

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**S. 1409**

To protect the safety of children on the internet.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Kids Online Safety Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—KIDS ONLINE SAFETY**

- Sec. 101. Definitions.
- Sec. 102. Duty of care.
- Sec. 103. Safeguards for minors.
- Sec. 104. Disclosure.
- Sec. 105. Transparency.
- Sec. 106. Research on social media and minors.
- Sec. 107. Market research.
- Sec. 108. Age verification study and report.
- Sec. 109. Guidance.

- Sec. 110. Enforcement.
- Sec. 111. Kids online safety council.
- Sec. 112. Effective date.
- Sec. 113. Rules of construction and other matters.
- Sec. 114. Severability.

#### TITLE II—FILTER BUBBLE TRANSPARENCY

- Sec. 201. Definitions.
- Sec. 202. Requirement to allow users to see unmanipulated content on internet platforms.
- Sec. 203. Severability.

#### TITLE III—RELATIONSHIP TO STATE LAWS

- Sec. 301. Relationship to State laws.

## 1 **TITLE I—KIDS ONLINE SAFETY**

### 2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) CHILD.—The term “child” means an indi-  
5 vidual who is under the age of 13.

6 (2) COMPULSIVE USAGE.—The term “compul-  
7 sive usage” means any response stimulated by exter-  
8 nal factors that causes an individual to engage in re-  
9 petitive behavior reasonably likely to cause psycho-  
10 logical distress.

11 (3) COVERED PLATFORM.—

12 (A) IN GENERAL.—The term “covered  
13 platform” means an online platform, online  
14 video game, messaging application, or video  
15 streaming service that connects to the internet  
16 and that is used, or is reasonably likely to be  
17 used, by a minor.

1 (B) EXCEPTIONS.—The term “covered  
2 platform” does not include—

3 (i) an entity acting in its capacity as  
4 a provider of—

5 (I) a common carrier service sub-  
6 ject to the Communications Act of  
7 1934 (47 U.S.C. 151 et seq.) and all  
8 Acts amendatory thereof and supple-  
9 mentary thereto;

10 (II) a broadband internet access  
11 service (as such term is defined for  
12 purposes of section 8.1(b) of title 47,  
13 Code of Federal Regulations, or any  
14 successor regulation);

15 (III) an email service;

16 (IV) a teleconferencing or video  
17 conferencing service that allows recep-  
18 tion and transmission of audio or  
19 video signals for real-time communica-  
20 tion, provided that—

21 (aa) the service is not an on-  
22 line platform, including a social  
23 media service or social network;  
24 and

1 (bb) the real-time commu-  
2 nication is initiated by using a  
3 unique link or identifier to facili-  
4 tate access; or

5 (V) a wireless messaging service,  
6 including such a service provided  
7 through short messaging service or  
8 multimedia messaging service proto-  
9 cols, that is not a component of, or  
10 linked to, an online platform and  
11 where the predominant or exclusive  
12 function is direct messaging consisting  
13 of the transmission of text, photos or  
14 videos that are sent by electronic  
15 means, where messages are trans-  
16 mitted from the sender to a recipient,  
17 and are not posted within an online  
18 platform or publicly;

19 (ii) an organization not organized to  
20 carry on business for its own profit or that  
21 of its members;

22 (iii) any public or private preschool,  
23 elementary, or secondary school, or any in-  
24 stitution of vocational, professional, or  
25 higher education;

1 (iv) a library (as defined in section  
2 213(1) of the Library Services and Tech-  
3 nology Act (20 U.S.C. 9122(1)));

4 (v) a news or sports news and cov-  
5 erage website or app where—

6 (I) the inclusion of video content  
7 on the website or app is related to the  
8 website or app’s own gathering, re-  
9 porting, or publishing of news content  
10 or sports news and coverage; and

11 (II) the website or app is not  
12 otherwise an online platform;

13 (vi) a product or service that pri-  
14 marily functions as business-to-business  
15 software, a cloud storage, file sharing, or  
16 file collaboration service, provided that the  
17 product or service is not an online plat-  
18 form; or

19 (vii) a virtual private network or simi-  
20 lar service that exists solely to route inter-  
21 net traffic between locations.

22 (4) DESIGN FEATURE.—The term “design fea-  
23 ture” means any feature or component of a covered  
24 platform that will encourage or increase the fre-  
25 quency, time spent, or activity of minors on the cov-

1       ered platform. Design features include but are not  
2       limited to—

3               (A) infinite scrolling or auto play;

4               (B) rewards for time spent on the plat-  
5       form;

6               (C) notifications;

7               (D) personalized recommendation systems;

8               (E) in-game purchases; or

9               (F) appearance altering filters.

10           (5) GEOLOCATION.—The term “geolocation”  
11       means information sufficient to identify street name  
12       and name of a city or town.

13           (6) INDIVIDUAL-SPECIFIC ADVERTISING TO MI-  
14       NORS.—

15               (A) IN GENERAL.—The term “individual-  
16       specific advertising to minors” means adver-  
17       tising or any other effort to market a product  
18       or service that is directed to a specific minor or  
19       a device that is linked or reasonably linkable to  
20       a minor based on—

21                       (i) the personal data of—

22                               (I) the minor; or

23                               (II) a group of minors who are  
24       similar in sex, age, income level, race,  
25       or ethnicity to the specific minor to

1                   whom the product or service is mar-  
2                   keted;

3                   (ii) profiling of a minor or group of  
4                   minors; or

5                   (iii) a unique identifier of the device.

6                   (B) EXCLUSIONS.—The term “individual-  
7                   specific advertising to minors” shall not in-  
8                   clude—

9                   (i) advertising or marketing to an in-  
10                  dividual or the device of an individual in  
11                  response to the individual’s specific request  
12                  for information or feedback, such as a mi-  
13                  nor’s current search query;

14                  (ii) contextual advertising, such as  
15                  when an advertisement is displayed based  
16                  on the content of the covered platform on  
17                  which the advertisement appears and does  
18                  not vary based on personal data related to  
19                  the viewer;

20                  (iii) processing personal data solely  
21                  for measuring or reporting advertising or  
22                  content performance, reach, or frequency,  
23                  including independent measurement;

24                  (C) RULE OF CONSTRUCTION.—Nothing in  
25                  subparagraph (A) shall be construed to prohibit

1 a covered platform that knows an individual is  
2 under the age of 17 from delivering advertising  
3 or marketing that is age-appropriate for the in-  
4 dividual involved and intended for a child or  
5 teen audience (as applicable), so long as the  
6 covered platform does not use any personal  
7 data other than whether the user is under the  
8 age of 17 to deliver such advertising or mar-  
9 keting.

10 (7) KNOW OR KNOWS.—The term “know” or  
11 “knows” means to have actual knowledge or knowl-  
12 edge fairly implied on the basis of objective cir-  
13 cumstances.

14 (8) MENTAL HEALTH DISORDER.—The term  
15 “mental health disorder” has the meaning given the  
16 term “mental disorder” in the Diagnostic and Sta-  
17 tistical Manual of Mental Health Disorders, 5th Edi-  
18 tion (or the most current successor edition).

19 (9) MICROTRANSACTION.—

20 (A) IN GENERAL.—The term “microtrans-  
21 action” means a purchase made in an online  
22 video game (including a purchase made using a  
23 virtual currency that is purchasable or redeem-  
24 able using cash or credit or that is included as  
25 part of a paid subscription service).



1           (B) INCLUSIONS.—Such term includes a  
2 purchase involving surprise mechanics, new  
3 characters, or in-game items.

4           (C) EXCLUSIONS.—Such term does not in-  
5 clude—

6                   (i) a purchase made in an online video  
7 game using a virtual currency that is  
8 earned through gameplay and is not other-  
9 wise purchasable or redeemable using cash  
10 or credit or included as part of a paid sub-  
11 scription service; or

12                   (ii) a purchase of additional levels  
13 within the game or an overall expansion of  
14 the game.

15           (10) MINOR.—The term “minor” means an in-  
16 dividual who is under the age of 17.

17           (11) ONLINE PLATFORM.—The term “online  
18 platform” means any public-facing website, online  
19 service, online application, or mobile application that  
20 predominantly provides a community forum for user  
21 generated content, such as sharing videos, images,  
22 games, audio files, or other content, including a so-  
23 cial media service, social network, or virtual reality  
24 environment.

