

In the Senate of the United States,

July 30, 2024.

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 2073) “An Act to amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes.”, with the following

SENATE AMENDMENTS TO HOUSE AMENDMENT:

In lieu of the matter proposed to be inserted, insert the following:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
3 *“Kids Online Safety and Privacy Act”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—KEEPING KIDS SAFE ONLINE

Subtitle A—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.*

Subtitle B—Filter Bubble Transparency

- Sec. 120. *Definitions.*
 Sec. 121. *Requirement to allow users to see unmanipulated content on internet platforms.*

Subtitle C—Relationship to State Laws; Severability

- Sec. 130. *Relationship to State laws.*
 Sec. 131. *Severability.*

TITLE II—CHILDREN AND TEENS’ ONLINE PRIVACY

- Sec. 201. *Online collection, use, disclosure, and deletion of personal information of children and teens.*
 Sec. 202. *Study and reports of mobile and online application oversight and enforcement.*
 Sec. 203. *GAO study.*
 Sec. 204. *Severability.*

TITLE III—ELIMINATING USELESS REPORTS

- Sec. 301. *Sunsets for agency reports.*

1 **TITLE I—KEEPING KIDS SAFE**
 2 **ONLINE**
 3 **Subtitle A—Kids Online Safety**

4 **SEC. 101. DEFINITIONS.**

5 *In this subtitle:*

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

8 (2) *COMPULSIVE USAGE.*—*The term “compulsive*
 9 *usage” means any response stimulated by external*
 10 *factors that causes an individual to engage in repet-*

1 *itive behavior reasonably likely to cause psychological*
2 *distress.*

3 (3) *COVERED PLATFORM.—*

4 (A) *IN GENERAL.—The term “covered plat-*
5 *form” means an online platform, online video*
6 *game, messaging application, or video streaming*
7 *service that connects to the internet and that is*
8 *used, or is reasonably likely to be used, by a*
9 *minor.*

10 (B) *EXCEPTIONS.—The term “covered plat-*
11 *form” does not include—*

12 (i) *an entity acting in its capacity as*
13 *a provider of—*

14 (I) *a common carrier service sub-*
15 *ject to the Communications Act of 1934*
16 *(47 U.S.C. 151 et seq.) and all Acts*
17 *amendatory thereof and supplementary*
18 *thereto;*

19 (II) *a broadband internet access*
20 *service (as such term is defined for*
21 *purposes of section 8.1(b) of title 47,*
22 *Code of Federal Regulations, or any*
23 *successor regulation);*

24 (III) *an email service;*

1 (IV) a teleconferencing or video
2 conferencing service that allows recep-
3 tion and transmission of audio or
4 video signals for real-time communica-
5 tion, provided that—

6 (aa) the service is not an on-
7 line platform, including a social
8 media service or social network;
9 and

10 (bb) the real-time commu-
11 nication is initiated by using a
12 unique link or identifier to facili-
13 tate access; or

14 (V) a wireless messaging service,
15 including such a service provided
16 through short messaging service or
17 multimedia messaging service proto-
18 cols, that is not a component of, or
19 linked to, an online platform and
20 where the predominant or exclusive
21 function is direct messaging consisting
22 of the transmission of text, photos or
23 videos that are sent by electronic
24 means, where messages are transmitted
25 from the sender to a recipient, and are

1 *not posted within an online platform*
2 *or publicly;*

3 *(ii) an organization not organized to*
4 *carry on business for its own profit or that*
5 *of its members;*

6 *(iii) any public or private preschool,*
7 *elementary, or secondary school, or any in-*
8 *stitution of vocational, professional, or high-*
9 *er education;*

10 *(iv) a library (as defined in section*
11 *213(1) of the Library Services and Tech-*
12 *nology Act (20 U.S.C. 9122(1)));*

13 *(v) a news or sports coverage website*
14 *or app where—*

15 *(I) the inclusion of video content*
16 *on the website or app is related to the*
17 *website or app’s own gathering, report-*
18 *ing, or publishing of news content or*
19 *sports coverage; and*

20 *(II) the website or app is not oth-*
21 *erwise an online platform;*

22 *(vi) a product or service that pri-*
23 *marily functions as business-to-business*
24 *software, a cloud storage, file sharing, or*
25 *file collaboration service, provided that the*

1 *product or service is not an online platform;*

2 *or*

3 *(vii) a virtual private network or simi-*

4 *lar service that exists solely to route inter-*

5 *net traffic between locations.*

6 (4) *DESIGN FEATURE.*—*The term “design fea-*
 7 *ture” means any feature or component of a covered*
 8 *platform that will encourage or increase the fre-*
 9 *quency, time spent, or activity of minors on the cov-*
 10 *ered platform. Design features include but are not*
 11 *limited to—*

12 *(A) infinite scrolling or auto play;*

13 *(B) rewards for time spent on the platform;*

14 *(C) notifications;*

15 *(D) personalized recommendation systems;*

16 *(E) in-game purchases; or*

17 *(F) appearance altering filters.*

18 (5) *GEOLOCATION.*—*The term “geolocation” has*
 19 *the meaning given the term “geolocation information”*
 20 *in section 1302 of the Children’s Online Privacy Pro-*
 21 *tection Act of 1998 (15 U.S.C. 6501), as added by sec-*
 22 *tion 201(a).*

23 (6) *KNOW OR KNOWS.*—*The term “know” or*
 24 *“knows” means to have actual knowledge or knowl-*

1 *edge fairly implied on the basis of objective cir-*
 2 *cumstances.*

3 (7) *MENTAL HEALTH DISORDER.*—*The term*
 4 *“mental health disorder” has the meaning given the*
 5 *term “mental disorder” in the Diagnostic and Statis-*
 6 *tical Manual of Mental Health Disorders, 5th Edition*
 7 *(or the most current successor edition).*

8 (8) *MICROTRANSACTION.*—

9 (A) *IN GENERAL.*—*The term “microtrans-*
 10 *action” means a purchase made in an online*
 11 *video game (including a purchase made using a*
 12 *virtual currency that is purchasable or redeem-*
 13 *able using cash or credit or that is included as*
 14 *part of a paid subscription service).*

15 (B) *INCLUSIONS.*—*Such term includes a*
 16 *purchase involving surprise mechanics, new*
 17 *characters, or in-game items.*

18 (C) *EXCLUSIONS.*—*Such term does not in-*
 19 *clude—*

20 (i) *a purchase made in an online video*
 21 *game using a virtual currency that is*
 22 *earned through gameplay and is not other-*
 23 *wise purchasable or redeemable using cash*
 24 *or credit or included as part of a paid sub-*
 25 *scription service; or*

1 (ii) a purchase of additional levels
2 within the game or an overall expansion of
3 the game.

4 (9) *MINOR*.—The term “minor” means an indi-
5 vidual who is under the age of 17.

6 (10) *ONLINE PLATFORM*.—The term “online
7 platform” means any public-facing website, online
8 service, online application, or mobile application that
9 predominantly provides a community forum for user
10 generated content, such as sharing videos, images,
11 games, audio files, or other content, including a social
12 media service, social network, or virtual reality envi-
13 ronment.

14 (11) *ONLINE VIDEO GAME*.—The term “online
15 video game” means a video game, including an edu-
16 cational video game, that connects to the internet and
17 that allows a user to—

18 (A) create and upload content other than
19 content that is incidental to gameplay, such as
20 character or level designs created by the user,
21 preselected phrases, or short interactions with
22 other users;

23 (B) engage in microtransactions within the
24 game; or

25 (C) communicate with other users.

1 (12) *PARENT.*—*The term “parent” has the*
2 *meaning given that term in section 1302 of the Chil-*
3 *dren’s Online Privacy Protection Act (15 U.S.C.*
4 *6501).*

5 (13) *PERSONAL DATA.*—*The term “personal*
6 *data” has the same meaning as the term “personal*
7 *information” as defined in section 1302 of the Chil-*
8 *dren’s Online Privacy Protection Act (15 U.S.C.*
9 *6501).*

10 (14) *PERSONALIZED RECOMMENDATION SYS-*
11 *TEM.*—*The term “personalized recommendation sys-*
12 *tem” means a fully or partially automated system*
13 *used to suggest, promote, or rank content, including*
14 *other users, hashtags, or posts, based on the personal*
15 *data of users. A recommendation system that suggests,*
16 *promotes, or ranks content based solely on the user’s*
17 *language, city or town, or age shall not be considered*
18 *a personalized recommendation system.*

19 (15) *SEXUAL EXPLOITATION AND ABUSE.*—*The*
20 *term “sexual exploitation and abuse” means any of*
21 *the following:*

22 (A) *Coercion and enticement, as described*
23 *in section 2422 of title 18, United States Code.*

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

4 (C) *Trafficking for the production of im-*
5 *ages, as described in section 2251A of title 18,*
6 *United States Code.*

7 (D) *Sex trafficking of children, as described*
8 *in section 1591 of title 18, United States Code.*

9 (16) *USER.—The term “user” means, with re-*
10 *spect to a covered platform, an individual who reg-*
11 *isters an account or creates a profile on the covered*
12 *platform.*

13 **SEC. 102. DUTY OF CARE.**

14 (a) *PREVENTION OF HARM TO MINORS.—A covered*
15 *platform shall exercise reasonable care in the creation and*
16 *implementation of any design feature to prevent and miti-*
17 *gate the following harms to minors:*

18 (1) *Consistent with evidence-informed medical*
19 *information, the following mental health disorders:*
20 *anxiety, depression, eating disorders, substance use*
21 *disorders, and suicidal behaviors.*

22 (2) *Patterns of use that indicate or encourage*
23 *addiction-like behaviors by minors.*

24 (3) *Physical violence, online bullying, and har-*
25 *assment of the minor.*

1 (4) *Sexual exploitation and abuse of minors.*

2 (5) *Promotion and marketing of narcotic drugs*
 3 *(as defined in section 102 of the Controlled Sub-*
 4 *stances Act (21 U.S.C. 802)), tobacco products, gam-*
 5 *bling, or alcohol.*

6 (6) *Predatory, unfair, or deceptive marketing*
 7 *practices, or other financial harms.*

8 (b) *LIMITATION.*—*Nothing in subsection (a) shall be*
 9 *construed to require a covered platform to prevent or pre-*
 10 *clude any minor from—*

11 (1) *deliberately and independently searching for,*
 12 *or specifically requesting, content; or*

13 (2) *accessing resources and information regard-*
 14 *ing the prevention or mitigation of the harms de-*
 15 *scribed in subsection (a).*

16 **SEC. 103. SAFEGUARDS FOR MINORS.**

17 (a) *SAFEGUARDS FOR MINORS.*—

18 (1) *SAFEGUARDS.*—*A covered platform shall pro-*
 19 *vide a user or visitor that the covered platform knows*
 20 *is a minor with readily-accessible and easy-to-use*
 21 *safeguards to, as applicable—*

22 (A) *limit the ability of other users or visi-*
 23 *tors to communicate with the minor;*

24 (B) *prevent other users or visitors, whether*
 25 *registered or not, from viewing the minor’s per-*

1 sonal data collected by or shared on the covered
2 platform, in particular restricting public access
3 to personal data;

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

11 (D) control personalized recommendation
12 systems, including the ability for a minor to
13 have at least 1 of the following options—

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

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

20 (E) restrict the sharing of the geolocation of
21 the minor and provide notice regarding the
22 tracking of the minor's geolocation.

23 (2) *OPTION.*—A covered platform shall provide a
24 user that the covered platform knows is a minor with
25 a readily-accessible and easy-to-use option to limit

1 *the amount of time spent by the minor on the covered*
2 *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 avail-*
8 *able on the platform that provides the most protective*
9 *level of control that is offered by the platform over*
10 *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 parents*
14 *to support a user that the platform knows is a minor*
15 *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 covered
20 platform provided a parent of a user that the plat-
21 form knows is a child with notice and the ability to
22 enable the parental tools described under this sub-
23 section in a manner that would otherwise comply
24 with this subsection, and the parent opted out of ena-
25 bling such tools, the covered platform is not required

1 *to enable such tools with respect to such user by de-*
2 *fault when this subsection takes effect.*

3 *(c) REPORTING MECHANISM.—*

4 *(1) REPORTS SUBMITTED BY PARENTS, MINORS,*
5 *AND SCHOOLS.—A covered platform shall provide—*

6 *(A) a readily-accessible and easy-to-use*
7 *means to submit reports to the covered platform*
8 *of harms to a minor;*

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

11 *(C) confirmation of the receipt of such a re-*
12 *port and, within the applicable time period de-*
13 *scribed in paragraph (2), a substantive response*
14 *to the individual that submitted the report.*

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

19 *(A) 10 days after the receipt of a report, if,*
20 *for the most recent calendar year, the platform*
21 *averaged more than 10,000,000 active users on a*
22 *monthly basis in the United States;*

23 *(B) 21 days after the receipt of a report, if,*
24 *for the most recent calendar year, the platform*

1 *averaged less than 10,000,000 active users on a*
2 *monthly basis in the United States; and*

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

7 *(d) ADVERTISING OF ILLEGAL PRODUCTS.—A covered*
8 *platform shall not facilitate the advertising of narcotic*
9 *drugs (as defined in section 102 of the Controlled Sub-*
10 *stances Act (21 U.S.C. 802)), tobacco products, gambling,*
11 *or alcohol to an individual that the covered platform knows*
12 *is a minor.*

13 *(e) RULES OF APPLICATION.—*

14 *(1) ACCESSIBILITY.—With respect to safeguards*
15 *and parental tools described under subsections (a)*
16 *and (b), a covered platform shall provide—*

17 *(A) information and control options in a*
18 *clear and conspicuous manner that takes into*
19 *consideration the differing ages, capacities, and*
20 *developmental needs of the minors most likely to*
21 *access the covered platform and does not encour-*
22 *age minors or parents to weaken or disable safe-*
23 *guards or parental tools;*

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

4 (C) information and control options in the
5 same language, form, and manner as the covered
6 platform provides the product or service used by
7 minors and their parents.

