

Suspend the Rules and Pass the Bill, H.R. 7757, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

119TH CONGRESS
2^D SESSION

H. R. 7757

To protect children and teens online, empower parents and strengthen families, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2026

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect children and teens online, empower parents and strengthen families, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Kids Internet and Digital Safety Act” or the “KIDS
6 Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—SHIELDING MINORS FROM OBSCENITY

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Technology verification measures.
- Sec. 104. Consultation requirements.
- Sec. 105. GAO report.

TITLE II—ONLINE PLATFORMS

- Sec. 201. Definitions.

Subtitle A—Kids Online Safety

- Sec. 211. Short title.
- Sec. 212. Definitions.
- Sec. 213. Addressing harms to minors.
- Sec. 214. Safeguards for minors, parental tools, and teen messaging controls.
- Sec. 215. Reporting mechanism.
- Sec. 216. Disclosure.
- Sec. 217. Advertising and marketing information and labels.
- Sec. 218. Advertising of illegal products to minors.
- Sec. 219. Audit; report.
- Sec. 220. Rule of construction on age verification.
- Sec. 221. Rule of construction on encryption.

Subtitle B—Stop Profiling Youth and Kids

- Sec. 231. Short title.
- Sec. 232. Know; knows defined.
- Sec. 233. Market research.
- Sec. 234. Effective date.

TITLE III—SOCIAL GAMING PLATFORMS

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Safeguards requirements for online video game providers.

TITLE IV—ARTIFICIAL INTELLIGENCE CHATBOTS

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Certain statements prohibited.
- Sec. 404. Disclosure required.
- Sec. 405. Policies required.
- Sec. 406. Rule of construction.

TITLE V—RESEARCH, EDUCATION, AND BEST PRACTICES FOR
PROTECTING MINORS ONLINE

Subtitle A—Research

- Sec. 501. Definitions.
- Sec. 502. Exemption.

PART 1—SAFE SOCIAL MEDIA ACT

- Sec. 511. Short title.
- Sec. 512. Report by Commission on social media use by minors.

PART 2—NO FENTANYL ON SOCIAL MEDIA ACT

- Sec. 513. Short title.
- Sec. 514. Report on the ability of minors to access fentanyl through social media platforms.

PART 3—ASSESSING SAFETY TOOLS FOR PARENTS AND MINORS ACT

- Sec. 515. Short title.
- Sec. 516. Industry review and report.

PART 4—STUDY ON CHATBOTS AND MENTAL HEALTH OF MINORS

- Sec. 517. Study required.
- Sec. 518. Consultation.
- Sec. 519. Report.

Subtitle B—Education

PART 1—PROMOTING A SAFE INTERNET FOR MINORS ACT

- Sec. 521. Short title.
- Sec. 522. Online safety education for minors.

PART 2—AI WARNINGS AND RESOURCES FOR EDUCATION (AWARE) ACT

- Sec. 523. Short title.
- Sec. 524. Safe chatbot use for minors.

Subtitle C—Partnerships and Best Practices

- Sec. 525. Short title.
- Sec. 526. Kids Internet Safety Partnership.

TITLE VI—KIDS PRIVACY PROTECTIONS

Subtitle A—COPPA 2.0

- Sec. 601. Short title.
- Sec. 602. Online collection, use, disclosure, and deletion of personal information of children and teens.
- Sec. 603. Study and reports of mobile and online application oversight and enforcement.
- Sec. 604. GAO study.
- Sec. 605. Severability.

Subtitle B—Data Broker Disclosures

- Sec. 611. Definitions.
- Sec. 612. Registration requirement.

Sec. 613. Rule of construction.

TITLE VII—GENERAL PROVISIONS

Sec. 701. Enforcement.

Sec. 702. Judicial review.

Sec. 703. Rules of construction.

Sec. 704. Relationship to State laws.

Sec. 705. Severability.

Sec. 706. Effective date.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” has the
4 meaning given that term in section 551 of title 5,
5 United States Code.

6 (2) ALGORITHM.—The term “algorithm” means
7 any computational process, model, or other auto-
8 mated means of processing to rank, order, promote,
9 recommend, amplify, or similarly alter the delivery
10 or display of information (including any text, image,
11 audio, or video post and any page, group, account,
12 channel, or affiliation).

