

May 11, 2026

The Honorable Marsha Blackburn
Chairwoman, Judiciary Subcommittee on Privacy, Technology and the Law
United States Senate
Washington, DC

The Honorable Amy Klobuchar
Ranking Member, Judiciary Subcommittee on Privacy, Technology and the Law
United States Senate
Washington, DC

**SUBJECT: TESTIMONY FOR JUDICIARY SUBCOMMITTEE ON PRIVACY,
TECHNOLOGY AND THE LAW HEARING ON MAY 13, 2026**

Dear Chairwoman Blackburn, Ranking Member Klobuchar and Subcommittee Members,

Thank you for inviting me to share our story. My name is Joann Bogard. I am a mother, a child online safety advocate, and a founding member of [ParentsSOS](#), and I live in Indiana with my husband Steve. We have been blessed with almost 40 years of marriage and three beautiful children. Before retiring, Steve served our community as a firefighter and I worked at our public school system. We were living a beautiful dream life, until our nightmare began.

Seven years ago I made a promise to fight for change. I made that promise to my 15-year-old son Mason while he was on life support after attempting a dangerous viral challenge, so it's a promise that I can't give up on. It is why I have been advocating for the Kids Online Safety Act for over four years, travelling repeatedly to Capitol Hill with other ParentsSOS survivor families to ask Congress to stand up to Big Tech on behalf of parents. And knowing that our Senate is not only encouraging me to continue fighting, but fighting **with** me, means everything. I'm here today to ask Congress to finish the job and pass KOSA, a bill that received 91 votes on the Senate floor last session of Congress, and has 76 sponsors today.

Mason was our youngest. He was our creative kid—always taking things apart to create something new. Trying to figure out what made things work the way they did and how he could, as he would say, “make it work better”. He would watch how-to videos on YouTube to make fishing lures and master his woodworking skills. He loved fishing, hiking, camping, playing his drums, and entertaining his friends and family with his witty humor. He was smart and so funny. He had great friends and went to a good school. Mason was very generous and compassionate. When he would see a homeless person, he would ask me to turn around so that he could give them his money. I would remind him that we don't know if they are really homeless. His reply was, “we don't know that they *aren't* homeless.” Of course, we would turn around and he would share everything that he had. Even as a young boy, when he would see someone in a military uniform or

a veteran's hat, he would walk up to them, shake their hand, and thank them for their service. When someone took something of his without asking, his answer was always, "well they must have really needed it, so I'm happy to let them keep it". His heart was pure and wholesome. He brought so much joy to us and completed our family.

In 2019 he had just started his first job at a landscape business and was excited to start driver's ed. He talked often about joining the Army. He was always a protector of others, so this seemed like a logical path for him. What I want you to see here is that Mason was living a healthy and well-balanced lifestyle as a typical teen.

May 1, 2019 started as a normal day for our family with our typical routines of work, school and dinner. That night Mason gave his dad his typical hug, walked upstairs to take his shower, and called to me, "I love you Momma." I replied, "I love you too Buddy." Those were our last words. A few minutes later, we would find Mason's lifeless body. Not breathing. No heartbeat. Thanks to my husband's quick action, he was able to do CPR and get a pulse back and Mason spent a week on life support, but he never woke up. Our answer to what happened was on his phone. A self-recorded video where he had tried a viral social media trend called "the choking game" that the algorithm fed to him unsolicited. This is a trend where kids make themselves pass out, wake up and post it. For Mason and too many others, it went horribly wrong and we lost our sweet boy.

Just two weeks ago, I was contacted by another parent who said that her son had recently died from the choking challenge. I have been notified of over 100 more choking challenge deaths just since Mason died. This is just one type of social media harm. One type of challenge. And just the children that I know about. Dangerous challenges are just one of the many harms that are the result of how social media is designed to keep our kids scrolling, posting, and sharing as long as possible: cyberbullying, sextortion, illicit drugs sales, eating disorders, self-harm, sanctioned suicide, and more are all linked to social media's business model.

Mason and all of the other children who have died attempting the choking challenge were doing exactly what the social media companies want kids to do: scrolling and posting to try to earn attention from their friends, classmates, and strangers. Social media's design drives children to seek "likes" and "clicks" that in today's world are so important to make them feel accepted by their peers. And the never-ending algorithmic feeds of harmful content give our impulsive and impressionable children a false sense of safety. It doesn't matter if a child is living a healthy well-balanced lifestyle, or if they have a natural curiosity about drugs or sex, the algorithm will find whatever it is that will heighten their emotions and feed it to them unsolicited to keep them scrolling.