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

15 (3) *TIMING CONSIDERATIONS.*—

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

21 (B) *APPLICATION OF CHANGES TO OFFLINE*
22 *DEVICES OR ACCOUNTS.*—If a user’s device or
23 user account does not have access to the internet
24 at the time of a change to parental tools, a cov-

1 *ered platform shall apply changes the next time*
2 *the device or user is connected to the internet.*

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

5 (A) *prevent a covered platform from taking*
6 *reasonable measures to—*

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

11 (ii) *block or filter spam, prevent crimi-*
12 *nal activity, or protect the security of a*
13 *platform or service;*

14 (B) *require the disclosure of a minor’s*
15 *browsing behavior, search history, messages, con-*
16 *tact list, or other content or metadata of their*
17 *communications;*

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

22 (i) *the language spoken by the minor;*

23 (ii) *the city the minor is located in; or*

24 (iii) *the minor’s age; or*

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

5 (f) *DEVICE OR CONSOLE CONTROLS.*—

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

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

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

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

1 *the protections for minors from the safeguards or pa-*
2 *rental tools imposed under subsections (a) and (b).*

3 **SEC. 104. DISCLOSURE.**

4 *(a) NOTICE.—*

5 *(1) REGISTRATION OR PURCHASE.—Prior to reg-*
6 *istration or purchase of a covered platform by an in-*
7 *dividual that the platform knows is a minor, the plat-*
8 *form shall provide clear, conspicuous, and easy-to-un-*
9 *derstand—*

10 *(A) notice of the policies and practices of*
11 *the covered platform with respect to safeguards*
12 *for minors required under section 103;*

13 *(B) information about how to access the*
14 *safeguards and parental tools required under sec-*
15 *tion 103; and*

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

21 *(2) NOTIFICATION.—*

22 *(A) NOTICE AND ACKNOWLEDGMENT.—In*
23 *the case of an individual that a covered platform*
24 *knows is a child, the platform shall additionally*
25 *provide information about the parental tools and*

1 *safeguards required under section 103 to a par-*
2 *ent of the child and obtain verifiable consent (as*
3 *defined in section 1302(9) of the Children’s On-*
4 *line Privacy Protection Act (15 U.S.C. 6501(9)))*
5 *from the parent prior to the initial use of the*
6 *covered platform by the child.*

7 (B) *REASONABLE EFFORT.*—*A covered plat-*
8 *form shall be deemed to have satisfied the re-*
9 *quirement described in subparagraph (A) if the*
10 *covered platform is in compliance with the re-*
11 *quirements of the Children’s Online Privacy Pro-*
12 *tection Act (15 U.S.C. 6501 et seq.) to use rea-*
13 *sonable efforts (taking into consideration avail-*
14 *able technology) to provide a parent with the in-*
15 *formation described in subparagraph (A) and to*
16 *obtain verifiable consent as required.*

17 (3) *CONSOLIDATED NOTICES.*—*For purposes of*
18 *this subtitle, a covered platform may consolidate the*
19 *process for providing information under this sub-*
20 *section and obtaining verifiable consent or the consent*
21 *of the minor involved (as applicable) as required*
22 *under this subsection with its obligations to provide*
23 *relevant notice and obtain verifiable consent under*
24 *the Children’s Online Privacy Protection Act (15*
25 *U.S.C. 6501 et seq.).*

1 (4) *GUIDANCE.*—*The Federal Trade Commission*
 2 *may issue guidance to assist covered platforms in*
 3 *complying with the specific notice requirements of*
 4 *this subsection.*

5 (b) *PERSONALIZED RECOMMENDATION SYSTEM.*—*A*
 6 *covered platform that operates a personalized recommenda-*
 7 *tion system shall set out in its terms and conditions, in*
 8 *a clear, conspicuous, and easy-to-understand manner—*

9 (1) *an overview of how such personalized rec-*
 10 *ommendation system is used by the covered platform*
 11 *to provide information to minors, including how such*
 12 *systems use the personal data of minors; and*

13 (2) *information about options for minors or*
 14 *their parents to opt out of or control the personalized*
 15 *recommendation system (as applicable).*

16 (c) *ADVERTISING AND MARKETING INFORMATION AND*
 17 *LABELS.*—

18 (1) *INFORMATION AND LABELS.*—*A covered plat-*
 19 *form shall provide clear, conspicuous, and easy-to-un-*
 20 *derstand labels and information, which can be pro-*
 21 *vided through a link to another web page or disclo-*
 22 *sure, to minors on advertisements regarding—*

23 (A) *the name of the product, service, or*
 24 *brand and the subject matter of an advertise-*
 25 *ment; and*

1 (B) *whether particular media displayed to*
2 *the minor is an advertisement or marketing ma-*
3 *terial, including disclosure of endorsements of*
4 *products, services, or brands made for commer-*
5 *cial consideration by other users of the platform.*

6 (2) *GUIDANCE.—The Federal Trade Commission*
7 *may issue guidance to assist covered platforms in*
8 *complying with the requirements of this subsection,*
9 *including guidance about the minimum level of infor-*
10 *mation and labels for the disclosures required under*
11 *paragraph (1).*

12 (d) *RESOURCES FOR PARENTS AND MINORS.—A cov-*
13 *ered platform shall provide to minors and parents clear,*
14 *conspicuous, easy-to-understand, and comprehensive infor-*
15 *mation in a prominent location, which may include a link*
16 *to a web page, regarding—*

17 (1) *its policies and practices with respect to safe-*
18 *guards for minors required under section 103; and*

19 (2) *how to access the safeguards and tools re-*
20 *quired under section 103.*

21 (e) *RESOURCES IN ADDITIONAL LANGUAGES.—A cov-*
22 *ered platform shall ensure, to the extent practicable, that*
23 *the disclosures required by this section are made available*
24 *in the same language, form, and manner as the covered*

1 *platform provides any product or service used by minors*
2 *and their parents.*

3 **SEC. 105. TRANSPARENCY.**

4 (a) *IN GENERAL.*—Subject to subsection (b), not less
5 *frequently than once a year, a covered platform shall issue*
6 *a public report describing the reasonably foreseeable risks*
7 *of harms to minors and assessing the prevention and miti-*
8 *gation measures taken to address such risk based on an*
9 *independent, third-party audit conducted through reason-*
10 *able inspection of the covered platform.*

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

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

16 (2) *the platform predominantly provides a com-*
17 *munity forum for user-generated content and discus-*
18 *sion, including sharing videos, images, games, audio*
19 *files, discussion in a virtual setting, or other content,*
20 *such as acting as a social media platform, virtual re-*
21 *ality environment, or a social network service.*

22 (c) *CONTENT.*—

23 (1) *TRANSPARENCY.*—The public reports re-
24 *quired of a covered platform under this section shall*
25 *include—*

1 (A) *an assessment of the extent to which the*
2 *platform is likely to be accessed by minors;*

3 (B) *a description of the commercial inter-*
4 *ests of the covered platform in use by minors;*

5 (C) *an accounting, based on the data held*
6 *by the covered platform, of—*

7 (i) *the number of users using the cov-*
8 *ered platform that the platform knows to be*
9 *minors in the United States;*

10 (ii) *the median and mean amounts of*
11 *time spent on the platform by users known*
12 *to be minors in the United States who have*
13 *accessed the platform during the reporting*
14 *year on a daily, weekly, and monthly basis;*
15 *and*

16 (iii) *the amount of content being*
17 *accessed by users that the platform knows to*
18 *be minors in the United States that is in*
19 *English, and the top 5 non-English lan-*
20 *guages used by users accessing the platform*
21 *in the United States;*

22 (D) *an accounting of total reports received*
23 *regarding, and the prevalence (which can be*
24 *based on scientifically valid sampling methods*
25 *using the content available to the covered plat-*

1 *form in the normal course of business) of content*
2 *related to, the harms described in section 102(a),*
3 *disaggregated by category of harm and language,*
4 *including English and the top 5 non-English*
5 *languages used by users accessing the platform*
6 *from the United States (as identified under sub-*
7 *paragraph (C)(iii)); and*

8 *(E) a description of any material breaches*
9 *of parental tools or assurances regarding minors,*
10 *representations regarding the use of the personal*
11 *data of minors, and other matters regarding*
12 *non-compliance with this subtitle.*

13 *(2) REASONABLY FORESEEABLE RISK OF HARM*
14 *TO MINORS.—The public reports required of a covered*
15 *platform under this section shall include—*

16 *(A) an assessment of the reasonably foresee-*
17 *able risk of harms to minors posed by the covered*
18 *platform, specifically identifying those physical,*
19 *mental, developmental, or financial harms de-*
20 *scribed in section 102(a);*

21 *(B) a description of whether and how the*
22 *covered platform uses design features that en-*
23 *courage or increase the frequency, time spent, or*
24 *activity of minors on the covered platform, such*
25 *as infinite scrolling, auto playing, rewards for*

1 *time spent on the platform, notifications, and*
2 *other design features that result in compulsive*
3 *usage of the covered platform by the minor;*

4 (C) *a description of whether, how, and for*
5 *what purpose the platform collects or processes*
6 *categories of personal data that may cause rea-*
7 *sonably foreseeable risk of harms to minors;*

8 (D) *an evaluation of the efficacy of safe-*
9 *guards for minors and parental tools under sec-*
10 *tion 103, and any issues in delivering such safe-*
11 *guards and the associated parental tools;*

12 (E) *an evaluation of any other relevant*
13 *matters of public concern over risk of harms to*
14 *minors associated with the use of the covered*
15 *platform; and*

16 (F) *an assessment of differences in risk of*
17 *harm to minors across different English and*
18 *non-English languages and efficacy of safeguards*
19 *in those languages.*

20 (3) *MITIGATION.*—*The public reports required of*
21 *a covered platform under this section shall include,*
22 *for English and the top 5 non-English languages used*
23 *by users accessing the platform from the United*
24 *States (as identified under paragraph (2)(C)(iii))—*

1 (A) a description of the safeguards and pa-
2 rental tools available to minors and parents on
3 the covered platform;

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

7 (C) a description of the prevention and
8 mitigation measures intended to be taken in re-
9 sponse to the known and emerging risks identi-
10 fied in its assessment of reasonably foreseeable
11 risks of harms to minors, including steps taken
12 to—

13 (i) prevent harms to minors, including
14 adapting or removing design features or ad-
15 dressing through parental tools;

16 (ii) provide the most protective level of
17 control over privacy and safety by default;
18 and

19 (iii) adapt recommendation systems to
20 mitigate reasonably foreseeable risk of
21 harms to minors, as described in section
22 102(a);

23 (D) a description of internal processes for
24 handling reports and automated detection mech-
25 anisms for harms to minors, including the rate,

1 *timeliness, and effectiveness of responses under*
2 *the requirement of section 103(c);*

3 *(E) the status of implementing prevention*
4 *and mitigation measures identified in prior as-*
5 *sessments; and*

6 *(F) a description of the additional measures*
7 *to be taken by the covered platform to address the*
8 *circumvention of safeguards for minors and pa-*
9 *rental tools.*

10 *(d) REASONABLE INSPECTION.—In conducting an in-*
11 *spection of the reasonably foreseeable risk of harm to minors*
12 *under this section, an independent, third-party auditor*
13 *shall—*

14 *(1) take into consideration the function of per-*
15 *sonalized recommendation systems;*

16 *(2) consult parents and youth experts, including*
17 *youth and families with relevant past or current ex-*
18 *perience, public health and mental health nonprofit*
19 *organizations, health and development organizations,*
20 *and civil society with respect to the prevention of*
21 *harms to minors;*

22 *(3) conduct research based on experiences of mi-*
23 *norans that use the covered platform, including reports*
24 *under section 103(c) and information provided by*
25 *law enforcement;*

