggest* gap is between how fast AI is evolving and how slowly our policies are responding. We are concerned that the answer to that question may well be that the public lacks sufficient visibility into the largest AI risks that

¹⁰ Wynn-Williams, S. (2025). *Careless People A Cautionary Tale of Power, Greed, and Lost Idealism*. Flatiron Books.

¹¹ L. S., Aslett, D., Mekonnen, G., & Zecevic, M. (2024). The dangers of voice cloning and how to combat it. *The Conversation*. <https://theconversation.com/the-dangers-of-voice-cloning-and-how-to-combat-it-239926>

¹² See Kenny R, Fischhoff B, Davis A, Carley KM, Canfield C. Duped by Bots: Why Some are Better than Others at Detecting Fake Social Media Personas. *Hum Factors*. 2024 Jan;66(1):88-102. doi: 10.1177/00187208211072642. Epub 2022 Feb 24. PMID: 35202549; PMCID: PMC11370216.

could cause mass harm, especially among youth. As discussed in my earlier testimony, given the durable conflicts of interest between safety and profits in the social media industry, we cannot trust the industry to conduct measured assessments of the risks associated with new features or capabilities, to mitigate appropriately for such risks, nor to alert the public to these risks in a responsible manner.

For the unknown risks and for the ones I just articulated, Congress should prioritize the following legislation:

- Pre-deployment and ongoing risk/impact assessments, with clear documentation of foreseeable harms and mitigations.
- Independent audits/evaluations for high-risk systems, not only internal testing.
- Stronger safeguards for AI chatbots, including heightened protections where minors are foreseeable users, and restrictions on under-18 access absent effective safety protocols.
- Meaningful transparency and disclosures so consumers know when they are interacting with AI and can understand the basis for personalization.
- Whistleblower protection for employees to alert the public to risks and unsafe business practices in the AI field.
- Funding for an ongoing, independent research infrastructure to identify, understand, and alert the public to any risks to children associated with AI features and products.
- Real enforcement and remedies when companies deploy systems that create foreseeable consumer harm or make misleading or inaccurate safety representations.

Since Congress can implement these common-sense measures without hindering American competitiveness in AI development, it must do so with expediency to protect a generation of American children from potential harm.