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House of Representatives
Washington, DC 20515

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Rep. April McClain Delaney (MD-06) Written Testimony
Committee on Energy & Commerce Member Day Hearing

Honorable Brett Guthrie, Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building

Honorable Frank Pallone, Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2323 Rayburn House Office Building

Dear Chairman Guthrie and Ranking Member Pallone,

As the Committee on Energy and Commerce enters into the second session of the 119th Congress, we have a historic opportunity to strengthen protections for kids online, modernize our rapidly changing technology and telecommunications sectors, incentivise investments in reliable energy resources, and confront our healthcare crisis. It is a privilege to share priorities that I have heard about from every corner of the Sixth District of Maryland.

Protecting Children in the Digital Age

As a telecommunications attorney who founded the District of Columbia office of Common Sense Media in 2006, I have spent the bulk of my career advocating for how media impacts kids' health and well-being. Key priorities of mine include digital literacy, privacy, closing of the digital divide, and the multitude of ways that technology can adversely impact our children and youth.

At Common Sense Media, I led efforts on the Children and Media Research Advancement (CAMRA) Act, which was enacted through the Fiscal Year 2023 omnibus spending package. As you know, the CAMRA Act directed the National Institutes of Health (NIH) to study the impact of technology and electronic media on the cognitive, social-emotional, and physical health of our children. It is vital that Congress take similar steps to better understand the impacts of AI to keep our kids safe online with science-informed policies. This is one of my top priorities and I look forward to partnering with the Committee on this goal.

Social media platforms, algorithms, AI, and other technologies, have become integral parts of the lives of all Americans, and unfortunately play a significant role in our national youth mental health crisis. We have seen too many instances of self-harm, eating disorders, and deaths of young people stemming from interactions with social media platforms carelessly utilizing exploitative algorithms. Unfortunately, social media companies have been shielded from liability for the operation of their platforms under Section 230 of the Communications Decency Act.

While civil immunity for *platforms* for the content that users post is sensible in some cases, the line between a platform and a product has been blurred. There has been a spike in the use of algorithms to push specific content to users – including our children and youth – to keep them engaged for hours on end. Families injured by the negligent development and operation of algorithm-based platforms deserve a viable avenue to hold these companies accountable in court.

Social media and tech companies should be encouraged and allowed to continue to innovate. However, thoughtful, effective bumpers and safeguards around algorithms are necessary to ensure transparency and accountability for our nation’s children. To that end, I was proud to co-lead *H.R. 6266, the Algorithm Accountability Act* with Congressman Kennedy of Utah, when it was introduced last month. This legislation would amend Section 230 to impose a standard of care for platforms in the design, deployment, and operation of algorithms. This bipartisan legislation would also establish a private right of action for families to seek redress when platforms negligently expose users to harmful content leading to injury or death. I look forward to engaging with the Committee on behalf of families that have experienced unthinkable tragedy connected to social media.

In addition to algorithms, AI chatbots have been rapidly deployed by social media platforms to keep users engaged. According to the American Psychological Association, “companies design entertainment chatbots. . . to keep users engaged for as long as possible, so their data can be mined for profit.” We have seen heartbreaking instances of young people losing their lives by suicide after “jailbreaking” companion chatbots and bypassing built-in safety measures.

Next year, I plan to introduce legislation to prohibit AI chatbots used by children from engaging in harmful conversations, like offering mental health services without supervision of a licensed clinician. This legislation would include a private and state right of action to hold companies using AI chatbots accountable. It would also direct the Substance Abuse and Mental Health Administration (SAMHSA) to collect data on instances of self-harm, disordered eating, suicide, and other mental health issues related to the use of chatbots. I hope to partner with the Committee to protect children in their interactions with AI chatbots.

Consumer Data and Emerging Technologies

Despite the scale and sophistication of today’s digital products, the companies that develop and market digital platforms and products continue to collect vast amounts of data on users without meaningful consumer privacy regulations. In the digital age, data is power. Without additional consumer protections, these companies have influence approaching the level of nation-states. Beyond social media companies, existing products collect a great deal of personal information on American consumers in the healthcare sector, like AI tools that evaluate radiological scans. These technologies have vastly improved early detection and diagnosis of diseases, but strong data privacy standards are not yet established to ensure that patient data run through AI systems is protected from unauthorized access and disclosure. This priority aligns with the Committee’s advancements in protections for consumers with respect to their health care data.

Bridging the Digital Divide

Before entering Congress, I served as the Deputy Assistant Secretary of Communications at the Department of Commerce’s National Telecommunications and Information Administration

(NTIA). During that time, I helped guide the development of the Broadband Equity, Access, and Deployment (BEAD) Program; a historic, bipartisan effort to close the digital divide by empowering states and local communities to invest in affordable, reliable broadband.

This past July, just two months before states were expected to submit their BEAD applications, the Department of Commerce overhauled the program. The Department's modifications included 1) the prioritization of low-Earth-orbit satellite technologies, which are less resilient than fiber in terms of capacity, reliability, and long-term scalability; and 2) the lack of clarity around permissible non-deployment uses of BEAD funds. These changes created uncertainty for states and risked undermining the essential investments that BEAD was designed to support. I was proud to lead my colleagues in a letter to NTIA requesting immediate clarification on how BEAD applicants may use nondeployment funds under the BEAD Restructuring Policy Notice (BRPN). I am committed to finding additional opportunities to collaborate with the Committee to make certain no BEAD funding opportunity is overlooked and that this historic investment is allocated strategically to support a resilient and forward-looking telecommunications ecosystem.