13 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
14 tificial intelligence” has the meaning given that term
15 in section 5002 of the National Artificial Intelligence
16 Initiative Act of 2020 (15 U.S.C. 9401).

17 (4) CHATBOT.—The term “chatbot” means an
18 artificial intelligence system, marketed to and avail-
19 able for use by consumers, that engages in inter-
20 active, natural-language communication with a user
21 and generates or selects content in response to user

1 inputs (including text, voice, or other inputs) using
2 a conversational context.

3 (5) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (6) DESIGN FEATURE.—The term “design fea-
6 ture”—

7 (A) means any feature or component of a
8 covered platform that encourages an increase in
9 or increases the frequency of use or time spent
10 by a user who is a minor with respect to such
11 covered platform; and

12 (B) includes—

13 (i) infinite scrolling or auto play;

14 (ii) rewards or incentives based on
15 frequency of use or time spent;

16 (iii) notifications and push alerts;

17 (iv) badges or other visual award sym-
18 bols based on frequency of use or time
19 spent;

20 (v) appearance altering filters; and

21 (vi) personalized recommendation sys-
22 tems.

23 (7) FULLY AUTOMATED SYSTEM.—The term
24 “fully automated system” means an algorithm the
25 final outputs of which are, once computed, displayed

1 directly to a covered user without review or alter-
2 ation by a covered online platform.

3 (8) MINOR.—Except as otherwise provided, the
4 term “minor” means an individual under the age of
5 17 years.

6 (9) NARCOTIC DRUG.—The term “narcotic
7 drug” has the meaning given that term in section
8 102 of the Controlled Substances Act (21 U.S.C.
9 802).

10 (10) PARENT.—The term “parent”, with re-
11 spect to a minor, means an adult with the legal right
12 to make decisions on behalf of the minor, including
13 any of the following:

14 (A) A natural parent.

15 (B) An adoptive parent.

16 (C) A legal guardian.

17 (D) An individual with legal custody over
18 the minor.

19 (11) PERSONAL INFORMATION.—The term
20 “personal information” has the meaning given that
21 term in section 1302 of the Children’s Online Pri-
22 vacy Protection Act of 1998 (15 U.S.C. 6501) (as
23 amended by section 602(a)(4) of this Act).

1 (12) PERSONALIZED RECOMMENDATION SYS-
2 TEM.—The term “personalized recommendation sys-
3 tem”—

4 (A) means a fully automated system used
5 to suggest, promote, or rank content, including
6 other users, hashtags, and posts, based on the
7 personal information of a user; and

8 (B) does not include a fully automated sys-
9 tem that suggests, promotes, or ranks content
10 based solely on the language, city or town, or
11 age of a user.

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

15 (A) Any offense, including coercion and en-
16 ticement, described in section 2422 of title 18,
17 United States Code.

18 (B) Child pornography (as defined in sec-
19 tion 2256 of title 18, United States Code).

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

23 (D) Any offense described in section 1591
24 of title 18, United States Code.

1 (14) STATE.—The term “State” means each
2 State of the United States, the District of Columbia,
3 each commonwealth, territory, or possession of the
4 United States, and each federally recognized Indian
5 Tribe.

6 (15) VERIFIABLE CONSENT.—The term
7 “verifiable consent” has the meaning given that
8 term in section 1302 of the Children’s Online Pri-
9 vacy Protection Act of 1998 (15 U.S.C. 6501) (as
10 amended by section 602(a)(5) of this Act).

11 **TITLE I—SHIELDING MINORS**
12 **FROM OBSCENITY**

13 **SEC. 101. SHORT TITLE.**

14 This title may be cited as the “Shielding Children’s
15 Retinas from Egregious Exposure on the Net Act” or the
16 “SCREEN Act”.

17 **SEC. 102. DEFINITIONS.**

18 In this title:

19 (1) COVERED PLATFORM.—The term “covered
20 platform” means a website or other online plat-
21 form—

22 (A) that is accessible by the public;

23 (B) with respect to which more than one-
24 third of the material made available thereon is
25 sexual material harmful to minors; and

1 (C) with respect to which the provider of
2 such platform knowingly makes available the
3 sexual material harmful to minors described in
4 subparagraph (B).

