

To the office of U.S. Senator Ruben Gallego

Re: S 5226 (119th Congress), Parental Approval for Youth Social Media Act of 2026 • Latest action (2026-08-04): Read twice and referred to the Committee on Commerce, Science, and Transportation. VFA SI Solution #224 • published 2026-08-06 • <https://www.valuesforamerica.com/solutions/224>
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Children's Account Safety and Parental Consent Act of 2025

The measure, as described from the official record: Require social media platforms to obtain verified parental consent before children under 18 (or a defined age) can create or maintain accounts, to protect minors from online harms such as data exploitation, exposure to inappropriate content, and predatory behavior.

THE PROPOSAL

This Act amends the Children's Online Privacy Protection Act (COPPA, 15 U.S.C. §§ 6501–6506) to extend its parental consent requirement to the creation of accounts by minors under the age of 16 on social media platforms that are directed to children or have actual knowledge that a user is a minor.

(a) Definitions. – 'Social media platform' means any public or semi-public interactive computer service, as defined in 47 U.S.C. § 230(f)(2), that enables users to share content, connect with other users, and maintain a profile, provided the platform is operated for commercial purposes and has more than 5 million active monthly users in the United States. 'Minor' means an individual under 16 years of age.

(b) Parental Consent Requirement. – A social media platform shall not permit a minor to create an account, or to maintain an existing account, unless the platform has obtained verifiable parental consent in a manner consistent with the COPPA Rule (16 C.F.R. Part 312). The platform must provide a clear mechanism for parents to revoke consent at any time and delete the account.

(c) Enforcement and Penalties. – The Federal Trade Commission shall enforce this Act as an unfair or deceptive act or practice under section 5 of the Federal Trade Commission Act (15 U.S.C. § 45). Civil penalties shall not exceed \$50,000 per violation, adjusted for inflation, and shall be deposited into the Consumer Protection Fund established by the FTC.

(d) Savings Clause. – Nothing in this Act shall be construed to limit the First Amendment rights of minors or platforms, or to require the monitoring, filtering, or removal of any content. This Act applies only to the collection of personal information and account creation, and does not preempt state laws that provide greater protections for minors.

(e) Rulemaking. – The FTC shall issue a final rule within 180 days of enactment specifying the

methods of verifiable parental consent, consistent with existing COPPA regulations, and shall update the COPPA Rule to incorporate this Act's requirements.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	A one-time appropriation of \$10 million from the Federal Trade Commission's existing Salaries and Expenses account, offset by a 0.25% annual fee on social media platforms' gross U.S. revenue exceeding \$100 million.
Funding Amount	\$10 million for initial rulemaking and enforcement, with ongoing costs covered by the fee mechanism (estimated \$5 million annually).
Sunset Years	5 years
Oversight Body	Federal Trade Commission, Bureau of Consumer Protection, with annual reporting to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Energy and Commerce.
Enforcement Mechanism	Civil actions by the FTC in federal district court for injunctive relief and civil penalties; no private right of action. Courts may consider the platform's good-faith compliance with FTC guidance.
Effective Date	180 days after enactment, or upon issuance of the final rule, whichever is later.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause – regulation of interstate commercial social media platforms)
- First Amendment (rights of minors and platforms protected by savings clause)
- Tenth Amendment (no commandeering of states; state laws with greater protections preserved)
- Fifth Amendment Due Process (clear definitions and FTC rulemaking ensure notice and fair enforcement)

Concerns with the measure as written:

- First Amendment – the bill may restrict minors' rights to receive and express information, and burden platforms' editorial discretion without strict scrutiny justification.
 - Tenth Amendment – the bill may exceed federal power by regulating purely intrastate social media interactions not substantially affecting interstate commerce.
 - Fifth Amendment Due Process – vague definition of 'parental consent' and 'social media platform' could lead to arbitrary enforcement or suppression of lawful speech.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: Stronger protections for children's privacy and safety online, closing loopholes in COPPA, and federal enforcement preempting weaker state laws. Republican priorities honored: Narrow tailoring to existing COPPA framework and First Amendment savings clause, no new content mandates or speech restrictions, use of existing FTC authority rather than a new agency, fee-based funding that does not rely on general revenue, and a sunset to force re-evaluation.

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