1 (4) *take account of research, including research*
2 *regarding design features, marketing, or product in-*
3 *tegrity, industry best practices, or outside research;*

4 (5) *consider indicia or inferences of age of users,*
5 *in addition to any self-declared information about the*
6 *age of users; and*

7 (6) *take into consideration differences in risk of*
8 *reasonably foreseeable harms and effectiveness of safe-*
9 *guards across English and non-English languages.*

10 (e) *COOPERATION WITH INDEPENDENT, THIRD-PARTY*
11 *AUDIT.—To facilitate the report required by subsection (c),*
12 *a covered platform shall—*

13 (1) *provide or otherwise make available to the*
14 *independent third-party conducting the audit all in-*
15 *formation and material in its possession, custody, or*
16 *control that is relevant to the audit;*

17 (2) *provide or otherwise make available to the*
18 *independent third-party conducting the audit access*
19 *to all network, systems, and assets relevant to the*
20 *audit; and*

21 (3) *disclose all relevant facts to the independent*
22 *third-party conducting the audit, and not misrepre-*
23 *sent in any manner, expressly or by implication, any*
24 *relevant fact.*

25 (f) *PRIVACY SAFEGUARDS.—*

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

7 (2) *RULE OF CONSTRUCTION.*—*This section shall*
 8 *not be construed to require the disclosure of informa-*
 9 *tion that will lead to material vulnerabilities for the*
 10 *privacy of users or the security of a covered plat-*
 11 *form’s service or create a significant risk of the viola-*
 12 *tion of Federal or State law.*

13 (3) *DEFINITION OF DE-IDENTIFIED.*—*As used in*
 14 *this subsection, the term “de-identified” means data*
 15 *that does not identify and is not linked or reasonably*
 16 *linkable to a device that is linked or reasonably*
 17 *linkable to an individual, regardless of whether the*
 18 *information is aggregated*

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

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

23 (a) *DEFINITIONS.*—*In this section:*

24 (1) *COMMISSION.*—*The term “Commission”*
 25 *means the Federal Trade Commission.*

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

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

5 (b) *RESEARCH ON SOCIAL MEDIA HARMS.*—*Not later*
6 *than 12 months after the date of enactment of this Act, the*
7 *Commission shall seek to enter into a contract with the Na-*
8 *tional Academy, under which the National Academy shall*
9 *conduct no less than 5 scientific, comprehensive studies and*
10 *reports on the risk of harms to minors by use of social*
11 *media and other online platforms, including in English and*
12 *non-English languages.*

13 (c) *MATTERS TO BE ADDRESSED.*—*In contracting*
14 *with the National Academy, the Commission, in consulta-*
15 *tion with the Secretary, shall seek to commission separate*
16 *studies and reports, using the Commission’s authority*
17 *under section 6(b) of the Federal Trade Commission Act*
18 *(15 U.S.C. 46(b)), on the relationship between social media*
19 *and other online platforms as defined in this subtitle on*
20 *the following matters:*

21 (1) *Anxiety, depression, eating disorders, and su-*
22 *icidal behaviors.*

23 (2) *Substance use disorders and the use of nar-*
24 *cotic drugs, tobacco products, gambling, or alcohol by*
25 *minors.*

1 (3) *Sexual exploitation and abuse.*

2 (4) *Addiction-like use of social media and design*
3 *factors that lead to unhealthy and harmful overuse of*
4 *social media.*

5 (d) *ADDITIONAL STUDY.*—*Not earlier than 4 years*
6 *after enactment, the Commission shall seek to enter into a*
7 *contract with the National Academy under which the Na-*
8 *tional Academy shall conduct an additional study and re-*
9 *port covering the matters described in subsection (c) for the*
10 *purposes of providing additional information, considering*
11 *new research, and other matters.*

12 (e) *CONTENT OF REPORTS.*—*The comprehensive stud-*
13 *ies and reports conducted pursuant to this section shall seek*
14 *to evaluate impacts and advance understanding, knowledge,*
15 *and remedies regarding the harms to minors posed by social*
16 *media and other online platforms, and may include rec-*
17 *ommendations related to public policy.*

18 (f) *ACTIVE STUDIES.*—*If the National Academy is en-*
19 *gaged in any active studies on the matters described in sub-*
20 *section (c) at the time that it enters into a contract with*
21 *the Commission to conduct a study under this section, it*
22 *may base the study to be conducted under this section on*
23 *the active study, so long as it otherwise incorporates the*
24 *requirements of this section.*

1 (g) *COLLABORATION.*—*In designing and conducting*
2 *the studies under this section, the Commission, the Sec-*
3 *retary, and the National Academy shall consult with the*
4 *Surgeon General and the Kids Online Safety Council.*

5 (h) *ACCESS TO DATA.*—

6 (1) *FACT-FINDING AUTHORITY.*—*The Commis-*
7 *sion may issue orders under section 6(b) of the Fed-*
8 *eral Trade Commission Act (15 U.S.C. 46(b)) to re-*
9 *quire covered platforms to provide reports, data, or*
10 *answers in writing as necessary to conduct the studies*
11 *required under this section.*

12 (2) *SCOPE.*—*In exercising its authority under*
13 *paragraph (1), the Commission may issue orders to*
14 *no more than 5 covered platforms per study under*
15 *this section.*

16 (3) *CONFIDENTIAL ACCESS.*—*Notwithstanding*
17 *section 6(f) or 21 of the Federal Trade Commission*
18 *Act (15 U.S.C. 46, 57b–2), the Commission shall enter*
19 *in agreements with the National Academy to share*
20 *appropriate information received from a covered plat-*
21 *form pursuant to an order under such subsection (b)*
22 *for a comprehensive study under this section in a con-*
23 *fidential and secure manner, and to prohibit the dis-*
24 *closure or sharing of such information by the Na-*
25 *tional Academy. Nothing in this paragraph shall be*

1 *construed to preclude the disclosure of any such infor-*
2 *mation if authorized or required by any other law.*

3 **SEC. 107. MARKET RESEARCH.**

4 *(a) MARKET RESEARCH BY COVERED PLATFORMS.—*

5 *The Federal Trade Commission, in consultation with the*
6 *Secretary of Commerce, shall issue guidance for covered*
7 *platforms seeking to conduct market- and product-focused*
8 *research on minors. Such guidance shall include—*

9 *(1) a standard consent form that provides mi-*
10 *nors and their parents a clear, conspicuous, and easy-*
11 *to-understand explanation of the scope and purpose of*
12 *the research to be conducted that is available in*
13 *English and the top 5 non-English languages used in*
14 *the United States;*

15 *(2) information on how to obtain informed con-*
16 *sent from the parent of a minor prior to conducting*
17 *such market- and product-focused research; and*

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

21 *(b) TIMING.—The Federal Trade Commission shall*
22 *issue such guidance not later than 18 months after the date*
23 *of enactment of this Act. In doing so, they shall seek input*
24 *from members of the public and the representatives of the*
25 *Kids Online Safety Council established under section 111.*

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

2 (a) *STUDY.*—*The Secretary of Commerce, in coordina-*
3 *tion with the Federal Communications Commission and the*
4 *Federal Trade Commission, shall conduct a study evalu-*
5 *ating the most technologically feasible methods and options*
6 *for developing systems to verify age at the device or oper-*
7 *ating system level.*

8 (b) *CONTENTS.*—*Such study shall consider —*

9 (1) *the benefits of creating a device or operating*
10 *system level age verification system;*

11 (2) *what information may need to be collected to*
12 *create this type of age verification system;*

13 (3) *the accuracy of such systems and their im-*
14 *pact or steps to improve accessibility, including for*
15 *individuals with disabilities;*

16 (4) *how such a system or systems could verify*
17 *age while mitigating risks to user privacy and data*
18 *security and safeguarding minors' personal data, em-*
19 *phasizing minimizing the amount of data collected*
20 *and processed by covered platforms and age*
21 *verification providers for such a system;*

22 (5) *the technical feasibility, including the need*
23 *for potential hardware and software changes, includ-*
24 *ing for devices currently in commerce and owned by*
25 *consumers; and*

1 (6) *the impact of different age verification sys-*
2 *tems on competition, particularly the risk of different*
3 *age verification systems creating barriers to entry for*
4 *small companies.*

5 (c) *REPORT.*—*Not later than 1 year after the date of*
6 *enactment of this Act, the agencies described in subsection*
7 *(a) shall submit a report containing the results of the study*
8 *conducted under such subsection to the Committee on Com-*
9 *merce, Science, and Transportation of the Senate and the*
10 *Committee on Energy and Commerce of the House of Rep-*
11 *resentatives.*

12 **SEC. 109. GUIDANCE.**

13 (a) *IN GENERAL.*—*Not later than 18 months after the*
14 *date of enactment of this Act, the Federal Trade Commis-*
15 *sion, in consultation with the Kids Online Safety Council*
16 *established under section 111, shall issue guidance to—*

17 (1) *provide information and examples for cov-*
18 *ered platforms and auditors regarding the following,*
19 *with consideration given to differences across English*
20 *and non-English languages—*

21 (A) *identifying design features that encour-*
22 *age or increase the frequency, time spent, or ac-*
23 *tivity of minors on the covered platform;*

24 (B) *safeguarding minors against the pos-*
25 *sible misuse of parental tools;*

1 (C) best practices in providing minors and
2 parents the most protective level of control over
3 privacy and safety;

4 (D) using indicia or inferences of age of
5 users for assessing use of the covered platform by
6 minors;

7 (E) methods for evaluating the efficacy of
8 safeguards set forth in this subtitle; and

9 (F) providing additional parental tool op-
10 tions that allow parents to address the harms de-
11 scribed in section 102(a); and

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

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

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

24 (C) establishing default settings that provide
25 enhanced privacy protection to users or otherwise

1 *enhance their autonomy and decision-making*
 2 *ability.*

3 **(b) GUIDANCE ON KNOWLEDGE STANDARD.**—*Not later*
 4 *than 18 months after the date of enactment of this Act, the*
 5 *Federal Trade Commission shall issue guidance to provide*
 6 *information, including best practices and examples, for cov-*
 7 *ered platforms to understand how the Commission would*
 8 *determine whether a covered platform “had knowledge fair-*
 9 *ly implied on the basis of objective circumstances” for pur-*
 10 *poses of this subtitle.*

11 **(c) LIMITATION ON FEDERAL TRADE COMMISSION**
 12 **GUIDANCE.**—

13 **(1) EFFECT OF GUIDANCE.**—*No guidance issued*
 14 *by the Federal Trade Commission with respect to this*
 15 *subtitle shall—*

16 **(A)** *confer any rights on any person, State,*
 17 *or locality; or*

18 **(B)** *operate to bind the Federal Trade Com-*
 19 *mission or any court, person, State, or locality*
 20 *to the approach recommended in such guidance.*

21 **(2) USE IN ENFORCEMENT ACTIONS.**—*In any en-*
 22 *forcement action brought pursuant to this subtitle, the*
 23 *Federal Trade Commission or a State attorney gen-*
 24 *eral, as applicable—*

1 (A) shall allege a violation of a provision of
2 this subtitle; and

3 (B) may not base such enforcement action
4 on, or execute a consent order based on, practices
5 that are alleged to be inconsistent with guidance
6 issued by the Federal Trade Commission with re-
7 spect to this subtitle, unless the practices are al-
8 leged to violate a provision of this subtitle.

9 For purposes of enforcing this subtitle, State attor-
10 neys general shall take into account any guidance
11 issued by the Commission under subsection (b).

12 **SEC. 110. ENFORCEMENT.**

13 (a) *ENFORCEMENT BY FEDERAL TRADE COMMIS-*
14 *SION.—*

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

21 (2) *POWERS OF THE COMMISSION.—*

22 (A) *IN GENERAL.—*The Federal Trade Com-
23 *mission (referred to in this section as the “Com-*
24 *mission”)* shall enforce this subtitle in the same
25 *manner, by the same means, and with the same*

1 *jurisdiction, powers, and duties as though all ap-*
2 *licable terms and provisions of the Federal*
3 *Trade Commission Act (15 U.S.C. 41 et seq.)*
4 *were incorporated into and made a part of this*
5 *subtitle.*

6 (B) *PRIVILEGES AND IMMUNITIES.*—*Any*
7 *person that violates this subtitle shall be subject*
8 *to the penalties, and entitled to the privileges*
9 *and immunities, provided in the Federal Trade*
10 *Commission Act (15 U.S.C. 41 et seq.).*

11 (3) *AUTHORITY PRESERVED.*—*Nothing in this*
12 *subtitle shall be construed to limit the authority of the*
13 *Commission under any other provision of law.*

14 (b) *ENFORCEMENT BY STATE ATTORNEYS GENERAL.*—

15 (1) *IN GENERAL.*—

16 (A) *CIVIL ACTIONS.*—*In any case in which*
17 *the attorney general of a State has reason to be-*
18 *lieve that a covered platform has violated or is*
19 *violating section 103, 104, or 105, the State, as*
20 *parens patriae, may bring a civil action on be-*
21 *half of the residents of the State in a district*
22 *court of the United States or a State court of ap-*
23 *propriate jurisdiction to—*

24 (i) *enjoin any practice that violates*
25 *section 103, 104, or 105;*

1 (ii) enforce compliance with section
2 103, 104, or 105;

3 (iii) on behalf of residents of the State,
4 obtain damages, restitution, or other com-
5 pensation, each of which shall be distributed
6 in accordance with State law; or

7 (iv) obtain such other relief as the
8 court may consider to be appropriate.