5 (2) MINOR.—The terms “minor” has the mean-
6 ing given that term in section 2256 of title 18,
7 United States Code.

8 (3) SEXUAL ACT; SEXUAL CONTACT.—The
9 terms “sexual act” and “sexual contact” have the
10 meanings given those terms in section 2246 of title
11 18, United States Code.

12 (4) SEXUAL MATERIAL HARMFUL TO MINORS.—
13 The term “sexual material harmful to minors”
14 means a picture, image, graphic image file, film, vid-
15 eotape, or other visual depiction that—

16 (A)(i) taken as a whole and with respect to
17 minors, appeals to the prurient interest in nu-
18 dity, sex, or excretion;

19 (ii) depicts, describes, or represents,
20 in a patently offensive way with respect to
21 what is suitable for minors, an actual or
22 simulated sexual act or sexual contact, ac-
23 tual or simulated normal or perverted sex-
24 ual acts, or lewd exhibition of the genitals;
25 and

1 (iii) taken as a whole, lacks serious
2 literary, artistic, political, or scientific
3 value as to minors; or
4 (B) is child pornography.

5 (5) TECHNOLOGY VERIFICATION MEASURE.—
6 The term “technology verification measure” means
7 technology that employs a system or process to de-
8 termine whether it is more likely than not that a
9 user of a covered platform is a minor.

10 (6) TECHNOLOGY VERIFICATION MEASURE
11 DATA.—The term “technology verification measure
12 data” means data that—

13 (A) is collected or processed for the pur-
14 pose of fulfilling a request by an individual to
15 access a covered platform or material on a cov-
16 ered platform; and

17 (B) is collected or processed for the pur-
18 pose of utilizing or providing a technology
19 verification measure pursuant to this title.

20 **SEC. 103. TECHNOLOGY VERIFICATION MEASURES.**

21 (a) COVERED PLATFORM REQUIREMENTS.—Begin-
22 ning on the date that is 1 year after the date of the enact-
23 ment of this Act, a provider of a covered platform shall—

24 (1) adopt and utilize commercially available
25 technology verification measures with respect to the

1 covered platform of such provider to identify minors;
2 and

3 (2) prevent such minors from accessing any
4 sexual material harmful to minors on the covered
5 platform.

6 (b) ADDITIONAL REQUIREMENTS FOR COMPLI-
7 ANCE.—In order to comply with subsection (a), a provider
8 of a covered platform (or a third party contracted by a
9 provider of a covered platform with respect to such covered
10 platform) shall, with respect to a covered platform of the
11 provider, carry out the following:

12 (1) Use a technology verification measure in
13 order to verify the age of a user.

14 (2) Provide that a user confirming that the user
15 is not a minor is not sufficient to verify age.

16 (3) Provide clear and conspicuous notice con-
17 taining information on the technology verification
18 measures and other policies and procedures related
19 to the technology verification measure data used to
20 comply with this title.

21 (4) Take reasonable measures to address cir-
22 cumvention of technology verification measures.

23 (5) Not transfer, disclose, or retain any tech-
24 nology verification measure data beyond what is

1 strictly necessary to use a technology verification
2 measure pursuant to this title.

3 (6) Not collect or use technology verification
4 measure data for any purpose beyond what is strict-
5 ly necessary to utilize a technology verification meas-
6 ure pursuant to this title.

7 (c) USE OF THIRD PARTIES.—

8 (1) IN GENERAL.—A provider of a covered plat-
9 form may contract with a third party to use tech-
10 nology verification measures for purposes of com-
11 plying with subsection (a).

12 (2) OBLIGATIONS; LIABILITY.—A provider of a
13 covered platform who contracts with a third party as
14 described in paragraph (1) is not relieved from any
15 obligation or liability under this title.

16 (d) CHOICE OF VERIFICATION MEASURES.—A pro-
17 vider of a covered platform may choose the specific tech-
18 nology verification measures to utilize for purposes of com-
19 plying with subsection (a), if such measures satisfy sub-
20 section (b).