1           (12) ONLINE VIDEO GAME.—The term “online  
2 video game” means a video game, including an edu-  
3 cational video game, that connects to the internet  
4 and that—

5           (A) allows a user to—

6           (i) create and upload content other  
7 than content that is incidental to  
8 gameplay, such as character or level de-  
9 signs created by the user, preselected  
10 phrases, or short interactions with other  
11 users;

12           (ii) engage in microtransactions with-  
13 in the game; or

14           (iii) communicate with other users; or

15           (B) incorporates individual-specific adver-  
16 tising to minors.

17           (13) PARENT.—The term “parent” has the  
18 meaning given that term in section 1302 of the Chil-  
19 dren’s Online Privacy Protection Act (15 U.S.C.  
20 6501).

21           (14) PERSONAL DATA.—The term “personal  
22 data” has the same meaning as the term “personal  
23 information” as defined in section 1302 of the Chil-  
24 dren’s Online Privacy Protection Act (15 U.S.C.  
25 6501).

1           (15) PERSONALIZED RECOMMENDATION SYS-  
2           TEM.—The term “personalized recommendation sys-  
3           tem” means a fully or partially automated system  
4           used to suggest, promote, or rank content, including  
5           other users, hashtags, or posts, based on the per-  
6           sonal data of users. A recommendation system that  
7           suggests, promotes, or ranks content based solely on  
8           the user’s language, city or town, or age shall not  
9           be considered a personalized recommendation sys-  
10          tem.

11          (16) SEXUAL EXPLOITATION AND ABUSE.—The  
12          term “sexual exploitation and abuse” means any of  
13          the following:

14                (A) Coercion and enticement, as described  
15                in section 2422 of title 18, United States Code.

16                (B) Child sexual abuse material, as de-  
17                scribed in sections 2251, 2252, 2252A, and  
18                2260 of title 18, United States Code.

19                (C) Trafficking for the production of im-  
20                ages, as described in section 2251A of title 18,  
21                United States Code.

22                (D) Sex trafficking of children, as de-  
23                scribed in section 1591 of title 18, United  
24                States Code.

1           (17) USER.—The term “user” means, with re-  
2           spect to a covered platform, an individual who reg-  
3           isters an account or creates a profile on the covered  
4           platform.

5 **SEC. 102. DUTY OF CARE.**

6           (a) PREVENTION OF HARM TO MINORS.—A covered  
7           platform shall exercise reasonable care in the creation and  
8           implementation of any design feature to prevent and miti-  
9           gate the following harms to minors:

10           (1) Consistent with evidence-informed medical  
11           information, the following mental health disorders:  
12           anxiety, depression, eating disorders, substance use  
13           disorders, and suicidal behaviors.

14           (2) Patterns of use that indicate or encourage  
15           addiction-like behaviors by minors.

16           (3) Physical violence, online bullying, and har-  
17           assment of the minor.

18           (4) Sexual exploitation and abuse of minors.

19           (5) Promotion and marketing of narcotic drugs  
20           (as defined in section 102 of the Controlled Sub-  
21           stances Act (21 U.S.C. 802)), tobacco products,  
22           gambling, or alcohol.

23           (6) Predatory, unfair, or deceptive marketing  
24           practices, or other financial harms.

1 (b) LIMITATION.—Nothing in subsection (a) shall be  
2 construed to require a covered platform to prevent or pre-  
3 clude—

4 (1) any minor from deliberately and independ-  
5 ently searching for, or specifically requesting, con-  
6 tent; or

7 (2) the covered platform or individuals on the  
8 platform from providing resources for the prevention  
9 or mitigation of the harms described in subsection  
10 (a), including evidence-informed information and  
11 clinical resources.

12 **SEC. 103. SAFEGUARDS FOR MINORS.**

13 (a) SAFEGUARDS FOR MINORS.—

14 (1) SAFEGUARDS.—A covered platform shall  
15 provide a user or visitor that the covered platform  
16 knows is a minor with readily-accessible and easy-to-  
17 use safeguards to, as applicable—

18 (A) limit the ability of other users or visi-  
19 tors to communicate with the minor;

20 (B) prevent other users or visitors, wheth-  
21 er registered or not, from viewing the minor’s  
22 personal data collected by or shared on the cov-  
23 ered platform, in particular restricting public  
24 access to personal data;

1 (C) limit design features that encourage or  
2 increase the frequency, time spent, or activity of  
3 minors on the covered platform, such as infinite  
4 scrolling, auto playing, rewards for time spent  
5 on the platform, notifications, and other design  
6 features that result in compulsive usage of the  
7 covered platform by the minor;

8 (D) control personalized recommendation  
9 systems, including the ability for a minor to  
10 have at least 1 of the following options—

11 (i) opt out of such personalized rec-  
12 ommendation systems, while still allowing  
13 the display of content based on a chrono-  
14 logical format; or

15 (ii) limit types or categories of rec-  
16 ommendations from such systems; and

17 (E) restrict the sharing of the geolocation  
18 of the minor and provide notice regarding the  
19 tracking of the minor's geolocation.

20 (2) OPTIONS.—A covered platform shall provide  
21 a user that the covered platform knows is a minor  
22 with readily-accessible and easy-to-use options to—

23 (A) delete the minor's account and delete  
24 any personal data collected from, or shared by,  
25 the minor on the covered platform; or

1 (B) limit the amount of time spent by the  
2 minor on the covered platform.

3 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-  
4 NORS.—A covered platform shall provide that, in the  
5 case of a user or visitor that the platform knows is  
6 a minor, the default setting for any safeguard de-  
7 scribed under paragraph (1) shall be the option  
8 available on the platform that provides the most pro-  
9 tective level of control that is offered by the platform  
10 over privacy and safety for that user or visitor.

11 (b) PARENTAL TOOLS.—

12 (1) TOOLS.—A covered platform shall provide  
13 readily-accessible and easy-to-use settings for par-  
14 ents to support a user that the platform knows is a  
15 minor with respect to the user’s use of the platform.

16 (2) REQUIREMENTS.—The parental tools pro-  
17 vided by a covered platform shall include—

18 (A) the ability to manage a minor’s privacy  
19 and account settings, including the safeguards  
20 and options established under subsection (a), in  
21 a manner that allows parents to—

22 (i) view the privacy and account set-  
23 tings; and

1 (ii) in the case of a user that the plat-  
2 form knows is a child, change and control  
3 the privacy and account settings;

4 (B) the ability to restrict purchases and fi-  
5 nancial transactions by the minor, where appli-  
6 cable; and

7 (C) the ability to view metrics of total time  
8 spent on the covered platform and restrict time  
9 spent on the covered platform by the minor.

10 (3) NOTICE TO MINORS.—A covered platform  
11 shall provide clear and conspicuous notice to a user  
12 when the tools described in this subsection are in ef-  
13 fect and what settings or controls have been applied.

14 (4) DEFAULT TOOLS.—A covered platform shall  
15 provide that, in the case of a user that the platform  
16 knows is a child, the tools required under paragraph  
17 (1) shall be enabled by default.

18 (5) APPLICATION TO EXISTING ACCOUNTS.—If,  
19 prior to the effective date of this subsection, a cov-  
20 ered platform provided a parent of a user that the  
21 platform knows is a child with notice and the ability  
22 to enable the parental tools described under this  
23 subsection in a manner that would otherwise comply  
24 with this subsection, and the parent opted out of en-  
25 abling such tools, the covered platform is not re-



1       quired to enable such tools with respect to such user  
2       by default when this subsection takes effect.

3       (c) REPORTING MECHANISM.—

4           (1) REPORTS SUBMITTED BY PARENTS, MI-  
5       NORS, AND SCHOOLS.—A covered platform shall pro-  
6       vide—

7           (A) a readily-accessible and easy-to-use  
8       means to submit reports to the covered plat-  
9       form of harms to a minor;

10          (B) an electronic point of contact specific  
11       to matters involving harms to a minor; and

12          (C) confirmation of the receipt of such a  
13       report and, within the applicable time period  
14       described in paragraph (2), a substantive re-  
15       sponse to the individual that submitted the re-  
16       port.