9 (B) NOTICE.—

10 (i) IN GENERAL.—Before filing an ac-
11 tion under subparagraph (A), the attorney
12 general of the State involved shall provide
13 to the Commission—

14 (I) written notice of that action;
15 and

16 (II) a copy of the complaint for
17 that action.

18 (ii) EXEMPTION.—

19 (I) IN GENERAL.—Clause (i) shall
20 not apply with respect to the filing of
21 an action by an attorney general of a
22 State under this paragraph if the at-
23 torney general of the State determines
24 that it is not feasible to provide the no-

1 *tice described in that clause before the*
 2 *filing of the action.*

3 (II) *NOTIFICATION.*—*In an action*
 4 *described in subclause (I), the attorney*
 5 *general of a State shall provide notice*
 6 *and a copy of the complaint to the*
 7 *Commission at the same time as the*
 8 *attorney general files the action.*

9 (2) *INTERVENTION.*—

10 (A) *IN GENERAL.*—*On receiving notice*
 11 *under paragraph (1)(B), the Commission shall*
 12 *have the right to intervene in the action that is*
 13 *the subject of the notice.*

14 (B) *EFFECT OF INTERVENTION.*—*If the*
 15 *Commission intervenes in an action under para-*
 16 *graph (1), it shall have the right—*

17 (i) *to be heard with respect to any*
 18 *matter that arises in that action; and*

19 (ii) *to file a petition for appeal.*

20 (3) *CONSTRUCTION.*—*For purposes of bringing*
 21 *any civil action under paragraph (1), nothing in this*
 22 *subtitle shall be construed to prevent an attorney gen-*
 23 *eral of a State from exercising the powers conferred*
 24 *on the attorney general by the laws of that State to—*

25 (A) *conduct investigations;*

1 (B) administer oaths or affirmations; or

2 (C) compel the attendance of witnesses or
3 the production of documentary and other evi-
4 dence.

5 (4) *ACTIONS BY THE COMMISSION.*—In any case
6 in which an action is instituted by or on behalf of the
7 Commission for violation of this subtitle, no State
8 may, during the pendency of that action, institute a
9 separate action under paragraph (1) against any de-
10 fendant named in the complaint in the action insti-
11 tuted by or on behalf of the Commission for that vio-
12 lation.

13 (5) *VENUE; SERVICE OF PROCESS.*—

14 (A) *VENUE.*—Any action brought under
15 paragraph (1) may be brought in—

16 (i) the district court of the United
17 States that meets applicable requirements
18 relating to venue under section 1391 of title
19 28, United States Code; or

20 (ii) a State court of competent juris-
21 diction.

22 (B) *SERVICE OF PROCESS.*—In an action
23 brought under paragraph (1) in a district court
24 of the United States, process may be served wher-
25 ever defendant—

1 (i) *is an inhabitant; or*

2 (ii) *may be found.*

3 (6) *LIMITATION.—A violation of section 102*
4 *shall not form the basis of liability in any action*
5 *brought by the attorney general of a State under a*
6 *State law.*

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

8 (a) *ESTABLISHMENT.—Not later than 180 days after*
9 *the date of enactment of this Act, the Secretary of Commerce*
10 *shall establish and convene the Kids Online Safety Council*
11 *for the purpose of providing advice on matters related to*
12 *this subtitle.*

13 (b) *PARTICIPATION.—The Kids Online Safety Council*
14 *shall include diverse participation from—*

15 (1) *academic experts, health professionals, and*
16 *members of civil society with expertise in mental*
17 *health, substance use disorders, and the prevention of*
18 *harms to minors;*

19 (2) *representatives in academia and civil society*
20 *with specific expertise in privacy, free expression, ac-*
21 *cess to information, and civil liberties;*

22 (3) *parents and youth representation;*

23 (4) *representatives of covered platforms;*

24 (5) *representatives of the National Telecommuni-*
25 *cations and Information Administration, the Na-*

1 *tional Institute of Standards and Technology, the*
2 *Federal Trade Commission, the Department of Jus-*
3 *tice, and the Department of Health and Human Serv-*
4 *ices;*

5 (6) *State attorneys general or their designees act-*
6 *ing in State or local government;*

7 (7) *educators; and*

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

11 (c) *ACTIVITIES.—The matters to be addressed by the*
12 *Kids Online Safety Council shall include—*

13 (1) *identifying emerging or current risks of*
14 *harms to minors associated with online platforms;*

15 (2) *recommending measures and methods for as-*
16 *sessing, preventing, and mitigating harms to minors*
17 *online;*

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

21 (4) *recommending best practices and clear, con-*
22 *sensus-based technical standards for transparency re-*
23 *ports and audits, as required under this subtitle, in-*
24 *cluding methods, criteria, and scope to promote over-*
25 *all accountability.*

1 (d) *NON-APPLICABILITY OF FACCA.—The Kids Online*
2 *Safety Council shall not be subject to chapter 10 of title*
3 *5, United States Code (commonly referred to as the “Fed-*
4 *eral Advisory Committee Act”)*.

5 **SEC. 112. EFFECTIVE DATE.**

6 *Except as otherwise provided in this subtitle, this sub-*
7 *title shall take effect on the date that is 18 months after*
8 *the date of enactment of this Act.*

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

10 (a) *RELATIONSHIP TO OTHER LAWS.—Nothing in this*
11 *subtitle shall be construed to—*

12 (1) *preempt section 444 of the General Edu-*
13 *cation Provisions Act (20 U.S.C. 1232g, commonly*
14 *known as the “Family Educational Rights and Pri-*
15 *vacancy Act of 1974”)* or other Federal or State laws
16 *governing student privacy;*

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

20 (3) *authorize any action that would conflict with*
21 *section 18(h) of the Federal Trade Commission Act*
22 *(15 U.S.C. 57a(h)); or*

23 (4) *expand or limit the scope of section 230 of*
24 *the Communications Act of 1934 (commonly known*

1 as “section 230 of the Communications Decency Act
2 of 1996”) (47 U.S.C. 230).

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

13 (c) *PROTECTIONS FOR PRIVACY*.—Nothing in this sub-
14 *title, including a determination described in subsection (b),*
15 *shall be construed to require—*

16 (1) *the affirmative collection of any personal*
17 *data with respect to the age of users that a covered*
18 *platform is not already collecting in the normal*
19 *course of business; or*

20 (2) *a covered platform to implement an age gat-*
21 *ing or age verification functionality.*

22 (d) *COMPLIANCE*.—Nothing in this subtitle shall be
23 *construed to restrict a covered platform’s ability to—*

24 (1) *cooperate with law enforcement agencies re-*
25 *garding activity that the covered platform reasonably*

1 *and in good faith believes may violate Federal, State,*
2 *or local laws, rules, or regulations;*

3 *(2) comply with a lawful civil, criminal, or reg-*
4 *ulatory inquiry, subpoena, or summons by Federal,*
5 *State, local, or other government authorities; or*

6 *(3) investigate, establish, exercise, respond to, or*
7 *defend against legal claims.*

8 *(e) APPLICATION TO VIDEO STREAMING SERVICES.—*

9 *A video streaming service shall be deemed to be in compli-*
10 *ance with this subtitle if it predominantly consists of news,*
11 *sports, entertainment, or other video programming content*
12 *that is preselected by the provider and not user-generated,*
13 *and—*

14 *(1) any chat, comment, or interactive*
15 *functionality is provided incidental to, directly re-*
16 *lated to, or dependent on provision of such content;*

17 *(2) if such video streaming service requires ac-*
18 *count owner registration and is not predominantly*
19 *news or sports, the service includes the capability—*

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

22 *(B) to limit the automatic playing of on-de-*
23 *mand content selected by a personalized rec-*
24 *ommendation system for an individual that the*
25 *service knows is a minor;*

1 (C) for a parent to manage a minor’s pri-
 2 vacy and account settings, and restrict purchases
 3 and financial transactions by a minor, where
 4 applicable;

5 (D) to provide an electronic point of contact
 6 specific to matters described in this paragraph;

7 (E) to offer a clear, conspicuous, and easy-
 8 to-understand notice of its policies and practices
 9 with respect to the capabilities described in this
 10 paragraph; and

11 (F) when providing on-demand content, to
 12 employ measures that safeguard against serving
 13 advertising for narcotic drugs (as defined in sec-
 14 tion 102 of the Controlled Substances Act (21
 15 U.S.C. 802)), tobacco products, gambling, or al-
 16 cohol directly to the account or profile of an in-
 17 dividual that the service knows is a minor.

18 **Subtitle B—Filter Bubble**
 19 **Transparency**

20 **SEC. 120. DEFINITIONS.**

21 *In this subtitle:*

22 (1) *ALGORITHMIC RANKING SYSTEM.*—*The term*
 23 *“algorithmic ranking system” means a computational*
 24 *process, including one derived from algorithmic deci-*
 25 *sion-making, machine learning, statistical analysis,*

1 *or other data processing or artificial intelligence tech-*
2 *niques, used to determine the selection, order, relative*
3 *prioritization, or relative prominence of content from*
4 *a set of information that is provided to a user on an*
5 *online platform, including the ranking of search re-*
6 *sults, the provision of content recommendations, the*
7 *display of social media posts, or any other method of*
8 *automated content selection.*

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

14 (3) *COMMISSION.—The term “Commission”*
15 *means the Federal Trade Commission.*

16 (4) *CONNECTED DEVICE.—The term “connected*
17 *device” means an electronic device that—*

18 (A) *is capable of connecting to the internet,*
19 *either directly or indirectly through a network,*
20 *to communicate information at the direction of*
21 *an individual;*

22 (B) *has computer processing capabilities for*
23 *collecting, sending, receiving, or analyzing data;*
24 *and*

1 (C) is primarily designed for or marketed to
2 consumers.

3 (5) *INPUT-TRANSPARENT ALGORITHM.*—

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

13 (B) *DATA EXPRESSLY PROVIDED TO THE*
14 *PLATFORM.*—For purposes of subparagraph (A),
15 user-specific data that is provided by a user for
16 the express purpose of determining the selection,
17 order, relative prioritization, or relative promi-
18 nence of information that is furnished to such
19 user on an online platform—

20 (i) shall include user-supplied search
21 terms, filters, speech patterns (if provided
22 for the purpose of enabling the platform to
23 accept spoken input or selecting the lan-
24 guage in which the user interacts with the
25 platform), saved preferences, the resumption

1 of a previous search, and the current precise
2 geolocation information that is supplied by
3 the user;

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

6 (iii) shall include data submitted to
7 the platform by the user that expresses the
8 user’s desire to receive particular informa-
9 tion, such as the social media profiles the
10 user follows, the video channels the user sub-
11 scribes to, or other content or sources of con-
12 tent on the platform the user has selected;

13 (iv) shall not include the history of the
14 user’s connected device, including the user’s
15 history of web searches and browsing, pre-
16 vious geographical locations, physical activ-
17 ity, device interaction, and financial trans-
18 actions; and

19 (v) shall not include inferences about
20 the user or the user’s connected device, with-
21 out regard to whether such inferences are
22 based on data described in clause (i) or
23 (iii).

24 (6) *ONLINE PLATFORM.*—The term “online plat-
25 form” means any public-facing website, online serv-

1 *ice, online application, or mobile application that*
 2 *predominantly provides a community forum for user-*
 3 *generated content, such as sharing videos, images,*
 4 *games, audio files, or other content, including a social*
 5 *media service, social network, or virtual reality envi-*
 6 *ronment.*

7 (7) *OPAQUE ALGORITHM.—*

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

16 (B) *EXCEPTION FOR AGE-APPROPRIATE*
 17 *CONTENT FILTERS.—*Such term shall not include
 18 *an algorithmic ranking system used by an online*
 19 *platform if—*

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

24 (ii) *such information is only used to*
 25 *restrict a user’s access to content on the*

1 *basis that the individual is not old enough*
 2 *to access such content.*

3 (8) *PRECISE GEOLOCATION INFORMATION.*—*The*
 4 *term “precise geolocation information” means*
 5 *geolocation information that identifies an individ-*
 6 *ual’s location to within a range of 5 miles or less.*

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

11 **SEC. 121. REQUIREMENT TO ALLOW USERS TO SEE**
 12 **UNMANIPULATED CONTENT ON INTERNET**
 13 **PLATFORMS.**

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

19 (b) *OPAQUE ALGORITHM REQUIREMENTS.*—

20 (1) *IN GENERAL.*—*The requirements of this sub-*
 21 *section with respect to a person that operates an on-*
 22 *line platform that uses an opaque algorithm are the*
 23 *following:*

24 (A) *The person provides users of the plat-*
 25 *form with the following notices:*

1 (i) Notice that the platform uses an
2 opaque algorithm that uses user-specific
3 data to select the content the user sees. Such
4 notice shall be presented in a clear and con-
5 spicuous manner on the platform whenever
6 the user interacts with an opaque algorithm
7 for the first time, and may be a one-time
8 notice that can be dismissed by the user.

