

By: Patterson, González of El Paso

H.C.R. No. 46

CONCURRENT RESOLUTION

1 WHEREAS, Scores of experts have warned the U.S. Congress
2 about the pressing need to protect children and adolescents from
3 social media harms; and

4 WHEREAS, Over the course of five hearings, the Senate
5 Subcommittee on Consumer Protection, Product Safety, and Data
6 Security received abundant testimony about the severe impacts
7 social media platforms can have on brain development and mental
8 health; problems noted by experts include hazardous substance use,
9 eating disorders, bullying, anxiety, depression, and self-harm;
10 Meta whistleblower Frances Haugen provided a trove of the company's
11 internal research showing that its products have negative impacts
12 on children, especially teenage girls, and that the company
13 downplayed this troubling information and made but minimal efforts
14 to mitigate damage; she implored Congress to take action; and

15 WHEREAS, In a June 2022 letter, American Psychological
16 Association Services, Mental Health America, and more than 100
17 other organizations told the U.S. Senate Committee on Commerce,
18 Science, and Transportation that the growing mental health crisis
19 among America's youth is exacerbated by social media platforms
20 designed in ways that increase exposure to harmful content and
21 encourage unhealthy patterns of use; adolescence involves
22 neurological changes that promote cravings for social attention,
23 feedback, and status, the letter stated, and young users can find it
24 difficult to abstain from social media, even when they recognize

1 that it is making them feel terrible about themselves; and

2 WHEREAS, The internet is a comparatively new form of media,
3 and during its short history, Congress has struggled to understand
4 the full breadth of its impact and determine how best to prevent
5 negative consequences; though it aimed to safeguard those under the
6 age of 13 with the passage of the Children's Online Privacy
7 Protection Act of 1998, Congress has yet to address the many issues
8 that have arisen in the intervening quarter century; and

9 WHEREAS, Crafting legislation to prevent children from
10 accessing harmful content has proven a particularly challenging
11 endeavor, given the need to accommodate First Amendment concerns;
12 laws targeting specific categories of speech based on content are
13 subject to the exacting "strict scrutiny" standard of judicial
14 review, and the courts have previously struck down as
15 unconstitutional statutes seeking to criminalize the provision of
16 harmful internet content to minors; however, federal case law does
17 recognize certain circumstances in which Congress may restrict
18 children's access to particular types of information, depending on
19 such factors as existence of a demonstrable harm and assurances
20 that any restriction does not encumber more constitutionally
21 protected speech than is necessary; and

22 WHEREAS, When social media platforms fail to take
23 responsibility for the harms they cause, it is incumbent upon
24 lawmakers to step in, and although balancing legal protections with
25 First Amendment considerations will require extreme delicacy, the
26 health, safety, and well-being of children and adolescents are too
27 important to leave to the vagaries of algorithms designed to

1 protect profits, not children; now, therefore, be it

2 RESOLVED, That the 88th Legislature of the State of Texas
3 hereby respectfully urge the United States Congress to pass
4 legislation to protect children from the harms of social media;
5 and, be it further

6 RESOLVED, That the Texas secretary of state forward official
7 copies of this resolution to the president of the United States, to
8 the speaker of the House of Representatives and the president of the
9 Senate of the United States Congress, and to all the members of the
10 Texas delegation to the Congress with the request that this
11 resolution be officially entered in the Congressional Record as a
12 memorial to the Congress of the United States of America.