21 (e) TECHNOLOGY VERIFICATION MEASURE DATA SE-
22 CURITY.—A provider of a covered platform (or a third
23 party contracted by a provider of a covered platform with
24 respect to such covered platform) shall establish, imple-
25 ment, and maintain reasonable administrative, technical,

1 and physical data security practices to protect the con-
2 fidentiality, integrity, and availability of technology
3 verification measure data collected with respect to the cov-
4 ered platform of such provider (including by a third party
5 contracted by such covered provider with respect to such
6 covered platform) and protect such technology verification
7 measure data against unauthorized access.

8 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
9 tion may be construed to require the submission of govern-
10 ment-issued identification of any individual to a covered
11 platform or a third party contracted by a provider of a
12 covered platform to use a technology verification measure.

13 **SEC. 104. CONSULTATION REQUIREMENTS.**

14 In carrying out this title, the Commission shall con-
15 sult with the following individuals, including with respect
16 to the applicable standards and metrics for making a de-
17 termination on whether a user of a covered platform is
18 or is not a minor:

19 (1) Individuals with experience in computer
20 science and software engineering.

21 (2) Individuals with experience in—

22 (A) advocating for online child safety; or

23 (B) providing services to minors who have
24 been victimized by online child exploitation.

1 (3) Individuals with experience in consumer
2 protection and online privacy.

3 (4) Individuals who supply technology
4 verification measure products or have expertise in
5 technology verification measures.

6 (5) Individuals with experience in data security
7 and cryptography.

8 **SEC. 105. GAO REPORT.**

9 Not later than 3 years after the date of the enact-
10 ment of this Act, the Comptroller General of the United
11 States shall submit to Congress a report that includes the
12 following:

13 (1) An analysis of the effectiveness of the tech-
14 nology verification measures required by section 103.

15 (2) An analysis of the rate of compliance with
16 such section by providers of covered platforms and
17 third parties contracted by such providers with re-
18 spect to such covered platforms.

19 (3) An analysis of the data privacy and security
20 measures used by covered platforms with respect to
21 age verification processes.

22 (4) An analysis of the expression, speech, be-
23 havioral, economic, psychological, and societal effects
24 of the technology verification measures required by
25 section 103.

1 (5) Recommendations, if any, to the Commis-
2 sion on improving the enforcement of this title.

3 **TITLE II—ONLINE PLATFORMS**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

6 (1) COVERED PLATFORM.—The term “covered
7 platform” means a platform that is a website, soft-
8 ware, application, or electronic service connected to
9 the internet that meets the following requirements:

10 (A) Is publicly available for use by con-
11 sumers.

12 (B) Enables the creation of a username or
13 user identifier—

14 (i) that is searchable on the platform
15 by other users through a function made
16 available by the platform; and

17 (ii) that can be followed by or is simi-
18 larly accessible to other users of the plat-
19 form.

20 (C) As the primary purpose of the plat-
21 form, facilitates the sharing and access to user-
22 generated content through text, images, video,
23 audio, or any other interactive medium.

24 (D) Uses a design feature to promote user
25 engagement on the platform.

1 (E) Uses the personal information of the
2 user to advertise, market, or make content rec-
3 ommendations.

4 (2) USER.—The term “user”, with respect to a
5 covered platform, means an individual who registers
6 an account or creates a profile on the covered plat-
7 form.

8 **Subtitle A—Kids Online Safety**

9 **SEC. 211. SHORT TITLE.**

10 This subtitle may be cited as the “Kids Online Safety
11 Act”.

12 **SEC. 212. DEFINITIONS.**

13 In this subtitle:

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

16 (2) COMPULSIVE USAGE.—The term “compul-
17 sive usage” means a persistent and repetitive use of
18 a covered platform that substantially limits 1 or
19 more major life activities of an individual (as de-
20 scribed in section 3 of the Americans with Disabil-
21 ities Act of 1990 (42 U.S.C. 12102)).

22 (3) DIRECT MESSAGING FEATURE.—

23 (A) IN GENERAL.—The term “direct mes-
24 saging feature” means a function of a covered
25 platform that enables a user to send a message,

1 image, video, audio, or other communication di-
2 rectly to another user or a specific group of
3 users of the covered platform.