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

15 (I) the most salient features, in-
16 puts, and parameters used by the algo-
17 rithm;

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

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

1 *the profile of the user or to influence*
2 *the features, inputs, or parameters*
3 *used by the algorithm; and*

4 *(IV) any quantities, such as time*
5 *spent using a product or specific meas-*
6 *ures of engagement or social inter-*
7 *action, that the algorithm is designed*
8 *to optimize, as well as a general de-*
9 *scription of the relative importance of*
10 *each quantity for such ranking.*

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 PRICING.—*
25 *An online platform shall not deny, charge different*

1 *prices or rates for, or condition the provision of a*
2 *service or product to a user based on the user's elec-*
3 *tion to use an input-transparent algorithm in their*
4 *use of the platform, as provided under paragraph*
5 *(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 Com-*
16 *mission shall enforce this section in the same*
17 *manner, by the same means, and with the same*
18 *jurisdiction, powers, and duties as though all ap-*
19 *plicable terms and provisions of the Federal*
20 *Trade Commission Act (15 U.S.C. 41 et seq.)*
21 *were incorporated into and made a part of this*
22 *section.*

23 *(B) PRIVILEGES AND IMMUNITIES.—Any*
24 *person who violates this section shall be subject*
25 *to the penalties and entitled to the privileges and*

1 immunities provided in the Federal Trade Com-
2 mission Act (15 U.S.C. 41 et seq.).

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

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

14 ***Subtitle C—Relationship to State***
15 ***Laws; Severability***

16 ***SEC. 130. RELATIONSHIP TO STATE LAWS.***

17 *The provisions of this title shall preempt any State*
18 *law, rule, or regulation only to the extent that such State*
19 *law, rule, or regulation conflicts with a provision of this*
20 *title. Nothing in this title shall be construed to prohibit a*
21 *State from enacting a law, rule, or regulation that provides*
22 *greater protection to minors than the protection provided*
23 *by the provisions of this title.*

1 **SEC. 131. SEVERABILITY.**

2 *If any provision of this title, or an amendment made*
 3 *by this title, is determined to be unenforceable or invalid,*
 4 *the remaining provisions of this title and the amendments*
 5 *made by this title shall not be affected.*

6 **TITLE II—CHILDREN AND TEEN’S**
 7 **ONLINE PRIVACY**

8 **SEC. 201. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**
 9 **LETION OF PERSONAL INFORMATION OF**
 10 **CHILDREN AND TEENS.**

11 *(a) DEFINITIONS.—Section 1302 of the Children’s On-*
 12 *line Privacy Protection Act of 1998 (15 U.S.C. 6501) is*
 13 *amended—*

14 *(1) by amending paragraph (2) to read as fol-*
 15 *lows:*

16 *“(2) OPERATOR.—The term ‘operator’—*

17 *“(A) means any person—*

18 *“(i) who, for commercial purposes, in*
 19 *interstate or foreign commerce operates or*
 20 *provides a website on the internet, an online*
 21 *service, an online application, or a mobile*
 22 *application; and*

23 *“(ii) who—*

24 *“(I) collects or maintains, either*
 25 *directly or through a service provider,*
 26 *personal information from or about the*

1 *users of that website, service, or appli-*
2 *cation;*

3 *“(II) allows another person to col-*
4 *lect personal information directly from*
5 *users of that website, service, or appli-*
6 *cation (in which case, the operator is*
7 *deemed to have collected the informa-*
8 *tion); or*

9 *“(III) allows users of that website,*
10 *service, or application to publicly dis-*
11 *close personal information (in which*
12 *case, the operator is deemed to have*
13 *collected the information); and*

14 *“(B) does not include any nonprofit entity*
15 *that would otherwise be exempt from coverage*
16 *under section 5 of the Federal Trade Commission*
17 *Act (15 U.S.C. 45).”;*

18 *(2) in paragraph (4)—*

19 *(A) by amending subparagraph (A) to read*
20 *as follows:*

21 *“(A) the release of personal information col-*
22 *lected from a child or teen by an operator for*
23 *any purpose, except where the personal informa-*
24 *tion is provided to a person other than an oper-*
25 *ator who—*

1 “(i) provides support for the internal
2 operations of the website, online service, on-
3 line application, or mobile application of
4 the operator, excluding any activity relating
5 to individual-specific advertising to chil-
6 dren or teens; and

7 “(ii) does not disclose or use that per-
8 sonal information for any other purpose;
9 and”;

10 (B) in subparagraph (B)—

11 (i) by inserting “or teen” after “child”
12 each place the term appears;

13 (ii) by striking “website or online serv-
14 ice” and inserting “website, online service,
15 online application, or mobile application”;
16 and

17 (iii) by striking “actual knowledge”
18 and inserting “actual knowledge or knowl-
19 edge fairly implied on the basis of objective
20 circumstances”;

21 (3) by striking paragraph (8) and inserting the
22 following:

23 “(8) *PERSONAL INFORMATION*.—

24 “(A) *IN GENERAL*.—The term ‘personal in-
25 formation’ means individually identifiable infor-

1 *mation about an individual collected online, in-*
2 *cluding—*

3 *“(i) a first and last name;*

4 *“(ii) a home or other physical address*
5 *including street name and name of a city or*
6 *town;*

7 *“(iii) an e-mail address;*

8 *“(iv) a telephone number;*

9 *“(v) a Social Security number;*

10 *“(vi) any other identifier that the*
11 *Commission determines permits the phys-*
12 *ical or online contacting of a specific indi-*
13 *vidual;*

14 *“(vii) a persistent identifier that can*
15 *be used to recognize a specific child or teen*
16 *over time and across different websites, on-*
17 *line services, online applications, or mobile*
18 *applications, including but not limited to a*
19 *customer number held in a cookie, an Inter-*
20 *net Protocol (IP) address, a processor or de-*
21 *vice serial number, or unique device identi-*
22 *fier, but excluding an identifier that is used*
23 *by an operator solely for providing support*
24 *for the internal operations of the website,*

1 *online service, online application, or mobile*
2 *application;*

3 “(viii) *a photograph, video, or audio*
4 *file where such file contains a specific*
5 *child’s or teen’s image or voice;*

6 “(ix) *geolocation information;*

7 “(x) *information generated from the*
8 *measurement or technological processing of*
9 *an individual’s biological, physical, or*
10 *physiological characteristics that is used to*
11 *identify an individual, including—*

12 “(I) *fingerprints;*

13 “(II) *voice prints;*

14 “(III) *iris or retina imagery*
15 *scans;*

16 “(IV) *facial templates;*

17 “(V) *deoxyribonucleic acid (DNA)*
18 *information; or*

19 “(VI) *gait; or*

20 “(xi) *information linked or reasonably*
21 *linkable to a child or teen or the parents of*
22 *that child or teen (including any unique*
23 *identifier) that an operator collects online*
24 *from the child or teen and combines with an*
25 *identifier described in this subparagraph.*

1 “(B) *EXCLUSION.*—The term ‘personal in-
2 formation’ shall not include an audio file that
3 contains a child’s or teen’s voice so long as the
4 operator—

5 “(i) does not request information via
6 voice that would otherwise be considered
7 personal information under this paragraph;

8 “(ii) provides clear notice of its collec-
9 tion and use of the audio file and its dele-
10 tion policy in its privacy policy;

11 “(iii) only uses the voice within the
12 audio file solely as a replacement for writ-
13 ten words, to perform a task, or engage with
14 a website, online service, online application,
15 or mobile application, such as to perform a
16 search or fulfill a verbal instruction or re-
17 quest; and

18 “(iv) only maintains the audio file
19 long enough to complete the stated purpose
20 and then immediately deletes the audio file
21 and does not make any other use of the
22 audio file prior to deletion.

23 “(C) *SUPPORT FOR THE INTERNAL OPER-*
24 *ATIONS OF A WEBSITE, ONLINE SERVICE, ONLINE*
25 *APPLICATION, OR MOBILE APPLICATION.*—

1 “(i) *IN GENERAL.*—For purposes of
2 subparagraph (A)(vii), the term ‘support for
3 the internal operations of a website, online
4 service, online application, or mobile appli-
5 cation’ means those activities necessary to—

6 “(I) maintain or analyze the
7 functioning of the website, online serv-
8 ice, online application, or mobile ap-
9 plication;

10 “(II) perform network commu-
11 nications;

12 “(III) authenticate users of, or
13 personalize the content on, the website,
14 online service, online application, or
15 mobile application;

16 “(IV) serve contextual advertising,
17 provided that any persistent identifier
18 is only used as necessary for technical
19 purposes to serve the contextual adver-
20 tisement, or cap the frequency of adver-
21 tising;

22 “(V) protect the security or integ-
23 rity of the user, website, online service,
24 online application, or mobile applica-
25 tion;

1 “(VI) ensure legal or regulatory
2 compliance, or

3 “(VII) fulfill a request of a child
4 or teen as permitted by subparagraphs
5 (A) through (C) of section 1303(b)(2).

6 “(ii) *CONDITION.—Except as specifi-*
7 *cally permitted under clause (i), informa-*
8 *tion collected for the activities listed in*
9 *clause (i) cannot be used or disclosed to con-*
10 *tact a specific individual, including through*
11 *individual-specific advertising to children*
12 *or teens, to amass a profile on a specific in-*
13 *dividual, in connection with processes that*
14 *encourage or prompt use of a website or on-*
15 *line service, or for any other purpose.”;*

16 (4) *by amending paragraph (9) to read as fol-*
17 *lows:*

18 “(9) *VERIFIABLE CONSENT.—The term ‘verifiable*
19 *consent’ means any reasonable effort (taking into con-*
20 *sideration available technology), including a request*
21 *for authorization for future collection, use, and disclo-*
22 *sure described in the notice, to ensure that, in the case*
23 *of a child, a parent of the child, or, in the case of a*
24 *teen, the teen—*

1 “(A) receives direct notice of the personal
2 information collection, use, and disclosure prac-
3 tices of the operator; and

4 “(B) before the personal information of the
5 child or teen is collected, freely and unambig-
6 uously authorizes—

7 “(i) the collection, use, and disclosure,
8 as applicable, of that personal information;
9 and

10 “(ii) any subsequent use of that per-
11 sonal information.”;

12 (5) in paragraph (10)—

13 (A) in the paragraph header, by striking
14 “WEBSITE OR ONLINE SERVICE DIRECTED TO
15 CHILDREN” and inserting “WEBSITE, ONLINE
16 SERVICE, ONLINE APPLICATION, OR MOBILE AP-
17 PPLICATION DIRECTED TO CHILDREN”;

18 (B) by striking “website or online service”
19 each place it appears and inserting “website, on-
20 line service, online application, or mobile appli-
21 cation”; and

22 (C) by adding at the end the following new
23 subparagraph:

24 “(C) *RULE OF CONSTRUCTION.*—In consid-
25 ering whether a website, online service, online

1 *application, or mobile application, or portion*
 2 *thereof, is directed to children, the Commission*
 3 *shall apply a totality of circumstances test and*
 4 *will also consider competent and reliable empir-*
 5 *ical evidence regarding audience composition*
 6 *and evidence regarding the intended audience of*
 7 *the website, online service, online application, or*
 8 *mobile application.”; and*

9 *(6) by adding at the end the following:*

10 “(13) *CONNECTED DEVICE*.—*The term ‘connected*
 11 *device’ means a device that is capable of connecting*
 12 *to the internet, directly or indirectly, or to another*
 13 *connected device.*”

14 “(14) *ONLINE APPLICATION*.—*The term ‘online*
 15 *application’—*

16 “(A) *means an internet-connected software*
 17 *program; and*

18 “(B) *includes a service or application of-*
 19 *fered via a connected device.*”

20 “(15) *MOBILE APPLICATION*.—*The term ‘mobile*
 21 *application’—*

22 “(A) *means a software program that runs*
 23 *on the operating system of—*

24 “(i) *a cellular telephone;*

25 “(ii) *a tablet computer; or*

1 “(iii) a similar portable computing de-
2 vice that transmits data over a wireless con-
3 nection; and

4 “(B) includes a service or application of-
5 ferred via a connected device.

6 “(16) *GEOLOCATION INFORMATION*.—The term
7 ‘geolocation information’ means information suffi-
8 cient to identify a street name and name of a city or
9 town.