Restricting State Regulations on AI

I strongly oppose any effort to impose a moratorium on state and local authority to enforce AI laws. Attempts to coerce states to comply with an AI moratorium by conditioning federal funding – as we saw happen with the BEAD program – would threaten broadband access for communities. States have already demonstrated effective leadership, enacting laws with strong bumpers and guardrails to address generative AI, transparency, and safety, earning support from industry leaders. Blocking states from implementing safeguards would exacerbate AI harms in addition to eroding public trust and U.S. competitiveness. Using federal funding to force states to abandon protections would punish communities and set a dangerous precedent. I am grateful to have co-led a series of letters with Committee Members on this issue including, Communications and Technology Subcommittee Ranking Member Matsui. I hope to continue partnering with the Committee to thwart any additional attempts to restrict state regulations on AI.

Advancing Next-Generation Connectivity

Another timely priority within the Committee's jurisdiction is maintaining U.S. leadership in 6G, which is critical for our competitiveness and technological edge. The International Trade Union's 6G framework envisions networks that are faster and more reliable. By leading in 6G development and standard-setting, America can shape the global digital landscape and drive innovation. I look forward to working with the Committee to ensure communities across America benefit from next-generation connectivity.

Strengthening Our Emergency Communications Systems

Resilient, redundant emergency communications systems are vital to ensuring public safety for our constituents. FirstNet reflects a commitment from Congress to ensure that first responders across the nation have a reliable communications network to coordinate and plan responses and save lives. At NTIA, I worked on the implementation and management of FirstNet. I saw first-hand how the network underpins effective emergency response, enables interoperability between agencies, and supports innovation. I strongly support the Committee's efforts to reauthorize FirstNet to assure this vital network continues to operate without interruption.

Effective emergency communications require both first responder and public access. Nationwide implementation of Next Generation 9-1-1 is an essential step to ensuring that every American can reach help quickly, reliably, and equitably. Outdated technology, budget shortfalls, and staffing gaps at our Emergency Communications Centers have extended response times, sometimes leading to disastrous results for our communities. Over the past decade, Maryland undertook a comprehensive review of our 9-1-1 systems and passed legislation to modernize our equipment, enhance 9-1-1 cybersecurity, and address our staffing crisis. In Maryland, emergency services have access to Geographic Information Systems to get pinpoint locations of where help is needed; 9-1-1 Specialists have streamlined access to mental health services; and all Marylanders can send texts, photos, and videos directly to emergency communications professionals. I am committed to working with the Committee to support all of our nation's *first* first responders, the 9-1-1 Specialists who literally answer the call to get help where it needs to go.

Advancing Reliable, Affordable, and Clean Energy Solutions

Another priority of mine is addressing a challenge that every locality and state is grappling with: the growing strain on our energy system. Grid operators across the country are warning about the risk of rolling blackouts, rising energy costs, and the potential impact on our economic and national security.

To meet this moment, we need a practical, forward-looking commitment to strengthen our energy infrastructure and expand clean, reliable power. This means modernizing the grid and supporting domestic clean-energy manufacturing. It also requires Congress working in tandem with states and industry to prevent disruptions before they occur.

We cannot lead in advanced technologies if our power systems remain vulnerable. I'm committed to working with this Committee to streamline permitting and bring affordable, dependable energy resources online more quickly.

Protecting Affordable Healthcare for American Families

The escalating cost of our healthcare affordability crisis cannot be overstated. Rising living costs continue to strain household budgets with healthcare costs being one of the heaviest financial burdens. Although not squarely within this Committee's jurisdiction, I'd be remiss if I didn't highlight how the healthcare crisis will only be exacerbated by the scheduled expiration of the Affordable Care Act (ACA) Enhanced Premium Tax Credit (ePTC). In Maryland approximately 190,000 residents currently benefit from ePTCs. Due to the expiration of ePTCs, 30,000 Marylanders will likely be forced to drop their Marketplace coverage entirely because they will no longer be able to afford it.

These challenges bring a tsunami of hurt to our districts when paired with the recent enactment of H.R. 1, the One Big Beautiful Bill Act (OBBBA). There is nothing beautiful about this bill. OBBBA threatens the 1.5 million Marylanders that depend on Medicaid coverage, kicks 242,000 Marylanders off Medicaid or ACA coverage and claws back \$2.7 billion in federal health care funding. I am proud to cosponsor *H.R. 4849, the Protecting Health Care and Lowering Costs Act*, which would repeal the dangerous cuts put forth in this bill.

OBBBA will significantly impact rural hospitals and providers in my district, many of whom are already operating on razor-thin margins. For many families, particularly those in rural areas, these changes will make the difference between receiving timely medical care and going without. I am committed to working with this Committee to fight for affordable access for telehealth services, prevent rural hospital closures, and ensure that hospitals and providers are well resourced and staffed.

Thank you for your consideration of all of these important priorities for the 6th district and all of Maryland.

Sincerely,



April McClain Delaney
Member of Congress