17          (2) TIMING.—A covered platform shall establish  
18       an internal process to receive and substantively re-  
19       spond to such reports in a reasonable and timely  
20       manner, but in no case later than—

21           (A) 10 days after the receipt of a report,  
22       if, for the most recent calendar year, the plat-  
23       form averaged more than 10,000,000 active  
24       users on a monthly basis in the United States;

1 (B) 21 days after the receipt of a report,  
2 if, for the most recent calendar year, the plat-  
3 form averaged less than 10,000,000 active  
4 users on a monthly basis in the United States;  
5 and

6 (C) notwithstanding subparagraphs (A)  
7 and (B), if the report involves an imminent  
8 threat to the safety of a minor, as promptly as  
9 needed to address the reported threat to safety.

10 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-  
11 ered platform shall not facilitate the advertising of nar-  
12 cotic drugs (as defined in section 102 of the Controlled  
13 Substances Act (21 U.S.C. 802)), tobacco products, gam-  
14 bling, or alcohol to an individual that the covered platform  
15 knows is a minor.

16 (e) RULES OF APPLICATION.—

17 (1) ACCESSIBILITY.—With respect to safe-  
18 guards and parental tools described under sub-  
19 sections (a) and (b), a covered platform shall pro-  
20 vide—

21 (A) information and control options in a  
22 clear and conspicuous manner that takes into  
23 consideration the differing ages, capacities, and  
24 developmental needs of the minors most likely  
25 to access the covered platform and does not en-

1 courage minors or parents to weaken or disable  
2 safeguards or parental tools;

3 (B) readily-accessible and easy-to-use con-  
4 trols to enable or disable safeguards or parental  
5 tools, as appropriate; and

6 (C) information and control options in the  
7 same language, form, and manner as the cov-  
8 ered platform provides the product or service  
9 used by minors and their parents.

10 (2) DARK PATTERNS PROHIBITION.—It shall be  
11 unlawful for any covered platform to design, modify,  
12 or manipulate a user interface of a covered platform  
13 with the purpose or substantial effect of subverting  
14 or impairing user autonomy, decision-making, or  
15 choice with respect to safeguards or parental tools  
16 required under this section.

17 (3) TIMING CONSIDERATIONS.—

18 (A) NO INTERRUPTION TO GAMEPLAY.—  
19 Subsections (a)(1)(C) and (b)(3) shall not re-  
20 quire an online video game to interrupt the nat-  
21 ural sequence of game play, such as progressing  
22 through game levels or finishing a competition.

23 (B) APPLICATION OF CHANGES TO OFF-  
24 LINE DEVICES OR ACCOUNTS.—If a user's de-  
25 vice or user account does not have access to the

1 internet at the time of a change to parental  
2 tools, a covered platform shall apply changes  
3 the next time the device or user is connected to  
4 the internet.

5 (4) RULES OF CONSTRUCTION.—Nothing in  
6 this section shall be construed to—

7 (A) prevent a covered platform from taking  
8 reasonable measures to—

9 (i) block, detect, or prevent the dis-  
10 tribution of unlawful, obscene, or other  
11 harmful material to minors as described in  
12 section 102(a); or

13 (ii) block or filter spam, prevent  
14 criminal activity, or protect the security of  
15 a platform or service;

16 (B) require the disclosure of a minor's  
17 browsing behavior, search history, messages,  
18 contact list, or other content or metadata of  
19 their communications;

20 (C) prevent a covered platform from using  
21 a personalized recommendation system to dis-  
22 play content to a minor if the system only uses  
23 information on—

24 (i) the language spoken by the minor;

25 (ii) the city the minor is located in; or

1 (iii) the minor's age; or

2 (D) prevent an online video game from dis-  
3 closing a username or other user identification  
4 for the purpose of competitive gameplay or to  
5 allow for the reporting of users.

6 (f) DEVICE OR CONSOLE CONTROLS.—

7 (1) IN GENERAL.—Nothing in this section shall  
8 be construed to prohibit a covered platform from in-  
9 tegrating its products or service with, or duplicate  
10 controls or tools provided by, third-party systems,  
11 including operating systems or gaming consoles, to  
12 meet the requirements imposed under subsections  
13 (a) and (b) relating to safeguards for minors and  
14 parental tools, provided that—

15 (A) the controls or tools meet such require-  
16 ments; and

17 (B) the minor or parent is provided suffi-  
18 cient notice of the integration and use of the  
19 parental tools.

20 (2) PRESERVATION OF PROTECTIONS.—In the  
21 event of a conflict between the controls or tools of  
22 a third-party system, including operating systems or  
23 gaming consoles, and a covered platform, the cov-  
24 ered platform is not required to override the controls  
25 or tools of a third-party system if it would under-

1 mine the protections for minors from the safeguards  
2 or parental tools imposed under subsections (a) and  
3 (b).

4 **SEC. 104. DISCLOSURE.**

5 (a) NOTICE.—

6 (1) REGISTRATION OR PURCHASE.—Prior to  
7 registration or purchase of a covered platform by an  
8 individual that the platform knows is a minor, the  
9 platform shall provide clear, conspicuous, and easy-  
10 to-understand—

11 (A) notice of the policies and practices of  
12 the covered platform with respect to personal  
13 data and safeguards for minors;

14 (B) information about how to access the  
15 safeguards and parental tools required under  
16 section 103; and

17 (C) notice about whether the covered plat-  
18 form uses or makes available to minors a prod-  
19 uct, service, or design feature, including any  
20 personalized recommendation system, that  
21 poses any heightened risk of harm to minors.

22 (2) NOTIFICATION.—

23 (A) NOTICE AND ACKNOWLEDGMENT.—In  
24 the case of an individual that a covered plat-  
25 form knows is a child, the platform shall addi-

1           tionally provide information about the parental  
2           tools and safeguards required under section 103  
3           to a parent of the child and obtain verifiable  
4           parental consent (as defined in section 1302(9)  
5           of the Children’s Online Privacy Protection Act  
6           (15 U.S.C. 6501(9))) from the parent prior to  
7           the initial use of the covered platform by the  
8           child.

9           (B) REASONABLE EFFORT.—A covered  
10          platform shall be deemed to have satisfied the  
11          requirement described in subparagraph (A) if  
12          the covered platform is in compliance with the  
13          requirements of the Children’s Online Privacy  
14          Protection Act (15 U.S.C. 6501 et seq.) to use  
15          reasonable efforts (taking into consideration  
16          available technology) to provide a parent with  
17          the information described in subparagraph (A)  
18          and to obtain verifiable parental consent as re-  
19          quired.

20          (3) CONSOLIDATED NOTICES.—For purposes of  
21          this Act, a covered platform may consolidate the  
22          process for providing information under this sub-  
23          section and obtaining verifiable parental consent or  
24          the consent of the minor involved (as applicable) as  
25          required under this subsection with its obligations to

1 provide relevant notice and obtain verifiable consent  
2 under the Children’s Online Privacy Protection Act  
3 (15 U.S.C. 6501 et seq.).

4 (4) GUIDANCE.—The Federal Trade Commis-  
5 sion may issue guidance to assist covered platforms  
6 in complying with the specific notice requirements of  
7 this subsection.

8 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A  
9 covered platform that operates a personalized rec-  
10 ommendation system shall set out in its terms and condi-  
11 tions, in a clear, conspicuous, and easy-to-understand  
12 manner—

13 (1) an overview of how such personalized rec-  
14 ommendation system is used by the covered platform  
15 to provide information to minors, including how such  
16 systems use the personal data of minors; and

17 (2) information about options for minors or  
18 their parents to opt out of or control the personal-  
19 ized recommendation system (as applicable).

20 (c) ADVERTISING AND MARKETING INFORMATION  
21 AND LABELS.—

22 (1) INFORMATION AND LABELS.—A covered  
23 platform that facilitates advertising aimed at users  
24 that the platform knows are minors shall provide  
25 clear, conspicuous, and easy-to-understand labels



1 and information, which can be provided through a  
2 link to another web page or disclosure, to minors on  
3 advertisements regarding—

4 (A) the name of the product, service, or  
5 brand and the subject matter of an advertise-  
6 ment;

7 (B) if the covered platform engages in in-  
8 dividual-specific advertising to minors, why a  
9 particular advertisement is directed to a specific  
10 minor, including material information about  
11 how the minor's personal data is used to direct  
12 the advertisement to the minor; and

13 (C) whether particular media displayed to  
14 the minor is an advertisement or marketing ma-  
15 terial, including disclosure of endorsements of  
16 products, services, or brands made for commer-  
17 cial consideration by other users of the plat-  
18 form.

