Main Street
PRIVACY COALITION

March 6, 2026

The Honorable Brett Guthrie
Chairman
U.S. House Committee on
Energy and Commerce
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
U.S. House Committee on
Energy and Commerce
Washington, DC 20515

The Honorable Gus Bilirakis
Chairman
U.S. House Subcommittee on
Commerce, Manufacturing, and Trade
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
U.S. House Subcommittee on
Commerce, Manufacturing, and Trade
Washington, DC 20515

RE: S. 836, Children and Teens' Online Privacy Protection Act ("COPPA 2.0")

Dear Chairmen Guthrie and Bilirakis, and Ranking Members Pallone and Schakowsky:

As the Committee continues to deliberate on next steps regarding the Children and Teen's Online Privacy Protection Act (COPPA 2.0), the Main Street Privacy Coalition (MSPC) writes to express its strong opposition to S. 836, the COPPA 2.0 version passed by the Senate on March 5, which would impact the affordability of goods and services to consumers from Main Street businesses. S. 836 would subject Main Street businesses to 50 different state laws to regulate the same online activity, and expose them to potentially thousands of threatened lawsuits from financially motivated trial lawyers who will exploit the differences and inherent conflicts among the patchwork of state laws using private rights of action already available under state consumer protection laws. In short, S. 836 would penalize well-intentioned businesses that serve consumers on a daily basis, forcing them to face litigation threats from 50 new state COPPA laws (i.e., COPPA 3.0 to 52.0). We urge you to reject the approach of S. 836 and its problematic preemption and constructive knowledge provisions, and instead move forward with a full committee markup of H.R. 6291, the Committee's own COPPA 2.0 bill, which is a well-crafted, thoughtful approach that addresses the concerns of thousands of Main Street businesses that MSPC represents. H.R. 6291 addresses the two significant concerns Main Street businesses raised with past versions of the House bill and the current version of the Senate bill.

The MSPC member associations represent a broad array of companies that line America's Main Streets, from retailers to restaurants, grocery stores to convenience stores, hotels to resorts, and gas stations to a wide range of franchise establishments. MSPC members' companies interact with consumers on a daily basis and can be found in every town, city, and state, providing jobs, supporting our economy, and serving Americans as a vital part of their communities. Collectively, the industry sectors that MSPC trade groups represent directly employ approximately 34 million Americans and constitute one-sixth of the U.S. economy by contributing $4.5 trillion to the annual U.S. gross domestic product.[1]

[1] Additional information about the Main Street Privacy Coalition can be found at: https://mainstreetprivacy.com

S. 836 Upends COPPA's Uniform, National Standard. For over 27 years, the Children's Online Privacy Protection Act of 1998 ("COPPA") has established a uniform national standard to protect *all* American children's privacy regardless of where they lived. S. 836 would upend Congressional intent for COPPA to establish this nationwide uniform law by amending the law's existing preemption provision to create a regulatory "floor" from which states are invited to regulate the same online activity in 50 different ways. Main Street businesses would not only have to expend significantly more funds to navigate a complex universe of varying state law standards when selling goods online (i.e., laws with different definitions of covered data, ages at which restrictions apply, and knowledge standards) to the extent that lawful compliance with conflicting state standards may be impossible. The trial lawyers would assuredly exploit any conflicting standards in "sue and settle" campaigns that target tens of thousands of Main Street businesses with demand letters threatening lawsuits designed to yield high-cost settlements. This would inevitably lead to lost jobs and higher prices for consumers. We are concerned that any legislation that overturns COPPA's near three-decade standard of preemption comes at an enormous economic cost for American consumers who can least afford it at this time.

H.R. 6291 Preserves COPPA's Nearly Three-Decade Primacy. We therefore urge the Committee to pass H.R. 6291 with language maintaining the existing preemption standard of COPPA, which has fostered a uniform, nationwide approach to protecting all children's data the same regardless of the state in which a child lives – a location over which they have no ability to control. The amendment in the nature of a substitute to H.R. 6291 filed by Rep. Lee on March 4 *preserves* COPPA's nearly three-decade primacy as the country's uniform, national standard for children's privacy regulation by not amending the existing COPPA preemption provision at all. MSPC supports this approach. We also appreciate that H.R. 6291 recognizes the significant differences in privacy risk presented by Main Street businesses versus social media companies by maintaining COPPA's actual knowledge standard for Main Street businesses while raising the bar for social media company practices that have driven Congressional action on COPPA. Main Street businesses should not be financially penalized and American consumers should not face an affordability issue from an approach to COPPA 2.0 that fails to recognize and target the bad actors with enhanced privacy regulations that are unnecessary for Main Street businesses.

MSPC believes it is appropriate for the Committee to adopt a two-tier knowledge standard, applying more rigorous requirements for social media companies, which have a history of abuses examined by the Committee. Social media companies also collect vast amounts of highly sensitive data about children and teens, including the content of their posts, which provides awareness of their users' ages. Main Street businesses, on the other hand, do not collect nor wish to have this type of sensitive data or communications, and they do not have a history of abuse that justifies altering their standard away from the "actual knowledge" standard in COPPA to a constructive one. The careful balance achieved in H.R. 6291's context-dependent definition of "knowledge" is further supported by the hearing record before the Committee, which predominantly documents serious abuses by Big Tech and social media companies (not Main Street businesses) in how they treat children and teens, even when they are aware of their age. It is critical H.R. 6291 maintains an actual knowledge standard for Main Street businesses that sell goods to the general public, at high volume on a daily basis, because they lack the data and context to determine every customer's age in a mass market with a broad consumer base.

In closing, MSPC strongly opposes S. 836 and urges passage of the Committee's own H.R. 6291 to maintain COPPA's primacy as a uniform, national law. We also strongly support the two-tiered knowledge standard that recognizes the significant differences between social media companies and other businesses in the treatment of their customers by ensuring Main Street businesses are not held liable for information they do not actually know.

Sincerely,

Main Street Privacy Coalition

cc: Members of the Committee on Energy and Commerce