The tech companies are well aware that these online harms exist, but they have failed to address them. Since Mason died, each week I search for these choking challenge videos on social media. I find dozens within minutes and I report them. Yet they are rarely removed. A recent [study](#) funded by the [Becca Schmill Foundation](#) found that less than 5% of the reported dangerous challenges on YouTube, Vimeo, TikTok and

Instagram were removed. This is unacceptable, especially considering that the platforms claim in their Terms of Service that “harmful challenges are not allowed”.

Tech companies’ failure to act on the spread of dangerous viral challenges is just one of the ways that platform executives have repeatedly proven that they will not self-regulate in a manner that will consistently protect children. They give parents and young users — and Congress — a false sense of safety with promises of protections and safety measures. For example, Meta has heavily marketed 47 new protections, many under the umbrella of its “Teen Accounts” campaign. These new protections and parental tools are often announced right before a hearing or markup in Congress. Yet [research](#) revealed that only 8 of them work as promised. This type of negligent, empty marketing contributes to the harm and death of countless children.

Tech executives have also deceived Congress about their commitment to our children. I was at the Senate Judiciary Committee Hearing in January 2024 when TikTok CEO Shou Zi Chew lied about TikTok having zero challenges on their platform. I still find them today. At that same hearing, Meta CEO Mark Zuckerberg also lied when he claimed to have no knowledge of a correlation between social media and mental health harms. A trove of internal documents released by whistleblowers and obtained through litigation has shown that Mr. Zuckerberg and other Meta executives were well aware of the harm Instagram was inflicting on teens. At this same hearing, Mr. Zuckerberg was forced to apologize to the grieving parents who have lost their children to online harms. His words rang hollow, not only because he did not take any responsibility, but because [Meta has lobbied extensively against KOSA](#). Parents like me don’t want forced apologies, we want Meta to stop blocking legislation that we have been advocating for tirelessly for years.

Despite tech executives’ best attempts to deceive us all about the safety of social media, recent lawsuits have proven what parents have long known: their products are designed to profit off of our kids, not protect them, and they know it. I was at the social media trial against Meta and Google in Los Angeles, where Mark Zuckerberg lied again about his knowledge of his product being harmful and took no responsibility for decisions he made that put youth on Instagram at risk for mental health harms and death. Thankfully, a jury of peers found Meta and Google liable and negligent on all charges. They heard that Mark Zuckerberg and other Meta executives knowingly designed products to be addictive and chose not to heed to the [warnings from professionals](#) about the likely mental health harms that they would cause. They heard that YouTube executives’ highest measure of success is how long users — including children — spend on the platform, and that they took years to implement minimal safety features for kids, who they knew were struggling.

The trial in California and other lawsuits like it are raising critical awareness about Big Tech’s harmful practices, but successful verdicts in social media cases are rare. For years, tech companies have used Section 230 of the Communications Decency Act to avoid liability for their design choices. My own case against TikTok and Google recently faced dismissal on Section 230 grounds and is now on appeal because the current laws

solely protect the companies instead of children. The platforms can lie, and they hold the keys to showing evidence of the lies and dangerous product designs. We need legislative reform that requires social media companies to be transparent and puts the burden on them to prove these products are safe.

Comments are often made that it is the parents' responsibility to protect their children online. I am here today to say that even the best parenting skills can't fight these companies and their algorithms. I was the engaged parent who did everything that the experts advised. I had all of the safety features turned on for Mason's devices, I had watchdog apps in place, I delayed and limited social media, and I had the hard conversations about online safety. Yet the harmful content that led to his death still found its way into his phone. My experience, and the experience of other survivor parents who advocate with me, make it clear that parents can't fight this alone. The recent court cases **prove** that these companies knew that their products were purposefully designed to be addictive and could cause mental harm to young viewers. They knew that their safety settings and parental tools were ineffective at keeping kids safe and healthy. Parents aren't asking for a free pass from parenting. We are asking for a fighting chance to protect our children. We all have a role to play in keeping them safe online: parents, educators, state and federal lawmakers, AND the people who design these products—the billion dollar platforms.

So when people ask, "Where are the parents of these children?" I can tell you the answer. We survivor parents are here, on Capitol Hill, sitting through countless Hearings. We are in the classrooms, in the Town Halls, starting foundations, knocking on Meta's door in Silicon Valley and being escorted off the property, rallying outside the Apple office, meeting with President Trump, and still hopeful for a meeting with Speaker Johnson. That is where you will find us—fighting for YOUR children and YOUR grandchildren, because ours are gone and we don't want any other family to feel this pain. We have started a huge movement, and we aren't going anywhere until it is finished. Spreading awareness, ensuring that education is being added to school curriculum, fighting for legislation and the ability to sue these companies when they are being irresponsible and negligent. I'm asking every lawmaker to join us in this fight. Do what you do best. Pass legislation to protect America's young people so that our next generation has a solid foundation to lead the world.