10 “(17) *TEEN*.—The term ‘teen’ means an indi-
11 vidual who has attained age 13 and is under the age
12 of 17.

13 “(18) *INDIVIDUAL-SPECIFIC ADVERTISING TO*
14 *CHILDREN OR TEENS*.—

15 “(A) *IN GENERAL*.—The term ‘individual-
16 specific advertising to children or teens’ means
17 advertising or any other effort to market a prod-
18 uct or service that is directed to a specific child
19 or teen or a connected device that is linked or
20 reasonably linkable to a child or teen based on—

21 “(i) the personal information from—

22 “(I) the child or teen; or

23 “(II) a group of children or teens
24 who are similar in sex, age, household
25 income level, race, or ethnicity to the

1 *specific child or teen to whom the*
2 *product or service is marketed;*

3 “(ii) *profiling of a child or teen or*
4 *group of children or teens; or*

5 “(iii) *a unique identifier of the con-*
6 *nected device.*

7 “(B) *EXCLUSIONS.—The term ‘individual-*
8 *specific advertising to children or teens’ shall not*
9 *include—*

10 “(i) *advertising or marketing to an in-*
11 *dividual or the device of an individual in*
12 *response to the individual’s specific request*
13 *for information or feedback, such as a*
14 *child’s or teen’s current search query;*

15 “(ii) *contextual advertising, such as*
16 *when an advertisement is displayed based*
17 *on the content of the website, online service,*
18 *online application, mobile application, or*
19 *connected device in which the advertisement*
20 *appears and does not vary based on per-*
21 *sonal information related to the viewer; or*

22 “(iii) *processing personal information*
23 *solely for measuring or reporting adver-*
24 *tising or content performance, reach, or fre-*

1 quency, including independent measure-
2 ment.

3 “(C) *RULE OF CONSTRUCTION.*—Nothing in
4 subparagraph (A) shall be construed to prohibit
5 an operator with actual knowledge or knowledge
6 fairly implied on the basis of objective cir-
7 cumstances that a user is under the age of 17
8 from delivering advertising or marketing that is
9 age-appropriate and intended for a child or teen
10 audience, so long as the operator does not use
11 any personal information other than whether the
12 user is under the age of 17.”.

13 (b) *ONLINE COLLECTION, USE, DISCLOSURE, AND DE-*
14 *LETION OF PERSONAL INFORMATION OF CHILDREN AND*
15 *TEENS.*—Section 1303 of the Children’s Online Privacy
16 *Protection Act of 1998 (15 U.S.C. 6502) is amended—*

17 (1) *by striking the heading and inserting the fol-*
18 *lowing: “**ONLINE COLLECTION, USE, DISCLO-***
19 ***SURE, AND DELETION OF PERSONAL INFORMA-***
20 ***TION OF CHILDREN AND TEENS.”;***

21 (2) *in subsection (a)—*

22 (A) *by amending paragraph (1) to read as*
23 *follows:*

24 “(1) *IN GENERAL.*—It is unlawful for an oper-
25 ator of a website, online service, online application,

1 *or mobile application directed to children or for any*
2 *operator of a website, online service, online applica-*
3 *tion, or mobile application with actual knowledge or*
4 *knowledge fairly implied on the basis of objective cir-*
5 *cumstances that a user is a child or teen—*

6 *“(A) to collect personal information from a*
7 *child or teen in a manner that violates the regu-*
8 *lations prescribed under subsection (b);*

9 *“(B) except as provided in subparagraphs*
10 *(B) and (C) of section 1302(18), to collect, use,*
11 *disclose to third parties, or maintain personal*
12 *information of a child or teen for purposes of in-*
13 *dividual-specific advertising to children or teens*
14 *(or to allow another person to collect, use, dis-*
15 *close, or maintain such information for such*
16 *purpose);*

17 *“(C) to collect the personal information of a*
18 *child or teen except when the collection of the*
19 *personal information is—*

20 *“(i) consistent with the context of a*
21 *particular transaction or service or the rela-*
22 *tionship of the child or teen with the oper-*
23 *ator, including collection necessary to fulfill*
24 *a transaction or provide a product or serv-*
25 *ice requested by the child or teen; or*

1 “(ii) required or specifically authorized
2 by Federal or State law; or

3 “(D) to store or transfer the personal infor-
4 mation of a child or teen outside of the United
5 States unless the operator provides direct notice
6 to the parent of the child, in the case of a child,
7 or to the teen, in the case of a teen, that the
8 child’s or teen’s personal information is being
9 stored or transferred outside of the United States;
10 or

11 “(E) to retain the personal information of
12 a child or teen for longer than is reasonably nec-
13 essary to fulfill a transaction or provide a serv-
14 ice requested by the child or teen except as re-
15 quired or specifically authorized by Federal or
16 State law.”; and

17 (B) in paragraph (2)—

18 (i) in the header, by striking “PAR-
19 ENT” and inserting “‘PARENT OR TEEN’”

20 (ii) by striking “Notwithstanding
21 paragraph (1)” and inserting “Notwith-
22 standing paragraph (1)(A)”;

23 (iii) by striking “of such a website or
24 online service”; and

1 (iv) by striking “subsection
2 (b)(1)(B)(iii) to the parent of a child” and
3 inserting “subsection (b)(1)(B)(iv) to the
4 parent of a child or under subsection
5 (b)(1)(C)(iv) to a teen”;

6 (3) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) by striking “operator of any
10 website” and all that follows through
11 “from a child” and inserting “operator
12 of a website, online service, online ap-
13 plication, or mobile application di-
14 rected to children or that has actual
15 knowledge or knowledge fairly implied
16 on the basis of objective circumstances
17 that a user is a child or teen”;

18 (II) in clause (i)—

19 (aa) by striking “notice on
20 the website” and inserting “clear
21 and conspicuous notice on the
22 website”;

23 (bb) by inserting “or teens”
24 after “children”;

1 (cc) by striking “, and the
2 operator’s” and inserting “, the
3 operator’s”; and

4 (dd) by striking “; and” and
5 inserting “, the rights and oppor-
6 tunities available to the parent of
7 the child or teen under subpara-
8 graphs (B) and (C), and the pro-
9 cedures or mechanisms the oper-
10 ator uses to ensure that personal
11 information is not collected from
12 children or teens except in accord-
13 ance with the regulations promul-
14 gated under this paragraph;”;

15 (III) in clause (ii)—

16 (aa) by striking “parental”;

17 (bb) by inserting “or teens”
18 after “children”;

19 (cc) by striking the semicolon
20 at the end and inserting “; and”;
21 and

22 (IV) by inserting after clause (ii)
23 the following new clause:

24 “(iii) to obtain verifiable consent from
25 a parent of a child or from a teen before

1 *using or disclosing personal information of*
2 *the child or teen for any purpose that is a*
3 *material change from the original purposes*
4 *and disclosure practices specified to the par-*
5 *ent of the child or the teen under clause*
6 *(i);”;*

7 *(ii) in subparagraph (B)—*

8 *(I) in the matter preceding clause*
9 *(i), by striking “website or online serv-*
10 *ice” and inserting “operator”;*

11 *(II) in clause (i), by inserting*
12 *“and the method by which the operator*
13 *obtained the personal information, and*
14 *the purposes for which the operator col-*
15 *lects, uses, discloses, and retains the*
16 *personal information” before the semi-*
17 *colon;*

18 *(III) in clause (ii)—*

19 *(aa) by inserting “to delete*
20 *personal information collected*
21 *from the child or content or infor-*
22 *mation submitted by the child to*
23 *a website, online service, online*
24 *application, or mobile application*

1 and” after “the opportunity at
2 any time”; and

3 (bb) by striking “; and” and
4 inserting a semicolon;

5 (IV) by redesignating clause (iii)
6 as clause (iv) and inserting after
7 clause (ii) the following new clause:

8 “(iii) the opportunity to challenge the
9 accuracy of the personal information and, if
10 the parent of the child establishes the inac-
11 curacy of the personal information, to have
12 the inaccurate personal information cor-
13 rected;”; and

14 (V) in clause (iv), as so redesign-
15 ated, by inserting “, if such informa-
16 tion is available to the operator at the
17 time the parent makes the request” be-
18 fore the semicolon;

19 (iii) by redesignating subparagraphs
20 (C) and (D) as subparagraphs (D) and (E),
21 respectively;

22 (iv) by inserting after subparagraph
23 (B) the following new subparagraph:

24 “(C) require the operator to provide, upon
25 the request of a teen under this subparagraph

1 *who has provided personal information to the*
2 *operator, upon proper identification of that*
3 *teen—*

4 “(i) *a description of the specific types*
5 *of personal information collected from the*
6 *teen by the operator, the method by which*
7 *the operator obtained the personal informa-*
8 *tion, and the purposes for which the oper-*
9 *ator collects, uses, discloses, and retains the*
10 *personal information;*

11 “(ii) *the opportunity at any time to*
12 *delete personal information collected from*
13 *the teen or content or information submitted*
14 *by the teen to a website, online service, on-*
15 *line application, or mobile application and*
16 *to refuse to permit the operator’s further use*
17 *or maintenance in retrievable form, or on-*
18 *line collection, of personal information from*
19 *the teen;*

20 “(iii) *the opportunity to challenge the*
21 *accuracy of the personal information and, if*
22 *the teen establishes the inaccuracy of the*
23 *personal information, to have the inac-*
24 *curate personal information corrected; and*

1 “(iv) a means that is reasonable under
2 the circumstances for the teen to obtain any
3 personal information collected from the teen,
4 if such information is available to the oper-
5 ator at the time the teen makes the re-
6 quest;”;

7 (v) in subparagraph (D), as so redesign-
8 ated—

9 (I) by striking “a child’s” and in-
10 serting “a child’s or teen’s”; and

11 (II) by inserting “or teen” after
12 “the child”; and

13 (vi) by amending subparagraph (E),
14 as so redesignated, to read as follows:

15 “(E) require the operator to establish, im-
16 plement, and maintain reasonable security prac-
17 tices to protect the confidentiality, integrity, and
18 accessibility of personal information of children
19 or teens collected by the operator, and to protect
20 such personal information against unauthorized
21 access.”;

22 (B) in paragraph (2)—

23 (i) in the matter preceding subpara-
24 graph (A), by striking “verifiable parental
25 consent” and inserting “verifiable consent”;

1 *(ii) in subparagraph (A)—*

2 *(I) by inserting “or teen” after*
3 *“collected from a child”;*

4 *(II) by inserting “or teen” after*
5 *“request from the child”; and*

6 *(III) by inserting “or teen or to*
7 *contact another child or teen” after “to*
8 *recontact the child”;*

9 *(iii) in subparagraph (B)—*

10 *(I) by striking “parent or child”*
11 *and inserting “parent or teen”; and*

12 *(II) by striking “parental con-*
13 *sent” each place the term appears and*
14 *inserting “verifiable consent”;*

15 *(iv) in subparagraph (C)—*

16 *(I) in the matter preceding clause*
17 *(i), by inserting “or teen” after “child”*
18 *each place the term appears;*

19 *(II) in clause (i)—*

20 *(aa) by inserting “or teen”*
21 *after “child” each place the term*
22 *appears; and*

23 *(bb) by inserting “or teen, as*
24 *applicable,” after “parent” each*
25 *place the term appears; and*

1 (III) in clause (ii)—

2 (aa) by striking “without no-
3 tice to the parent” and inserting
4 “without notice to the parent or
5 teen, as applicable,”; and

6 (bb) by inserting “or teen”
7 after “child” each place the term
8 appears; and

9 (v) in subparagraph (D)—

10 (I) in the matter preceding clause
11 (i), by inserting “or teen” after “child”
12 each place the term appears;

13 (II) in clause (ii), by inserting
14 “or teen” after “child”; and

15 (III) in the flush text following
16 clause (iii)—

17 (aa) by inserting “or teen, as
18 applicable,” after “parent” each
19 place the term appears; and

20 (bb) by inserting “or teen”
21 after “child”;

22 (C) by redesignating paragraph (3) as
23 paragraph (4) and inserting after paragraph (2)
24 the following new paragraph:

1 “(3) *APPLICATION TO OPERATORS ACTING UNDER*
2 *AGREEMENTS WITH EDUCATIONAL AGENCIES OR IN-*
3 *STITUTIONS.—The regulations may provide that*
4 *verifiable consent under paragraph (1)(A)(ii) is not*
5 *required for an operator that is acting under a writ-*
6 *ten agreement with an educational agency or institu-*
7 *tion (as defined in section 444 of the General Edu-*
8 *cation Provisions Act (commonly known as the ‘Fam-*
9 *ily Educational Rights and Privacy Act of 1974’)* (20
10 *U.S.C. 1232g(a)(3)) that, at a minimum, requires*
11 *the—*

12 “(A) operator to—

13 “(i) *limit its collection, use, and disclo-*
14 *sure of the personal information from a*
15 *child or teen to solely educational purposes*
16 *and for no other commercial purposes;*