4 (B) EXCLUSION.—The term “direct mes-
5 saging feature” does not include a function of
6 a covered platform that enables a user to post
7 content on the covered platform to—

- 8 (i) a public or semi-public profile; or
9 (ii) a feed accessible to a broader
10 group of users.

11 (4) EPHEMERAL MESSAGING FEATURE.—

12 (A) IN GENERAL.—The term “ephemeral
13 messaging feature” means a function of a cov-
14 ered platform that permanently deletes or ren-
15 ders inaccessible a message, image, video,
16 audio, or other communication sent between
17 users of the covered platform (such that neither
18 the sender nor any recipient of such commu-
19 nication, nor the covered platform, may readily
20 retrieve or review the communication in the
21 original form through the covered platform)—

- 22 (i) after a predetermined period;
23 (ii) once viewed by such a recipient; or
24 (iii) upon exiting the specific chat or
25 messaging interface.

1 (B) EXCEPTIONS.—The term “ephemeral
2 messaging feature” does not include—

3 (i) a function of a covered platform
4 that allows a user of the covered platform
5 to manually delete a message, image,
6 video, audio, or other communication sent
7 by such user after the transmission of the
8 communication;

9 (ii) standard data volatility in transit
10 or temporary caching for necessary func-
11 tional and performance reasons;

12 (iii) the implementation of a time lim-
13 ited data retention schedule based on in-
14 dustry best practices as part of the explicit
15 security policies of a covered platform or
16 as needed to comply with applicable law or
17 regulation; or

18 (iv) a standard process by which a
19 user may request deletion of an account on
20 a covered platform to include user content.

21 (5) GEOLOCATION INFORMATION.—The term
22 “geolocation information” means information suffi-
23 cient to identify a street name and name of a city
24 or town.

1 (6) **KNOW; KNOWS.**—The term “know” or
2 “knows” means to know or should have known.

3 (7) **MESSAGING CONTROLS.**—The term “mes-
4 saging controls” means a set of tools or settings that
5 a provider of a covered platform provides to a user
6 of the covered platform that allows the user to man-
7 age the use of a direct messaging feature or an
8 ephemeral messaging feature by such user.

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

12 (9) **UNAPPROVED CONTACT.**—The term “unap-
13 proved contact” means a user of a covered platform
14 with respect to whom another user of the covered
15 platform has not initiated a direct message conversa-
16 tion.

17 **SEC. 213. ADDRESSING HARMS TO MINORS.**

18 (a) **IN GENERAL.**—A provider of a covered platform
19 shall establish, implement, maintain, and enforce reason-
20 able policies, practices, and procedures that address the
21 following harms to minors:

22 (1) Threats of physical violence so severe, per-
23 vasive, or objectively offensive that such threats im-
24 pact a major life activity of a minor.

25 (2) Sexual exploitation and abuse.

1 (3) Distribution, sale, or use of narcotic drugs,
2 tobacco products, cannabis products, gambling, or
3 alcohol.

4 (4) Any financial harm caused by deceptive
5 practices.

6 (b) CONSIDERATIONS.—The policies, practices, and
7 procedures required by subsection (a) shall be appropriate
8 to the size and complexity of the covered platform.

9 (c) RULES OF CONSTRUCTION.—Nothing in sub-
10 section (a) may be construed to—

11 (1) require a provider of a covered platform to
12 prevent or preclude any minor from—

13 (A) deliberately and independently search-
14 ing for, or specifically requesting, content; or

15 (B) accessing resources and information
16 regarding the prevention or mitigation of the
17 harms described in subsection (a); or

18 (2) impose a duty of care on a provider of a
19 covered platform.

20 **SEC. 214. SAFEGUARDS FOR MINORS, PARENTAL TOOLS,**
21 **AND TEEN MESSAGING CONTROLS.**

22 (a) SAFEGUARDS FOR MINORS.—

23 (1) SAFEGUARDS.—A provider of a covered
24 platform shall provide a user of or visitor to the cov-
25 ered platform who the provider knows is a minor

1 with readily accessible and easy-to-use safeguards to
2 do each of the following, as applicable:

3 (A) Limit the ability of other users to com-
4 municate with such user or visitor, including
5 through direct messages or ephemeral mes-
6 sages.