19 (2) GUIDANCE.—The Federal Trade Commis-  
20 sion may issue guidance to assist covered platforms  
21 in complying with the requirements of this sub-  
22 section, including guidance about the minimum level  
23 of information and labels for the disclosures required  
24 under paragraph (1).

1 (d) RESOURCES FOR PARENTS AND MINORS.—A cov-  
2 ered platform shall provide to minors and parents clear,  
3 conspicuous, easy-to-understand, and comprehensive infor-  
4 mation in a prominent location, which may include a link  
5 to a web page, regarding—

6 (1) its policies and practices with respect to  
7 personal data and safeguards for minors; and

8 (2) how to access the safeguards and tools re-  
9 quired under section 103.

10 (e) RESOURCES IN ADDITIONAL LANGUAGES.—A  
11 covered platform shall ensure, to the extent practicable,  
12 that the disclosures required by this section are made  
13 available in the same language, form, and manner as the  
14 covered platform provides any product or service used by  
15 minors and their parents.

16 **SEC. 105. TRANSPARENCY.**

17 (a) IN GENERAL.—Subject to subsection (b), not less  
18 frequently than once a year, a covered platform shall issue  
19 a public report describing the reasonably foreseeable risks  
20 of harms to minors and assessing the prevention and miti-  
21 gation measures taken to address such risk based on an  
22 independent, third-party audit conducted through reason-  
23 able inspection of the covered platform.

24 (b) SCOPE OF APPLICATION.—The requirements of  
25 this section shall apply to a covered platform if—

1           (1) for the most recent calendar year, the plat-  
2           form averaged more than 10,000,000 active users on  
3           a monthly basis in the United States; and

4           (2) the platform predominantly provides a com-  
5           munity forum for user-generated content and discus-  
6           sion, including sharing videos, images, games, audio  
7           files, discussion in a virtual setting, or other content,  
8           such as acting as a social media platform, virtual re-  
9           ality environment, or a social network service.

10          (c) CONTENT.—

11           (1) TRANSPARENCY.—The public reports re-  
12           quired of a covered platform under this section shall  
13           include—

14           (A) an assessment of the extent to which  
15           the platform is likely to be accessed by minors;

16           (B) a description of the commercial inter-  
17           ests of the covered platform in use by minors;

18           (C) an accounting, based on the data held  
19           by the covered platform, of—

20           (i) the number of users using the cov-  
21           ered platform that the platform knows to  
22           be minors in the United States;

23           (ii) the median and mean amounts of  
24           time spent on the platform by users known  
25           to be minors in the United States who

1           have accessed the platform during the re-  
2           porting year on a daily, weekly, and  
3           monthly basis; and

4                   (iii) the amount of content being  
5           accessed by users that the platform knows  
6           to be minors in the United States that is  
7           in English, and the top 5 non-English lan-  
8           guages used by users accessing the plat-  
9           form in the United States;

10                   (D) an accounting of total reports received  
11           regarding, and the prevalence (which can be  
12           based on scientifically valid sampling methods  
13           using the content available to the covered plat-  
14           form in the normal course of business) of con-  
15           tent related to, the harms described in section  
16           102(a), disaggregated by category of harm and  
17           language, including English and the top 5 non-  
18           English languages used by users accessing the  
19           platform from the United States (as identified  
20           under subparagraph (C)(iii)); and

21                   (E) a description of any material breaches  
22           of parental tools or assurances regarding mi-  
23           nors, representations regarding the use of the  
24           personal data of minors, and other matters re-  
25           garding non-compliance with this Act.

1           (2) REASONABLY FORESEEABLE RISK OF HARM  
2 TO MINORS.—The public reports required of a cov-  
3 ered platform under this section shall include—

4           (A) an assessment of the reasonably fore-  
5 seeable risk of harms to minors posed by the  
6 covered platform, specifically identifying those  
7 physical, mental, developmental, or financial  
8 harms described in section 102(a);

9           (B) a description of whether and how the  
10 covered platform uses design features that en-  
11 courage or increase the frequency, time spent,  
12 or activity of minors on the covered platform,  
13 such as infinite scrolling, auto playing, rewards  
14 for time spent on the platform, notifications,  
15 and other design features that result in compul-  
16 sive usage of the covered platform by the minor;

17           (C) a description of whether, how, and for  
18 what purpose the platform collects or processes  
19 categories of personal data that may cause rea-  
20 sonably foreseeable risk of harms to minors;

21           (D) an evaluation of the efficacy of safe-  
22 guards for minors and parental tools under sec-  
23 tion 103, and any issues in delivering such safe-  
24 guards and the associated parental tools;

1           (E) an evaluation of any other relevant  
2 matters of public concern over risk of harms to  
3 minors associated with the use of the covered  
4 platform; and

5           (F) an assessment of differences in risk of  
6 harm to minors across different English and  
7 non-English languages and efficacy of safe-  
8 guards in those languages.

9           (3) MITIGATION.—The public reports required  
10 of a covered platform under this section shall in-  
11 clude, for English and the top 5 non-English lan-  
12 guages used by users accessing the platform from  
13 the United States (as identified under paragraph  
14 (2)(C)(iii))—

15           (A) a description of the safeguards and pa-  
16 rental tools available to minors and parents on  
17 the covered platform;

18           (B) a description of interventions by the  
19 covered platform when it had or has reason to  
20 believe that harms to minors could occur;

21           (C) a description of the prevention and  
22 mitigation measures intended to be taken in re-  
23 sponse to the known and emerging risks identi-  
24 fied in its assessment of reasonably foreseeable

1 risks of harms to minors, including steps taken  
2 to—

3 (i) prevent harms to minors, including  
4 adapting or removing design features or  
5 addressing through parental tools;

6 (ii) provide the most protective level of  
7 control over privacy and safety by default;  
8 and

9 (iii) adapt recommendation systems to  
10 mitigate reasonably foreseeable risk of  
11 harms to minors, as described in section  
12 102(a);

13 (D) a description of internal processes for  
14 handling reports and automated detection  
15 mechanisms for harms to minors, including the  
16 rate, timeliness, and effectiveness of responses  
17 under the requirement of section 103(c);

18 (E) the status of implementing prevention  
19 and mitigation measures identified in prior as-  
20 sessments; and

21 (F) a description of the additional meas-  
22 ures to be taken by the covered platform to ad-  
23 dress the circumvention of safeguards for mi-  
24 nors and parental tools.

1 (d) REASONABLE INSPECTION.—In conducting an in-  
2 spection of the reasonably foreseeable risk of harm to mi-  
3 nors under this section, an independent, third-party audi-  
4 tor shall—

5 (1) take into consideration the function of per-  
6 sonalized recommendation systems;

7 (2) consult parents and youth experts, including  
8 youth and families with relevant past or current ex-  
9 perience, public health and mental health nonprofit  
10 organizations, health and development organizations,  
11 and civil society with respect to the prevention of  
12 harms to minors;

13 (3) conduct research based on experiences of  
14 minors that use the covered platform, including re-  
15 ports under section 103(c) and information provided  
16 by law enforcement;

17 (4) take account of research, including research  
18 regarding design features, marketing, or product in-  
19 tegrity, industry best practices, or outside research;

20 (5) consider indicia or inferences of age of  
21 users, in addition to any self-declared information  
22 about the age of users; and

23 (6) take into consideration differences in risk of  
24 reasonably foreseeable harms and effectiveness of



1       safeguards across English and non-English lan-  
2       guages.

3       (e) COOPERATION WITH INDEPENDENT, THIRD-  
4 PARTY AUDIT.—To facilitate the report required by sub-  
5 section (c), a covered platform shall—

6           (1) provide or otherwise make available to the  
7       independent third-party conducting the audit all in-  
8       formation and material in its possession, custody, or  
9       control that is relevant to the audit;

10          (2) provide or otherwise make available to the  
11       independent third-party conducting the audit access  
12       to all network, systems, and assets relevant to the  
13       audit; and

14          (3) disclose all relevant facts to the independent  
15       third-party conducting the audit, and not misrepre-  
16       sent in any manner, expressly or by implication, any  
17       relevant fact.