17 “(ii) *provide the educational agency or*
18 *institution with a notice of the specific*
19 *types of personal information the operator*
20 *will collect from the child or teen, the meth-*
21 *od by which the operator will obtain the*
22 *personal information, and the purposes for*
23 *which the operator will collect, use, disclose,*
24 *and retain the personal information;*

1 “(iii) provide the educational agency
2 or institution with a link to the operator’s
3 online notice of information practices as re-
4 quired under subsection (b)(1)(A)(i); and

5 “(iv) provide the educational agency or
6 institution, upon request, with a means to
7 review the personal information collected
8 from a child or teen, to prevent further use
9 or maintenance or future collection of per-
10 sonal information from a child or teen, and
11 to delete personal information collected from
12 a child or teen or content or information
13 submitted by a child or teen to the opera-
14 tor’s website, online service, online applica-
15 tion, or mobile application;

16 “(B) representative of the educational agen-
17 cy or institution to acknowledge and agree that
18 they have authority to authorize the collection,
19 use, and disclosure of personal information from
20 children or teens on behalf of the educational
21 agency or institution, along with such authoriza-
22 tion, their name, and title at the educational
23 agency or institution; and

24 “(C) educational agency or institution to—

1 “(i) provide on its website a notice
2 that identifies the operator with which it
3 has entered into a written agreement under
4 this subsection and provides a link to the
5 operator’s online notice of information
6 practices as required under paragraph
7 (1)(A)(i);

8 “(ii) provide the operator’s notice re-
9 garding its information practices, as re-
10 quired under subparagraph (A)(ii), upon
11 request, to a parent, in the case of a child,
12 or a parent or teen, in the case of a teen;
13 and

14 “(iii) upon the request of a parent, in
15 the case of a child, or a parent or teen, in
16 the case of a teen, request the operator pro-
17 vide a means to review the personal infor-
18 mation from the child or teen and provide
19 the parent, in the case of a child, or parent
20 or teen, in the case of the teen, a means to
21 review the personal information.”;

22 (D) by amending paragraph (4), as so re-
23 designated, to read as follows:

24 “(4) *TERMINATION OF SERVICE.*—The regula-
25 tions shall permit the operator of a website, online

1 *service, online application, or mobile application to*
 2 *terminate service provided to a child whose parent*
 3 *has refused, or a teen who has refused, under the regu-*
 4 *lations prescribed under paragraphs (1)(B)(ii) and*
 5 *(1)(C)(ii), to permit the operator’s further use or*
 6 *maintenance in retrievable form, or future online col-*
 7 *lection of, personal information from that child or*
 8 *teen.”; and*

9 *(E) by adding at the end the following new*
 10 *paragraphs:*

11 *“(5) CONTINUATION OF SERVICE.—The regula-*
 12 *tions shall prohibit an operator from discontinuing*
 13 *service provided to a child or teen on the basis of a*
 14 *request by the parent of the child or by the teen,*
 15 *under the regulations prescribed under subparagraph*
 16 *(B) or (C) of paragraph (1), respectively, to delete*
 17 *personal information collected from the child or teen,*
 18 *to the extent that the operator is capable of providing*
 19 *such service without such information.*

20 *“(6) RULE OF CONSTRUCTION.—A request made*
 21 *pursuant to subparagraph (B) or (C) of paragraph*
 22 *(1) to delete or correct personal information of a child*
 23 *or teen shall not be construed—*

24 *“(A) to limit the authority of a law enforce-*
 25 *ment agency to obtain any content or informa-*

1 *tion from an operator pursuant to a lawfully ex-*
2 *ecuted warrant or an order of a court of com-*
3 *petent jurisdiction;*

4 *“(B) to require an operator or third party*
5 *delete or correct information that—*

6 *“(i) any other provision of Federal or*
7 *State law requires the operator or third*
8 *party to maintain; or*

9 *“(ii) was submitted to the website, on-*
10 *line service, online application, or mobile*
11 *application of the operator by any person*
12 *other than the user who is attempting to*
13 *erase or otherwise eliminate the content or*
14 *information, including content or informa-*
15 *tion submitted by the user that was repub-*
16 *lished or resubmitted by another person; or*

17 *“(C) to prohibit an operator from—*

18 *“(i) retaining a record of the deletion*
19 *request and the minimum information nec-*
20 *essary for the purposes of ensuring compli-*
21 *ance with a request made pursuant to sub-*
22 *paragraph (B) or (C);*

23 *“(ii) preventing, detecting, protecting*
24 *against, or responding to security incidents,*

1 *identity theft, or fraud, or reporting those*
 2 *responsible for such actions;*

3 “(iii) *protecting the integrity or secu-*
 4 *rity of a website, online service, online ap-*
 5 *plication or mobile application; or*

6 “(iv) *ensuring that the child’s or teen’s*
 7 *information remains deleted.*

8 “(7) *COMMON VERIFIABLE CONSENT MECHA-*
 9 *NISM.—*

10 “(A) *IN GENERAL.—*

11 “(i) *FEASIBILITY OF MECHANISM.—*
 12 *The Commission shall assess the feasibility,*
 13 *with notice and public comment, of allow-*
 14 *ing operators the option to use a common*
 15 *verifiable consent mechanism that fully*
 16 *meets the requirements of this title.*

17 “(ii) *REQUIREMENTS.—The feasibility*
 18 *assessment described in clause (i) shall con-*
 19 *sider whether a single operator could use a*
 20 *common verifiable consent mechanism to ob-*
 21 *tain verifiable consent, as required under*
 22 *this title, from a parent of a child or from*
 23 *a teen on behalf of multiple, listed operators*
 24 *that provide a joint or related service.*

1 “(B) *REPORT.*—Not later than 1 year after
2 the date of enactment of this paragraph, the
3 Commission shall submit a report to the Com-
4 mittee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on En-
6 ergy and Commerce of the House of Representa-
7 tives with the findings of the assessment required
8 by subparagraph (A).

9 “(C) *REGULATIONS.*—If the Commission
10 finds that the use of a common verifiable consent
11 mechanism is feasible and would meet the re-
12 quirements of this title, the Commission shall
13 issue regulations to permit the use of a common
14 verifiable consent mechanism in accordance with
15 the findings outlined in such report.”;

16 (4) in subsection (c), by striking “a regulation
17 prescribed under subsection (a)” and inserting “sub-
18 paragraph (B), (C), (D), or (E) of subsection (a)(1),
19 or of a regulation prescribed under subsection (b),”;
20 and

21 (5) by striking subsection (d) and inserting the
22 following:

23 “(d) *RELATIONSHIP TO STATE LAW.*—The provisions
24 of this title shall preempt any State law, rule, or regulation
25 only to the extent that such State law, rule, or regulation

1 *conflicts with a provision of this title. Nothing in this title*
2 *shall be construed to prohibit any State from enacting a*
3 *law, rule, or regulation that provides greater protection to*
4 *children or teens than the provisions of this title.”.*

5 *(c) SAFE HARBORS.—Section 1304 of the Children’s*
6 *Online Privacy Protection Act of 1998 (15 U.S.C. 6503)*
7 *is amended—*

8 *(1) in subsection (b)(1), by inserting “and teens”*
9 *after “children”; and*

10 *(2) by adding at the end the following:*

11 *“(d) PUBLICATION.—*

12 *“(1) IN GENERAL.—Subject to the restrictions de-*
13 *scribed in paragraph (2), the Commission shall pub-*
14 *lish on the internet website of the Commission any re-*
15 *port or documentation required by regulation to be*
16 *submitted to the Commission to carry out this section.*

17 *“(2) RESTRICTIONS ON PUBLICATION.—The re-*
18 *strictions described in section 6(f) and section 21 of*
19 *the Federal Trade Commission Act (15 U.S.C. 46(f),*
20 *57b–2) applicable to the disclosure of information ob-*
21 *tained by the Commission shall apply in same man-*
22 *ner to the disclosure under this subsection of informa-*
23 *tion obtained by the Commission from a report or*
24 *documentation described in paragraph (1).”.*

1 (d) *ACTIONS BY STATES.*—Section 1305 of the Chil-
 2 *dren’s Online Privacy Protection Act of 1998 (15 U.S.C.*
 3 *6504) is amended—*

4 (1) *in subsection (a)(1)—*

5 (A) *in the matter preceding subparagraph*
 6 *(A), by inserting “section 1303(a)(1) or” before*
 7 *“any regulation”; and*

8 (B) *in subparagraph (B), by inserting “sec-*
 9 *tion 1303(a)(1) or” before “the regulation”; and*

10 (2) *in subsection (d)—*

11 (A) *by inserting “section 1303(a)(1) or” be-*
 12 *fore “any regulation”; and*

13 (B) *by inserting “section 1303(a)(1) or” be-*
 14 *fore “that regulation”.*

15 (e) *ADMINISTRATION AND APPLICABILITY OF ACT.*—
 16 *Section 1306 of the Children’s Online Privacy Protection*
 17 *Act of 1998 (15 U.S.C. 6505) is amended—*

18 (1) *in subsection (b)—*

19 (A) *in paragraph (1), by striking “, in the*
 20 *case of” and all that follows through “the Board*
 21 *of Directors of the Federal Deposit Insurance*
 22 *Corporation;” and inserting the following: “by*
 23 *the appropriate Federal banking agency, with re-*
 24 *spect to any insured depository institution (as*

1 *those terms are defined in section 3 of that Act*
 2 *(12 U.S.C. 1813));”;* and

3 *(B) by striking paragraph (2) and redesign-*
 4 *ating paragraphs (3) through (6) as para-*
 5 *graphs (2) through (5), respectively;*

6 *(2) in subsection (d)—*

7 *(A) by inserting “section 1303(a)(1) or” be-*
 8 *fore “a rule”;* and

9 *(B) by striking “such rule” and inserting*
 10 *“section 1303(a)(1) or a rule of the Commission*
 11 *under section 1303”;* and

12 *(3) by adding at the end the following new sub-*
 13 *sections:*

14 *“(f) DETERMINATION OF WHETHER AN OPERATOR*
 15 *HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF OB-*
 16 *JECTIVE CIRCUMSTANCES.—*

17 *“(1) RULE OF CONSTRUCTION.—For purposes of*
 18 *enforcing this title or a regulation promulgated under*
 19 *this title, in making a determination as to whether*
 20 *an operator has knowledge fairly implied on the basis*
 21 *of objective circumstances that a specific user is a*
 22 *child or teen, the Commission or State attorneys gen-*
 23 *eral shall rely on competent and reliable evidence,*
 24 *taking into account the totality of the circumstances,*
 25 *including whether a reasonable and prudent person*

1 *under the circumstances would have known that the*
 2 *user is a child or teen. Nothing in this title, including*
 3 *a determination described in the preceding sentence,*
 4 *shall be construed to require an operator to—*

5 *“(A) affirmatively collect any personal in-*
 6 *formation with respect to the age of a child or*
 7 *teen that an operator is not already collecting in*
 8 *the normal course of business; or*

9 *“(B) implement an age gating or age*
 10 *verification functionality.*

11 *“(2) COMMISSION GUIDANCE.—*

12 *“(A) IN GENERAL.—Within 180 days of en-*
 13 *actment, the Commission shall issue guidance to*
 14 *provide information, including best practices*
 15 *and examples for operators to understand the*
 16 *Commission’s determination of whether an oper-*
 17 *ator has knowledge fairly implied on the basis of*
 18 *objective circumstances that a user is a child or*
 19 *teen.*

20 *“(B) LIMITATION.—No guidance issued by*
 21 *the Commission with respect to this title shall*
 22 *confer any rights on any person, State, or local-*
 23 *ity, nor shall operate to bind the Commission or*
 24 *any person to the approach recommended in*
 25 *such guidance. In any enforcement action*

1 *brought pursuant to this title, the Commission or*
2 *State attorney general, as applicable, shall allege*
3 *a specific violation of a provision of this title.*
4 *The Commission or State attorney general, as*
5 *applicable, may not base an enforcement action*
6 *on, or execute a consent order based on, practices*
7 *that are alleged to be inconsistent with any such*
8 *guidance, unless the practices allegedly violate*
9 *this title. For purposes of enforcing this title or*
10 *a regulation promulgated under this title, State*
11 *attorneys general shall take into account any*
12 *guidance issued by the Commission under sub-*
13 *paragraph (A).*

14 “(g) *ADDITIONAL REQUIREMENT.—Any regulations*
15 *issued under this title shall include a description and anal-*
16 *ysis of the impact of proposed and final Rules on small*
17 *entities per the Regulatory Flexibility Act of 1980 (5 U.S.C.*
18 *601 et seq.).”.*

19 **SEC. 202. STUDY AND REPORTS OF MOBILE AND ONLINE AP-**
20 **PLICATION OVERSIGHT AND ENFORCEMENT.**

21 “(a) *OVERSIGHT REPORT.—Not later than 3 years after*
22 *the date of enactment of this Act, the Federal Trade Com-*
23 *mission shall submit to the Committee on Commerce,*
24 *Science, and Transportation of the Senate and the Com-*
25 *mittee on Energy and Commerce of the House of Represent-*