No other American industry goes unchecked. Big Tech should not be the exception simply because they have an endless supply of money to buy their way out of accountability using [over 300 lobbyists](#) fighting against legislation.

If a company knowingly designs a carseat with substandard plastic and unsafe features to increase their profit margin, and puts a label on the box that claims to have safety features that don't actually work as promised, that company can be sued. Children will die and people will demand that Congress hold them accountable. This is not the case with virtual products. As a parent, I did the research and believed the safety claims. We must change this flawed system and create laws that mandate safety features for virtual products that match the laws for tangible products.

This is why we need laws in place like the Kids Online Safety Act to regulate these companies and provide parents with real tools to protect our children. KOSA doesn't hamper anyone's right to search for content. It simply applies some common sense guidelines for these platforms that will save young lives and protect their mental health. If these platforms were not allowed to design an algorithm to be addictive, or feed unsolicited harmful content like dangerous challenges, or suggest connections with predators and drug dealers, then kids like Mason and thousands more would still be alive.

There isn't **one** big fix for this mess. It can't be fixed with legislation alone. We need to see more people fighting back through litigation. We need to spread awareness about the reality of the online world, and educate parents and youth leaders. We need to educate the kids in the classrooms. There is a huge movement right now, and passing KOSA would be the beginning of regaining the traditional moral and ethical standards that our great country thrives on.

We are America. The greatest country in the world. And yet, our future leaders of the country, our children, face deadly risks. There must be a sensible way to make laws that allow our children to prosper, rather than companies prosper at the costs of our children. KOSA is our answer.

Mason was one of the most generous kids that I have ever met. His final act of generosity was his gift of life to the people who received his organs. News of Mason's death spread and people were asking me, "How can we protect our kids online?" That's when I knew that this wasn't isolated to our family and that I had to find a way to turn this tragedy into something that would honor Mason's life and save other children. My young hero always stood up for those who didn't have a voice. So I'm trying to follow his lead and be his voice.

I pray that this is the very last hearing for KOSA, and that it moves forward quickly in the Senate and soon becomes law to honor the lost children listed below and begin protecting every child online. Parents are asking Senate Commerce Committee Chair Ted Cruz to please schedule KOSA for a markup without delay. Thank you Senator Blackburn and Senator Blumenthal for being champions of this bill in the Senate and to Ranking Member Klobuchar and the Subcommittee for standing with the survivor parents, and allowing me to share our story with you.

Sincerely,

Joann Bogard
Mom of Mason, Forever 15

Listed below are the children of the ParentsSOS survivor parents. These are just a few of the young heroes who are changing the world through their stories.

Alex Peiser, Forever 17 – Alex was 17 years old when he died by suicide after he was influenced by anonymous users online. Alex was a fun, sensitive kid who was active in Boy Scouts, theater, band and his church youth group. He had good grades in school.

Andrew Riviere, Forever 21 and Stephen Riviere, Forever 19 – Andrew was 21 and Stephen was 19 when they died from fentanyl poisoning alongside each other after experimenting with Oxycodone pills bought from an online drug dealer. The brothers were close to each other and lived and worked together. Andrew loved to make people laugh by doing goofy things. He was a mad scientist and enjoyed doing experiments. He was also great with his hands and an avid guitarist. Stephen was an academically and athletically gifted kid. After graduating from high school with an excellent record, he would have been a sophomore at the University of Colorado at Colorado Springs (UCCS).

Becca Schmill, Forever 18 – Becca was 18 when she died of fentanyl poisoning from drugs she purchased through a social media platform. Becca was a kind, caring person with a gift for making those around her feel loved and appreciated.

David Molak, Forever 16 – David was 16 when he died by suicide after months of relentless and threatening cyberbullying. In the year leading up to David's death, he was addicted to internet gaming and social media which caused anxiety and depression. David was an excellent basketball player who had an amazing recollection of sports stats. He was a fantasy football fanatic and never passed up an opportunity to dominate his family in Monopoly.

Erik Robinson, Forever 12 – Erik was 12 years old when he died as a result of accidental asphyxiation after participating in the online "Choking Game" (nowadays popularly known as the "Blackout Challenge") just one day after learning about it. Erik was actively engaged in life at school, in Boy Scouts, and baseball. He had definitive plans for the future, including already corresponding with West Point's admissions department to ensure he would meet their physical fitness requirements when the time came to apply.

Ethan Burke Van Lith, Forever 13 – Ethan was 13 when he died as a result of accidental asphyxiation after participating in the online "Blackout Challenge." Ethan was always the happiest kid in the room and the brightest light in any situation. Any challenge excited him: from jumping off a high rock into the water to bouncing on a pogo stick while riding his scooter simultaneously.