18       (f) PRIVACY SAFEGUARDS.—

19           (1) IN GENERAL.—In issuing the public reports  
20       required under this section, a covered platform shall  
21       take steps to safeguard the privacy of its users, in-  
22       cluding ensuring that data is presented in a de-iden-  
23       tified, aggregated format such that it is not reason-  
24       ably linkable to any user.

1           (2) RULE OF CONSTRUCTION.—This section  
2 shall not be construed to require the disclosure of in-  
3 formation that will lead to material vulnerabilities  
4 for the privacy of users or the security of a covered  
5 platform’s service or create a significant risk of the  
6 violation of Federal or State law.

7           (3) DEFINITION OF DE-IDENTIFIED.—As used  
8 in this subsection, the term “de-identified” means  
9 data that does not identify and is not linked or rea-  
10 sonably linkable to a device that is linked or reason-  
11 ably linkable to an individual, regardless of whether  
12 the information is aggregated

13           (g) LOCATION.—The public reports required under  
14 this section should be posted by a covered platform on an  
15 easy to find location on a publicly-available website.

16 **SEC. 106. RESEARCH ON SOCIAL MEDIA AND MINORS.**

17           (a) DEFINITIONS.—In this section:

18           (1) COMMISSION.—The term “Commission”  
19 means the Federal Trade Commission.

20           (2) NATIONAL ACADEMY.—The term “National  
21 Academy” means the National Academy of Sciences.

22           (3) SECRETARY.—The term “Secretary” means  
23 the Secretary of Health and Human Services.

24           (b) RESEARCH ON SOCIAL MEDIA HARMS.—Not  
25 later than 12 months after the date of enactment of this

1 Act, the Commission shall seek to enter into a contract  
2 with the National Academy, under which the National  
3 Academy shall conduct no less than 5 scientific, com-  
4 prehensive studies and reports on the risk of harms to mi-  
5 nors by use of social media and other online platforms,  
6 including in English and non-English languages.

7 (c) MATTERS TO BE ADDRESSED.—In contracting  
8 with the National Academy, the Commission, in consulta-  
9 tion with the Secretary, shall seek to commission separate  
10 studies and reports, using the Commission’s authority  
11 under section 6(b) of the Federal Trade Commission Act  
12 (15 U.S.C. 46(b)), on the relationship between social  
13 media and other online platforms as defined in this Act  
14 on the following matters:

15 (1) Anxiety, depression, eating disorders, and  
16 suicidal behaviors.

17 (2) Substance use disorders and the use of nar-  
18 cotic drugs, tobacco products, gambling, or alcohol  
19 by minors.

20 (3) Sexual exploitation and abuse.

21 (4) Addiction-like use of social media and de-  
22 sign factors that lead to unhealthy and harmful  
23 overuse of social media.

24 (d) ADDITIONAL STUDY.—Not earlier than 4 years  
25 after enactment, the Commission shall seek to enter into

1 a contract with the National Academy under which the  
2 National Academy shall conduct an additional study and  
3 report covering the matters described in subsection (c) for  
4 the purposes of providing additional information, consid-  
5 ering new research, and other matters.

6 (e) CONTENT OF REPORTS.— The comprehensive  
7 studies and reports conducted pursuant to this section  
8 shall seek to evaluate impacts and advance understanding,  
9 knowledge, and remedies regarding the harms to minors  
10 posed by social media and other online platforms, and may  
11 include recommendations related to public policy.

12 (f) ACTIVE STUDIES.—If the National Academy is  
13 engaged in any active studies on the matters described in  
14 subsection (c) at the time that it enters into a contract  
15 with the Commission to conduct a study under this sec-  
16 tion, it may base the study to be conducted under this  
17 section on the active study, so long as it otherwise incor-  
18 porates the requirements of this section.

19 (g) COLLABORATION.—In designing and conducting  
20 the studies under this section, the Commission, the Sec-  
21 retary, and the National Academy shall consult with the  
22 Surgeon General and the Kids Online Safety Council.

23 (h) ACCESS TO DATA.—

24 (1) FACT-FINDING AUTHORITY.—The Commis-  
25 sion may issue orders under section 6(b) of the Fed-

1       eral Trade Commission Act (15 U.S.C. 46(b)) to re-  
2       quire covered platforms to provide reports, data, or  
3       answers in writing as necessary to conduct the stud-  
4       ies required under this section.

5           (2) SCOPE.—In exercising its authority under  
6       paragraph (1), the Commission may issue orders to  
7       no more than 5 covered platforms per study under  
8       this section.

9           (3) CONFIDENTIAL ACCESS.—Notwithstanding  
10       section 6(f) or 21 of the Federal Trade Commission  
11       Act (15 U.S.C. 46, 57b–2), the Commission shall  
12       enter in agreements with the National Academy to  
13       share appropriate information received from a cov-  
14       ered platform pursuant to an order under such sub-  
15       section (b) for a comprehensive study under this sec-  
16       tion in a confidential and secure manner, and to  
17       prohibit the disclosure or sharing of such informa-  
18       tion by the National Academy. Nothing in this para-  
19       graph shall be construed to preclude the disclosure  
20       of any such information if authorized or required by  
21       any other law.

22   **SEC. 107. MARKET RESEARCH.**

23       (a) MARKET RESEARCH BY COVERED PLATFORMS.—  
24       The Federal Trade Commission, in consultation with the  
25       Secretary of Commerce, shall issue guidance for covered

1 platforms seeking to conduct market- and product-focused  
2 research on minors. Such guidance shall include—

3 (1) a standard consent form that provides mi-  
4 nors and their parents a clear, conspicuous, and  
5 easy-to-understand explanation of the scope and pur-  
6 pose of the research to be conducted that is available  
7 in English and the top 5 non-English languages  
8 used in the United States;

9 (2) information on how to obtain informed con-  
10 sent from the parent of a minor prior to conducting  
11 such market- and product-focused research; and

12 (3) recommendations for research practices for  
13 studies that may include minors, disaggregated by  
14 the age ranges of 0-5, 6-9, 10-12, and 13-16.

15 (b) **TIMING.**—The Federal Trade Commission shall  
16 issue such guidance not later than 18 months after the  
17 date of enactment of this Act. In doing so, they shall seek  
18 input from members of the public and the representatives  
19 of the Kids Online Safety Council established under sec-  
20 tion 111.

21 **SEC. 108. AGE VERIFICATION STUDY AND REPORT.**

22 (a) **STUDY.**—The Director of the National Institute  
23 of Standards and Technology, in coordination with the  
24 Federal Communications Commission, Federal Trade  
25 Commission, and the Secretary of Commerce, shall con-

1 duct a study evaluating the most technologically feasible  
2 methods and options for developing systems to verify age  
3 at the device or operating system level.

4 (b) CONTENTS.—Such study shall consider —

5 (1) the benefits of creating a device or oper-  
6 ating system level age verification system;

7 (2) what information may need to be collected  
8 to create this type of age verification system;

9 (3) the accuracy of such systems and their im-  
10 pact or steps to improve accessibility, including for  
11 individuals with disabilities;

12 (4) how such a system or systems could verify  
13 age while mitigating risks to user privacy and data  
14 security and safeguarding minors' personal data,  
15 emphasizing minimizing the amount of data col-  
16 lected and processed by covered platforms and age  
17 verification providers for such a system;

18 (5) the technical feasibility, including the need  
19 for potential hardware and software changes, includ-  
20 ing for devices currently in commerce and owned by  
21 consumers; and

22 (6) the impact of different age verification sys-  
23 tems on competition, particularly the risk of dif-  
24 ferent age verification systems creating barriers to  
25 entry for small companies.

1           (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the agencies described in sub-  
3 section (a) shall submit a report containing the results of  
4 the study conducted under such subsection to the Com-  
5 mittee on Commerce, Science, and Transportation of the  
6 Senate and the Committee on Energy and Commerce of  
7 the House of Representatives.