1 *atives a report on the processes of platforms that offer mo-*
2 *bile and online applications for ensuring that, of those ap-*
3 *plications that are websites, online services, online applica-*
4 *tions, or mobile applications directed to children, the applica-*
5 *tions operate in accordance with—*

6 (1) *this title, the amendments made by this title,*
7 *and rules promulgated under this title; and*

8 (2) *rules promulgated by the Commission under*
9 *section 18 of the Federal Trade Commission Act (15*
10 *U.S.C. 57a) relating to unfair or deceptive acts or*
11 *practices in marketing.*

12 (b) *ENFORCEMENT REPORT.—Not later than 1 year*
13 *after the date of enactment of this Act, and each year there-*
14 *after, the Federal Trade Commission shall submit to the*
15 *Committee on Commerce, Science, and Transportation of*
16 *the Senate and the Committee on Energy and Commerce*
17 *of the House of Representatives a report that addresses, at*
18 *a minimum—*

19 (1) *the number of actions brought by the Com-*
20 *mission during the reporting year to enforce the Chil-*
21 *dren’s Online Privacy Protection Act of 1998 (15*
22 *U.S.C. 6501) (referred to in this subsection as the*
23 *“Act”) and the outcome of each such action;*

1 (2) *the total number of investigations or inquiries into potential violations of the Act; during the reporting year;*

2 (3) *the total number of open investigations or inquiries into potential violations of the Act as of the time the report is submitted;*

3 (4) *the number and nature of complaints received by the Commission relating to an allegation of a violation of the Act during the reporting year; and*

4 (5) *policy or legislative recommendations to strengthen online protections for children and teens.*

5 **SEC. 203. GAO STUDY.**

6 (a) *STUDY.*—*The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on the privacy of teens who use financial technology products. Such study shall—*

7 (1) *identify the type of financial technology products that teens are using;*

8 (2) *identify the potential risks to teens’ privacy from using such financial technology products; and*

9 (3) *determine whether existing laws are sufficient to address such risks to teens’ privacy.*

10 (b) *REPORT.*—*Not later than 1 year after the date of enactment of this section, the Comptroller General shall submit to Congress a report containing the results of the study*

1 *conducted under subsection (a), together with recommenda-*
 2 *tions for such legislation and administrative action as the*
 3 *Comptroller General determines appropriate.*

4 **SEC. 204. SEVERABILITY.**

5 *If any provision of this title, or an amendment made*
 6 *by this title, is determined to be unenforceable or invalid,*
 7 *the remaining provisions of this title and the amendments*
 8 *made by this title shall not be affected.*

9 **TITLE III—ELIMINATING**
 10 **USELESS REPORTS**

11 **SEC. 301. SUNSETS FOR AGENCY REPORTS.**

12 *(a) IN GENERAL.—Section 1125 of title 31, United*
 13 *States Code, is amended—*

14 *(1) by redesignating subsection (c) as subsection*
 15 *(d);*

16 *(2) by striking subsections (a) and (b) and in-*
 17 *serting the following:*

18 *“(a) DEFINITIONS.—In this section:*

19 *“(1) BUDGET JUSTIFICATION MATERIALS.—The*
 20 *term ‘budget justification materials’ has the meaning*
 21 *given the term in section 3(b)(2) of the Federal Fund-*
 22 *ing Accountability and Transparency Act of 2006 (31*
 23 *U.S.C. 6101 note; Public Law 109–282).*

24 *“(2) PLAN OR REPORT.—The term ‘plan or re-*
 25 *port’ means any plan or report submitted to Con-*

1 *gress, any committee of Congress, or subcommittee*
 2 *thereof, by not less than 1 agency—*

3 *“(A) in accordance with Federal law; or*

4 *“(B) at the direction or request of a con-*
 5 *gressional report.*

6 *“(3) RECURRING PLAN OR REPORT.—The term*
 7 *‘recurring plan or report’ means a plan or report*
 8 *submitted on a recurring basis.*

9 *“(4) RELEVANT CONGRESSIONAL COMMITTEE.—*
 10 *The term ‘relevant congressional committee’—*

11 *“(A) means a congressional committee to*
 12 *which a recurring plan or report is required to*
 13 *be submitted; and*

14 *“(B) does not include any plan or report*
 15 *that is required to be submitted solely to the*
 16 *Committee on Armed Services of the House of*
 17 *Representatives or the Senate.*

18 *“(b) AGENCY IDENTIFICATION OF UNNECESSARY RE-*
 19 *PORTS.—*

20 *“(1) IN GENERAL.—The head of each agency*
 21 *shall include in the budget justification materials of*
 22 *the agency the following:*

23 *“(A) Subject to paragraphs (2) and (3), the*
 24 *following:*

1 “(i) A list of each recurring plan or re-
2 port submitted by the agency.

3 “(ii) An identification of whether the
4 recurring plan or report listed in clause (i)
5 was included in the most recent report
6 issued by the Clerk of the House of Rep-
7 resentatives concerning the reports that any
8 agency is required by law or directed or re-
9 quested by a committee report to make to
10 Congress, any committee of Congress, or
11 subcommittee thereof.

12 “(iii) If applicable, the unique alpha-
13 numeric identifier for the recurring plan or
14 report as required by section
15 7243(b)(1)(C)(vii) of the James M. Inhofe
16 National Defense Authorization Act for Fis-
17 cal Year 2023 (Public Law 117–263).

18 “(iv) The identification of any recur-
19 ring plan or report the head of the agency
20 determines to be outdated or duplicative.

21 “(B) With respect to each recurring plan or
22 report identified in subparagraph (A)(iv), the
23 following:

24 “(i) A recommendation on whether to
25 sunset, modify, consolidate, or reduce the

1 *frequency of the submission of the recurring*
2 *plan or report.*

3 “(ii) *A citation to each provision of*
4 *law or directive or request in a congress-*
5 *sional report that requires or requests the*
6 *submission of the recurring plan or report.*

7 “(iii) *A list of the relevant congress-*
8 *sional committees for the recurring plan or*
9 *report.*

10 “(C) *A justification explaining, with respect*
11 *to each recommendation described in subpara-*
12 *graph (B)(i) relating to a recurring plan or re-*
13 *port—*

14 “(i) *why the head of the agency made*
15 *the recommendation, which may include an*
16 *estimate of the resources expended by the*
17 *agency to prepare and submit the recurring*
18 *plan or report; and*

19 “(ii) *the understanding of the head of*
20 *the agency of the purpose of the recurring*
21 *plan or report.*

22 “(2) *AGENCY CONSULTATION.—*

23 “(A) *IN GENERAL.—In preparing the list*
24 *required under paragraph (1)(A), if, in submit-*
25 *ting a recurring plan or report, an agency is re-*

1 *quired to coordinate or consult with another*
2 *agency or entity, the head of the agency submit-*
3 *ting the recurring plan or report shall consult*
4 *with the head of each agency or entity with*
5 *whom consultation or coordination is required.*

6 “(B) *INCLUSION IN LIST.*—*If, after a con-*
7 *sultation under subparagraph (A), the head of*
8 *each agency or entity consulted under that sub-*
9 *paragraph agrees that a recurring plan or report*
10 *is outdated or duplicative, the head of the agency*
11 *required to submit the recurring plan or report*
12 *shall—*

13 “(i) *include the recurring plan or re-*
14 *port in the list described in paragraph*
15 *(1)(A); and*

16 “(ii) *identify each agency or entity*
17 *with which the head of the agency is re-*
18 *quired to coordinate or consult in submit-*
19 *ting the recurring plan or report.*

20 “(C) *DISAGREEMENT.*—*If the head of any*
21 *agency or entity consulted under subparagraph*
22 *(A) does not agree that a recurring plan or re-*
23 *port is outdated or duplicative, the head of the*
24 *agency required to submit the recurring plan or*

1 *report shall not include the recurring plan or re-*
2 *port in the list described in paragraph (1)(A).*

3 “(3) *GOVERNMENT-WIDE OR MULTI-AGENCY PLAN*
4 *AND REPORT SUBMISSIONS.—With respect to a recur-*
5 *ring plan or report required to be submitted by not*
6 *less than 2 agencies, the Director of the Office of Man-*
7 *agement and Budget shall—*

8 “(A) *determine whether the requirement to*
9 *submit the recurring plan or report is outdated*
10 *or duplicative; and*

11 “(B) *make recommendations to Congress ac-*
12 *cordingly.*

13 “(4) *PLAN AND REPORT SUBMISSIONS CON-*
14 *FORMITY TO THE ACCESS TO CONGRESSIONALLY MAN-*
15 *DATED REPORTS ACT.—With respect to an agency rec-*
16 *ommendation, citation, or justification made under*
17 *subparagraph (B) or (C) of paragraph (1) or a rec-*
18 *ommendation by the Director of the Office of Manage-*
19 *ment and Budget under paragraph (3), the agency or*
20 *Director, as applicable, shall also provide this infor-*
21 *mation to the Director of the Government Publishing*
22 *Office in conformity with the agency submission re-*
23 *quirements under section 7244(a) of the James M.*
24 *Inhofe National Defense Authorization Act for Fiscal*
25 *Year 2023 (Public Law 117–263; chapter 41 of title*

1 44 note) in conformity with guidance issued by the
2 Director of the Office of Management and Budget
3 under section 7244(b) of such Act.

4 “(c) *RULE OF CONSTRUCTION ON AGENCY REQUIRE-*
5 *MENTS.—Nothing in this section shall be construed to ex-*
6 *empt the head of an agency from a requirement to submit*
7 *a recurring plan or report.”; and*

8 (3) in subsection (d), as so redesignated, by
9 striking “in the budget of the United States Govern-
10 ment, as provided by section 1105(a)(37)” and insert-
11 ing “in the budget justification materials of each
12 agency”.

13 (b) *BUDGET CONTENTS.—Section 1105(a) of title 31,*
14 *United States Code, is amended by striking paragraph (39).*

15 (c) *CONFORMITY TO THE ACCESS TO CONGRESSION-*
16 *ALLY MANDATED REPORTS ACT.—*

17 (1) *AMENDMENT.—Subsections (a) and (b) of*
18 *section 7244 of the James M. Inhofe National Defense*
19 *Authorization Act for Fiscal Year 2023 (Public Law*
20 *117–263; chapter 41 of title 44, United States Code,*
21 *note), are amended to read as follows:*

22 “(a) *SUBMISSION OF ELECTRONIC COPIES OF RE-*
23 *PORTS.—Not earlier than 30 days or later than 60 days*
24 *after the date on which a congressionally mandated report*
25 *is submitted to either House of Congress or to any com-*

1 *mittee of Congress or subcommittee thereof, the head of the*
2 *Federal agency submitting the congressionally mandated*
3 *report shall submit to the Director the information required*
4 *under subparagraphs (A) through (D) of section 7243(b)(1)*
5 *with respect to the congressionally mandated report. Not-*
6 *withstanding section 7246, nothing in this subtitle shall re-*
7 *lieve a Federal agency of any other requirement to publish*
8 *the congressionally mandated report on the online portal*
9 *of the Federal agency or otherwise submit the congression-*
10 *ally mandated report to Congress or specific committees of*
11 *Congress, or subcommittees thereof.*

12 “(b) *GUIDANCE.—Not later than 180 days after the*
13 *date of the enactment of this subsection and periodically*
14 *thereafter as appropriate, the Director of the Office of Man-*
15 *agement and Budget, in consultation with the Director,*
16 *shall issue guidance to agencies on the implementation of*
17 *this subtitle as well as the requirements of section 1125(b)*
18 *of title 31, United States Code.”.*

19 (2) *UPDATED OMB GUIDANCE.—Not later than*
20 *180 days after the date of the enactment of this Act,*
21 *the Director of the Office of Management and Budget*
22 *shall issue updated guidance to agencies to ensure*
23 *that the requirements under subsections (a) and (b) of*
24 *section 1125 of title 31, United States Code, as*
25 *amended by this Act, for agency submissions of rec-*

1 *ommendations and justifications for plans and re-*
2 *ports to sunset, modify, consolidate, or reduce the fre-*
3 *quency of the submission of are also submitted as a*
4 *separate attachment in conformity with the agency*
5 *submission requirements of electronic copies of reports*
6 *submitted by agencies under section 7244(a) of the*
7 *James M. Inhofe National Defense Authorization Act*
8 *for Fiscal Year 2023 (Public Law 117–263; chapter*
9 *41 of title 44, United States Code, note) for publica-*
10 *tion on the online portal established under section*
11 *7243 of such Act.*

Amend the title so as to read: “An Act to protect the safety and privacy of children on the internet.”.

Attest:

Secretary.

118TH CONGRESS
2^D SESSION

S. 2073

**SENATE AMENDMENTS TO
HOUSE AMENDMENT**