Grace McComas, Forever 15 – Grace was 15 years old when she died by suicide after being viciously cyberbullied and threatened on Twitter, then sexually harassed and bullied by her school peers. Grace was a wonderful human being who was well-loved. She was a bright light from birth, bouncing and happy, and grew into a deeply kind and

gregarious teen with a great sense of humor. Grace was active in school activities including sports, music, and community service.

Griffin McGrath, Forever 13 – Griffin was 13 years old when he died as a result of accidental asphyxiation after participating in the online “Blackout Challenge.” Griffin was an extraordinary and wickedly smart child. He placed third in the National Science Bowl competition just two weeks before he passed. Most of all he was a kind-hearted soul and touched everyone he met with his brilliance, genuineness, and quick wit.

Jack McDonough, Forever 18 – Jack was 18 when he died by fentanyl poisoning after taking a Percocet laced with the lethal substance that he procured from an online dealer on Facebook. Jack was an adventurous, outdoor enthusiast who enjoyed fishing with his friends and working on cars with his Dad. Jack was a kind and loving son, a true “giver,” and made himself available to help anyone in need.

Jack Servi, Forever 16 – Jack was 16 years old when he died as a result of accidental asphyxiation after participating in the online “Blackout Challenge.” He broadcast his challenge on Snapchat while his friends watched the video of him choking and dying alone. Jack had an infectious smile and loved to make people laugh. His hobbies included building computers and working on motorized bicycles, as well as playing video games.

Jordan DeMay, Forever 17 – Jordan was 17 when he died by suicide after he was sextorted by an online predator posing as a teenager on Instagram. Jordan was a driven young athlete whose love for sports basketball and football reflected his deep bonds with his friends, teammates, and community. He was a fierce leader on and off the field, and was known for his compassionate spirit, great smile, and fluffy hair. He loved his family and the water, and inspired those around him.

Levi Maciejewski, Forever 13 – Levi was 13 when he died after being extorted online by a predator who coerced, threatened, and blackmailed him into ending his life. Levi was a devoted son and brother who brought light to the lives of everyone around him. He was unapologetically himself — a confident athlete, a leader on and off the field, an avid outdoorsman, a proud patriot, and an honest friend. In the wake of his passing, Levi’s family has worked to raise awareness about the dangers of online harms and the urgent need for stronger protections for kids online.

Mason Bogard, Forever 15 – Mason was 15 years old when he died as a result of accidental asphyxiation after participating in a viral social media trend called the “Choking Challenge.” Mason was a typical teen who went to a good school, had great friends, and lived a healthy well-balanced lifestyle. He was generous, kind, spiritual, and loved deeply. He was very patriotic and wanted to join the Army. He enjoyed fishing, hiking, camping, woodworking, playing his drums, and entertaining his friends and family with his witty humor.

Matthew E. Minor, Forever 12 – Matthew was 12 years old when he died as a result of accidental asphyxiation after participating in the online “Blackout Challenge”. Matthew was loving, compassionate, and a big hugger with a charismatic personality. Matthew was active in martial arts, football, and basketball. He cherished his time at family gatherings at the family farm in Tappahannock, Virginia.

Max Osterman, Forever 18 – Max was 18 when he died from fentanyl poisoning after a Snapchat drug dealer sold him counterfeit Percocet laced with the deadly substance. Max was a warm and loving young man who brought great pleasure to all who entered his circle and advocated for those in need. He lettered in lacrosse, wrestling, and football, and was a great friend, teammate, and classmate.

McKenna Brown, Forever 16 – McKenna was 16 when she died by suicide after being cyberbullied on social media. She was a gifted high school senior who had a way of making every person she encountered feel like they were the most important person in the room. McKenna had many future plans, including college hockey, flag football, and travel. She cared infinitely, was fiercely loyal, and always saw the good in everyone around her.

Morgan Pieper, Forever 15 – Morgan was 15 when she died by suicide after social media use exacerbated her mental health. Morgan was a smart, funny, charismatic teenager and lived life with passion. An animal lover, Morgan was enrolled in the marine science program at her high school and planned to become a marine biologist.

Owen Zimmer, Forever 17 – Owen was 17 when he died by suicide after he was influenced by online users. Owen was deeply loved by his family, friends, and many others. He had a passion for sports, especially football, and played the guitar and drums. He had a keen interest in world history and wanted to be a historian. Owen was proficient with technology and a skilled coder and had built a gaming computer with his grandfather.

Walker Montgomery, Forever 16 – Walker was 16 years old when he died by suicide after he was sextorted by an anonymous online predator on Instagram. Walker was a well adjusted teenager with a great social circle. He had no depression or social problems at all.