8 **SEC. 109. GUIDANCE.**

9           (a) IN GENERAL.—Not later than 18 months after  
10 the date of enactment of this Act, the Federal Trade Com-  
11 mission, in consultation with the Kids Online Safety Coun-  
12 cil established under section 111, shall issue guidance to—

13                 (1) provide information and examples for cov-  
14 ered platforms and auditors regarding the following,  
15 with consideration given to differences across  
16 English and non-English languages—

17                         (A) identifying design features that en-  
18 courage or increase the frequency, time spent,  
19 or activity of minors on the covered platform;

20                         (B) safeguarding minors against the pos-  
21 sible misuse of parental tools;

22                         (C) best practices in providing minors and  
23 parents the most protective level of control over  
24 privacy and safety;



1 (D) using indicia or inferences of age of  
2 users for assessing use of the covered platform  
3 by minors;

4 (E) methods for evaluating the efficacy of  
5 safeguards set forth in this Act; and

6 (F) providing additional parental tool op-  
7 tions that allow parents to address the harms  
8 described in section 102(a); and

9 (2) outline conduct that does not have the pur-  
10 pose or substantial effect of subverting or impairing  
11 user autonomy, decision-making, or choice, or of  
12 causing, increasing, or encouraging compulsive usage  
13 for a minor, such as—

14 (A) de minimis user interface changes de-  
15 rived from testing consumer preferences, includ-  
16 ing different styles, layouts, or text, where such  
17 changes are not done with the purpose of weak-  
18 ening or disabling safeguards or parental tools;

19 (B) algorithms or data outputs outside the  
20 control of a covered platform; and

21 (C) establishing default settings that pro-  
22 vide enhanced privacy protection to users or  
23 otherwise enhance their autonomy and decision-  
24 making ability.

1 (b) GUIDANCE TO SCHOOLS.—Not later than 18  
2 months after the date of enactment of this Act, the Sec-  
3 retary of Education, in consultation with the Federal  
4 Trade Commission and the Kids Online Safety Council es-  
5 tablished under section 111, shall issue guidance to assist  
6 elementary and secondary schools in using the notice, safe-  
7 guards and tools provided under this Act and providing  
8 information on online safety for students and teachers.

9 (c) GUIDANCE ON KNOWLEDGE STANDARD.—Not  
10 later than 18 months after the date of enactment of this  
11 Act, the Federal Trade Commission shall issue guidance  
12 to provide information, including best practices and exam-  
13 ples, for covered platforms to understand how the Com-  
14 mission would determine whether a covered platform “had  
15 knowledge fairly implied on the basis of objective cir-  
16 cumstances” for purposes of this Act.

17 (d) LIMITATION ON FEDERAL TRADE COMMISSION  
18 GUIDANCE.—

19 (1) EFFECT OF GUIDANCE.—No guidance  
20 issued by the Federal Trade Commission with re-  
21 spect to this Act shall—

22 (A) confer any rights on any person, State,  
23 or locality; or

24 (B) operate to bind the Federal Trade  
25 Commission or any court, person, State, or lo-

1           cality to the approach recommended in such  
2           guidance.

3           (2) USE IN ENFORCEMENT ACTIONS.—In any  
4           enforcement action brought pursuant to this Act, the  
5           Federal Trade Commission or a State attorney gen-  
6           eral, as applicable—

7                   (A) shall allege a violation of a provision of  
8           this Act; and

9                   (B) may not base such enforcement action  
10           on, or execute a consent order based on, prac-  
11           tices that are alleged to be inconsistent with  
12           guidance issued by the Federal Trade Commis-  
13           sion with respect to this Act, unless the prac-  
14           tices are alleged to violate a provision of this  
15           Act.

16 **SEC. 110. ENFORCEMENT.**

17           (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
18           SION.—

19                   (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-  
20           TICES.—A violation of this Act shall be treated as  
21           a violation of a rule defining an unfair or deceptive  
22           act or practice prescribed under section 18(a)(1)(B)  
23           of the Federal Trade Commission Act (15 U.S.C.  
24           57a(a)(1)(B)).

25                   (2) POWERS OF THE COMMISSION.—

1 (A) IN GENERAL.—The Federal Trade  
2 Commission (referred to in this section as the  
3 “Commission”) shall enforce this Act in the  
4 same manner, by the same means, and with the  
5 same jurisdiction, powers, and duties as though  
6 all applicable terms and provisions of the Fed-  
7 eral Trade Commission Act (15 U.S.C. 41 et  
8 seq.) were incorporated into and made a part of  
9 this Act.

10 (B) PRIVILEGES AND IMMUNITIES.—Any  
11 person that violates this Act shall be subject to  
12 the penalties, and entitled to the privileges and  
13 immunities, provided in the Federal Trade  
14 Commission Act (15 U.S.C. 41 et seq.).

15 (3) AUTHORITY PRESERVED.—Nothing in this  
16 Act shall be construed to limit the authority of the  
17 Commission under any other provision of law.

18 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-  
19 ERAL.—

20 (1) IN GENERAL.—

21 (A) CIVIL ACTIONS.—In any case in which  
22 the attorney general of a State has reason to  
23 believe that a covered platform has violated or  
24 is violating section 103, 104, or 105, the State,  
25 as *parens patriae*, may bring a civil action on



1                   ing of an action by an attorney gen-  
2                   eral of a State under this paragraph  
3                   if the attorney general of the State  
4                   determines that it is not feasible to  
5                   provide the notice described in that  
6                   clause before the filing of the action.

7                   (II) NOTIFICATION.—In an ac-  
8                   tion described in subclause (I), the at-  
9                   torney general of a State shall provide  
10                  notice and a copy of the complaint to  
11                  the Commission at the same time as  
12                  the attorney general files the action.

13                  (2) INTERVENTION.—

14                  (A) IN GENERAL.—On receiving notice  
15                  under paragraph (1)(B), the Commission shall  
16                  have the right to intervene in the action that is  
17                  the subject of the notice.

18                  (B) EFFECT OF INTERVENTION.—If the  
19                  Commission intervenes in an action under para-  
20                  graph (1), it shall have the right—

21                          (i) to be heard with respect to any  
22                          matter that arises in that action; and  
23                          (ii) to file a petition for appeal.

24                  (3) CONSTRUCTION.—For purposes of bringing  
25                  any civil action under paragraph (1), nothing in this

1 Act shall be construed to prevent an attorney gen-  
2 eral of a State from exercising the powers conferred  
3 on the attorney general by the laws of that State  
4 to—

5 (A) conduct investigations;

6 (B) administer oaths or affirmations; or

7 (C) compel the attendance of witnesses or  
8 the production of documentary and other evi-  
9 dence.

10 (4) ACTIONS BY THE COMMISSION.—In any  
11 case in which an action is instituted by or on behalf  
12 of the Commission for violation of this Act, no State  
13 may, during the pendency of that action, institute a  
14 separate action under paragraph (1) against any de-  
15 fendant named in the complaint in the action insti-  
16 tuted by or on behalf of the Commission for that  
17 violation.

18 (5) VENUE; SERVICE OF PROCESS.—

19 (A) VENUE.—Any action brought under  
20 paragraph (1) may be brought in—

21 (i) the district court of the United  
22 States that meets applicable requirements  
23 relating to venue under section 1391 of  
24 title 28, United States Code; or

1 (ii) a State court of competent juris-  
2 diction.

3 (B) SERVICE OF PROCESS.—In an action  
4 brought under paragraph (1) in a district court  
5 of the United States, process may be served  
6 wherever defendant—

7 (i) is an inhabitant; or

8 (ii) may be found.

9 (6) LIMITATION.—A violation of section 102  
10 shall not form the basis of liability in any action  
11 brought by the attorney general of a State under a  
12 State law.

13 **SEC. 111. KIDS ONLINE SAFETY COUNCIL.**

14 (a) ESTABLISHMENT.—Not later than 180 days after  
15 the date of enactment of this Act, the Secretary of Com-  
16 merce shall establish and convene the Kids Online Safety  
17 Council for the purpose of providing advice on matters re-  
18 lated to this Act.

19 (b) PARTICIPATION.—The Kids Online Safety Coun-  
20 cil shall include diverse participation from—

21 (1) academic experts, health professionals, and  
22 members of civil society with expertise in mental  
23 health, substance use disorders, and the prevention  
24 of harms to minors;



1           (2) representatives in academia and civil society  
2           with specific expertise in privacy and civil liberties;

3           (3) parents and youth representation;

4           (4) representatives of covered platforms;

5           (5) representatives of the National Tele-  
6           communications and Information Administration,  
7           the National Institute of Standards and Technology,  
8           the Federal Trade Commission, the Department of  
9           Justice, and the Department of Health and Human  
10          Services;

11          (6) State attorneys general or their designees  
12          acting in State or local government;

13          (7) educators; and

14          (8) representatives of communities of socially  
15          disadvantaged individuals (as defined in section 8 of  
16          the Small Business Act (15 U.S.C. 637)).

17          (c) ACTIVITIES.—The matters to be addressed by the  
18          Kids Online Safety Council shall include—

19               (1) identifying emerging or current risks of  
20               harms to minors associated with online platforms;

21               (2) recommending measures and methods for  
22               assessing, preventing, and mitigating harms to mi-  
23               nors online;

1           (3) recommending methods and themes for con-  
2           ducting research regarding online harms to minors,  
3           including in English and non-English languages; and

4           (4) recommending best practices and clear, con-  
5           sensus-based technical standards for transparency  
6           reports and audits, as required under this Act, in-  
7           cluding methods, criteria, and scope to promote  
8           overall accountability.

9           (d) **NON-APPLICABILITY OF FACA.**—The Kids On-  
10          line Safety Council shall not be subject to chapter 10 of  
11          title 5, United States Code (commonly referred to as the  
12          “Federal Advisory Committee Act”).

13          **SEC. 112. EFFECTIVE DATE.**

14          Except as otherwise provided in this title, this title  
15          shall take effect on the date that is 18 months after the  
16          date of enactment of this Act.

17          **SEC. 113. RULES OF CONSTRUCTION AND OTHER MATTERS.**

18          (a) **RELATIONSHIP TO OTHER LAWS.**—Nothing in  
19          this title shall be construed to—

20                 (1) preempt section 444 of the General Edu-  
21                 cation Provisions Act (20 U.S.C. 1232g, commonly  
22                 known as the “Family Educational Rights and Pri-  
23                 vacy Act of 1974”) or other Federal or State laws  
24                 governing student privacy;

1           (2) preempt the Children’s Online Privacy Pro-  
2           tection Act of 1998 (15 U.S.C. 6501 et seq.) or any  
3           rule or regulation promulgated under such Act; or

4           (3) authorize any action that would conflict  
5           with section 18(h) of the Federal Trade Commission  
6           Act (15 U.S.C. 57a(h)).

7           (b) DETERMINATION OF “FAIRLY IMPLIED ON THE  
8           BASIS OF OBJECTIVE CIRCUMSTANCES”.—For purposes  
9           of enforcing this title, in making a determination as to  
10          whether covered platform has knowledge fairly implied on  
11          the basis of objective circumstances that a specific user  
12          is a minor, the Federal Trade Commission or a State at-  
13          torney general shall rely on competent and reliable evi-  
14          dence, taking into account the totality of the cir-  
15          cumstances, including whether a reasonable and prudent  
16          person under the circumstances would have known that  
17          the user is a minor.

18          (c) PROTECTIONS FOR PRIVACY.—Nothing in this  
19          title, including a determination described in subsection  
20          (b), shall be construed to require—

21                 (1) the affirmative collection of any personal  
22                 data with respect to the age of users that a covered  
23                 platform is not already collecting in the normal  
24                 course of business; or

1           (2) a covered platform to implement an age  
2           gating or age verification functionality.

3           (d) COMPLIANCE.—Nothing in this title shall be con-  
4           strued to restrict a covered platform’s ability to—

5           (1) cooperate with law enforcement agencies re-  
6           garding activity that the covered platform reasonably  
7           and in good faith believes may violate Federal,  
8           State, or local laws, rules, or regulations;

9           (2) comply with a lawful civil, criminal, or regu-  
10          latory inquiry, subpoena, or summons by Federal,  
11          State, local, or other government authorities; or

12          (3) investigate, establish, exercise, respond to,  
13          or defend against legal claims.

14          (e) APPLICATION TO VIDEO STREAMING SERVICES.—  
15          A video streaming service shall be deemed to be in compli-  
16          ance with this Act if it predominantly consists of news,  
17          sports, entertainment, or other video programming con-  
18          tent that is preselected by the provider and not user-gen-  
19          erated, and—

20          (1) any chat, comment, or interactive  
21          functionality is provided incidental to, directly re-  
22          lated to, or dependent on provision of such content;

23          (2) if such video streaming service requires ac-  
24          count owner registration and is not predominantly  
25          news or sports, the service includes the capability—

1 (A) to limit a minor's access to the service,  
2 which may utilize a system of age-rating;

3 (B) to limit the automatic playing of on-  
4 demand content selected by a personalized rec-  
5 ommendation system for an individual that the  
6 service knows is a minor;

7 (C) to provide an individual that the serv-  
8 ice knows is a minor with readily-accessible and  
9 easy-to-use options to delete an account held by  
10 the minor and delete any personal data col-  
11 lected from the minor on the service, or, in the  
12 case of a service that allows a parent to create  
13 a profile for a minor, to allow a parent to delete  
14 the minor's profile, and to delete any personal  
15 data collected from the minor on the service;

16 (D) for a parent to manage a minor's pri-  
17 vacy and account settings, and restrict pur-  
18 chases and financial transactions by a minor,  
19 where applicable;

20 (E) to provide an electronic point of con-  
21 tact specific to matters described in this para-  
22 graph;

23 (F) to offer a clear, conspicuous, and easy-  
24 to-understand notice of its policies and prac-

1 tices with respect to personal data and the ca-  
2 pabilities described in this paragraph; and

3 (G) when providing on-demand content, to  
4 employ measures that safeguard against serving  
5 advertising for narcotic drugs (as defined in  
6 section 102 of the Controlled Substances Act  
7 (21 U.S.C. 802)), tobacco products, gambling,  
8 or alcohol directly to the account or profile of  
9 an individual that the service knows is a minor.

10 **SEC. 114. SEVERABILITY.**

11 If any provision of this title, or an amendment made  
12 by this title, is determined to be unenforceable or invalid,  
13 the remaining provisions of this title and the amendments  
14 made by this title shall not be affected.

15 **TITLE II—FILTER BUBBLE**  
16 **TRANSPARENCY**

17 **SEC. 201. DEFINITIONS.**

18 In this title:

19 (1) **ALGORITHMIC RANKING SYSTEM.**—The  
20 term “algorithmic ranking system” means a com-  
21 putational process, including one derived from algo-  
22 rithmic decision-making, machine learning, statis-  
23 tical analysis, or other data processing or artificial  
24 intelligence techniques, used to determine the selec-  
25 tion, order, relative prioritization, or relative promi-

1 nence of content from a set of information that is  
2 provided to a user on an online platform, including  
3 the ranking of search results, the provision of con-  
4 tent recommendations, the display of social media  
5 posts, or any other method of automated content se-  
6 lection.

7 (2) APPROXIMATE GEOLOCATION INFORMA-  
8 TION.—The term “approximate geolocation informa-  
9 tion” means information that identifies the location  
10 of an individual, but with a precision of less than 5  
11 miles.

12 (3) COMMISSION.—The term “Commission”  
13 means the Federal Trade Commission.

14 (4) CONNECTED DEVICE.—The term “con-  
15 nected device” means an electronic device that—

16 (A) is capable of connecting to the inter-  
17 net, either directly or indirectly through a net-  
18 work, to communicate information at the direc-  
19 tion of an individual;

20 (B) has computer processing capabilities  
21 for collecting, sending, receiving, or analyzing  
22 data; and

23 (C) is primarily designed for or marketed  
24 to consumers.

25 (5) INPUT-TRANSPARENT ALGORITHM.—

1           (A) IN GENERAL.—The term “input-trans-  
2           parent algorithm” means an algorithmic rank-  
3           ing system that does not use the user-specific  
4           data of a user to determine the selection, order,  
5           relative prioritization, or relative prominence of  
6           information that is furnished to such user on  
7           an online platform, unless the user-specific data  
8           is expressly provided to the platform by the  
9           user for such purpose.

10           (B) DATA EXPRESSLY PROVIDED TO THE  
11           PLATFORM.—For purposes of subparagraph  
12           (A), user-specific data that is provided by a  
13           user for the express purpose of determining the  
14           selection, order, relative prioritization, or rel-  
15           ative prominence of information that is fur-  
16           nished to such user on an online platform—

17           (i) shall include user-supplied search  
18           terms, filters, speech patterns (if provided  
19           for the purpose of enabling the platform to  
20           accept spoken input or selecting the lan-  
21           guage in which the user interacts with the  
22           platform), saved preferences, the resump-  
23           tion of a previous search, and the current  
24           precise geolocation information that is sup-  
25           plied by the user;



1 (ii) shall include the user’s current ap-  
2 proximate geolocation information;

3 (iii) shall include data submitted to  
4 the platform by the user that expresses the  
5 user’s desire to receive particular informa-  
6 tion, such as the social media profiles the  
7 user follows, the video channels the user  
8 subscribes to, or other content or sources  
9 of content on the platform the user has se-  
10 lected;

11 (iv) shall not include the history of  
12 the user’s connected device, including the  
13 user’s history of web searches and brows-  
14 ing, previous geographical locations, phys-  
15 ical activity, device interaction, and finan-  
16 cial transactions; and

17 (v) shall not include inferences about  
18 the user or the user’s connected device,  
19 without regard to whether such inferences  
20 are based on data described in clause (i) or  
21 (iii).

22 (6) ONLINE PLATFORM.—The term “online  
23 platform” means any public-facing website, online  
24 service, online application, or mobile application that  
25 predominantly provides a community forum for user-

1 generated content, such as sharing videos, images,  
2 games, audio files, or other content, including a so-  
3 cial media service, social network, or virtual reality  
4 environment.

5 (7) OPAQUE ALGORITHM.—

6 (A) IN GENERAL.—The term “opaque al-  
7 gorithm” means an algorithmic ranking system  
8 that determines the selection, order, relative  
9 prioritization, or relative prominence of infor-  
10 mation that is furnished to such user on an on-  
11 line platform based, in whole or part, on user-  
12 specific data that was not expressly provided by  
13 the user to the platform for such purpose.

14 (B) EXCEPTION FOR AGE-APPROPRIATE  
15 CONTENT FILTERS.—Such term shall not in-  
16 clude an algorithmic ranking system used by an  
17 online platform if—

18 (i) the only user-specific data (includ-  
19 ing inferences about the user) that the sys-  
20 tem uses is information relating to the age  
21 of the user; and

22 (ii) such information is only used to  
23 restrict a user’s access to content on the  
24 basis that the individual is not old enough  
25 to access such content.

1 (8) **PRECISE GEOLOCATION INFORMATION.**—

2 The term “precise geolocation information” means  
3 geolocation information that identifies an individ-  
4 ual’s location to within a range of 5 miles or less.

5 (9) **USER-SPECIFIC DATA.**—The term “user-  
6 specific data” means information relating to an indi-  
7 vidual or a specific connected device that would not  
8 necessarily be true of every individual or device.

9 **SEC. 202. REQUIREMENT TO ALLOW USERS TO SEE**  
10 **UNMANIPULATED CONTENT ON INTERNET**  
11 **PLATFORMS.**

12 (a) **IN GENERAL.**—Beginning on the date that is 1  
13 year after the date of enactment of this Act, it shall be  
14 unlawful for any person to operate an online platform that  
15 uses an opaque algorithm unless the person complies with  
16 the requirements of subsection (b).

17 (b) **OPAQUE ALGORITHM REQUIREMENTS.**—

18 (1) **IN GENERAL.**—The requirements of this  
19 subsection with respect to a person that operates an  
20 online platform that uses an opaque algorithm are  
21 the following:

22 (A) The person provides notice to users of  
23 the platform—

24 (i) that the platform uses an opaque  
25 algorithm that uses user-specific data to

1 select the content the user sees. Such no-  
2 tice shall be presented in a clear and con-  
3 spicuous manner on the platform whenever  
4 the user interacts with an opaque algo-  
5 rithm for the first time, and may be a one-  
6 time notice that can be dismissed by the  
7 user; and

8 (ii) in the terms and conditions of the  
9 online platform, in a clear, accessible, and  
10 easily comprehensible manner that is to be  
11 updated whenever the online platform  
12 makes a material change to—

13 (I) the most salient features, in-  
14 puts, and parameters used by the al-  
15 gorithm;

16 (II) how any user-specific data  
17 used by the algorithm is collected or  
18 inferred about a user of the platform,  
19 and the categories of such data;

20 (III) any options that the online  
21 platform makes available for a user of  
22 the platform to opt out or exercise op-  
23 tions under subparagraph (B), modify  
24 the profile of the user or to influence

1 the features, inputs, or parameters  
2 used by the algorithm; and

3 (IV) any quantities, such as time  
4 spent using a product or specific  
5 measures of engagement or social  
6 interaction, that the algorithm is de-  
7 signed to optimize, as well as a gen-  
8 eral description of the relative impor-  
9 tance of each quantity for such rank-  
10 ing.

11 (B) The online platform enables users to  
12 easily switch between the opaque algorithm and  
13 an input-transparent algorithm in their use of  
14 the platform.

15 (2) RULE OF CONSTRUCTION.—Nothing in this  
16 subsection shall be construed to require an online  
17 platform to disclose any information, including data  
18 or algorithms—

19 (A) relating to a trade secret or other pro-  
20 tected intellectual property;

21 (B) that is confidential business informa-  
22 tion; or

23 (C) that is privileged.

24 (3) PROHIBITION ON DIFFERENTIAL PRIC-  
25 ING.—An online platform shall not deny, charge dif-

1       ferent prices or rates for, or condition the provision  
2       of a service or product to a user based on the user's  
3       election to use an input-transparent algorithm in  
4       their use of the platform, as provided under para-  
5       graph (1)(B).

6       (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
7       SION.—

8               (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
9       TICES.—A violation of this section by an operator of  
10      an online platform shall be treated as a violation of  
11      a rule defining an unfair or deceptive act or practice  
12      prescribed under section 18(a)(1)(B) of the Federal  
13      Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

14              (2) POWERS OF COMMISSION.—

15                   (A) IN GENERAL.—The Federal Trade  
16      Commission shall enforce this section in the  
17      same manner, by the same means, and with the  
18      same jurisdiction, powers, and duties as though  
19      all applicable terms and provisions of the Fed-  
20      eral Trade Commission Act (15 U.S.C. 41 et  
21      seq.) were incorporated into and made a part of  
22      this section.

23                   (B) PRIVILEGES AND IMMUNITIES.—Ex-  
24      cept as provided in subparagraph (C), any per-  
25      son who violates this Act shall be subject to the

1 penalties and entitled to the privileges and im-  
2 munities provided in the Federal Trade Com-  
3 mission Act (15 U.S.C. 41 et seq.).

4 (C) AUTHORITY PRESERVED.—Nothing in  
5 this section shall be construed to limit the au-  
6 thority of the Commission under any other pro-  
7 vision of law.

8 (d) RULE OF CONSTRUCTION TO PRESERVE PERSON-  
9 ALIZED BLOCKS.—Nothing in this section shall be con-  
10 strued to limit or prohibit an online platform’s ability to,  
11 at the direction of an individual user or group of users,  
12 restrict another user from searching for, finding, access-  
13 ing, or interacting with such user’s or group’s account,  
14 content, data, or online community.

15 **SEC. 203. SEVERABILITY.**

16 If any provision of this title, or an amendment made  
17 by this title, is determined to be unenforceable or invalid,  
18 the remaining provisions of this title and the amendments  
19 made by this title shall not be affected.

20 **TITLE III—RELATIONSHIP TO**  
21 **STATE LAWS**

22 **SEC. 301. RELATIONSHIP TO STATE LAWS.**

23 The provisions of this Act shall preempt any State  
24 law, rule, or regulation only to the extent that such State  
25 law, rule, or regulation conflicts with a provision of this

1 Act. Nothing in this Act shall be construed to prohibit a  
2 State from enacting a law, rule, or regulation that pro-  
3 vides greater protection to minors than the protection pro-  
4 vided by the provisions of this Act.