7 (B) Prevent the profile or personal infor-
8 mation of such user or visitor from being rec-
9 ommended or suggested to another user or vis-
10 itor who the provider knows is not a minor.

11 (C) Prevent other users or visitors from
12 seeing the current online or offline status of
13 such user.

14 (D) Limit design features that encourage
15 compulsive usage of the covered platform by
16 such user or visitor.

17 (E) Restrict the sharing of geolocation in-
18 formation of such user or visitor to a third
19 party that is not a processor and provide notice
20 to such user or visitor and the parent of such
21 user or visitor that geolocation information is
22 collected.

23 (F) Control any personalized recommenda-
24 tion system on such covered platform, including

1 with respect to the ability for such user or vis-
2 itor to have—

3 (i) a prominently displayed option to
4 opt out of any such personalized rec-
5 ommendation system, and

6 (ii) a prominently displayed option to
7 limit types or categories of recommenda-
8 tions from any such personalized rec-
9 ommendation system.

10 (2) OPTION.—A covered platform shall provide
11 a user that the covered platform knows is a minor
12 with a readily accessible and easy-to-use option to
13 limit the amount of time spent by such user on the
14 covered platform.

15 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-
16 NORS.—A provider of a covered platform shall en-
17 sure that, in the case of a user or visitor to the
18 covered platform who the provider knows is a minor,
19 the default setting of any safeguard described in
20 paragraph (1) is the option available on the covered
21 platform that provides the most protective level of
22 control with respect to privacy and safety for such
23 user or visitor.

24 (b) PARENTAL TOOLS.—

1 (1) TOOLS.—A provider of a covered platform
2 shall provide readily accessible and easy-to-use pa-
3 rental tools that meet the requirements described in
4 paragraph (2) for a parent of a user of the covered
5 platform who the provider knows is a minor.

6 (2) REQUIREMENTS.—The parental tools de-
7 scribed in paragraph (1) shall allow a parent of a
8 user of the covered platform who the provider knows
9 is a minor to do any of the following:

10 (A) View the privacy and account settings
11 of such user, including the teen messaging con-
12 trols described in subsection (c)(2).

13 (B) In the case of a user that the covered
14 platform knows is a child, manage, change, and
15 control the privacy and account settings of such
16 user.

17 (C) The ability to restrict purchases and
18 financial transactions by such user, if applica-
19 ble.

20 (D) The ability to view metrics of total
21 time spent on the covered platform and restrict
22 time spent on the covered platform by such
23 user, if such time restrictions do not amount to
24 full exclusion of access of such user to the cov-
25 ered platform.

1 (E) Receive a notification when such user
2 receives a request from another user who seeks
3 to initiate direct messaging or ephemeral mes-
4 saging with such user for the first time.

5 (F) In the case of a user that the covered
6 platform knows is a child, disable any ephem-
7 eral messaging features or direct messaging
8 features.

9 (3) NOTICE TO PARENTS OF MINORS.—A pro-
10 vider of a covered platform shall provide clear and
11 conspicuous notice to a parent of a user of the cov-
12 ered platform who the provider knows is a minor
13 about the availability of the parental tools described
14 in paragraph (1).

15 (4) NOTICE TO MINORS.—A provider of a cov-
16 ered platform shall provide clear and conspicuous
17 notice to a user of the covered platform who the pro-
18 vider knows is a minor when any parental tool de-
19 scribed in paragraph (1) is in effect and any setting
20 or control that has been applied.

21 (5) DEFAULT TOOLS FOR CHILDREN.—A pro-
22 vider of a covered platform shall ensure that, in the
23 case of a user of or visitor to the covered platform
24 who the provider knows is a child, the default set-
25 ting for any parental tool described in paragraph (1)

1 is the option available on the covered platform that
2 provides the most protective level of control with re-
3 spect to privacy and safety for such user or visitor.

4 (6) APPLICATION TO EXISTING ACCOUNTS.—If,
5 before the effective date of this subtitle, a provider
6 of a covered platform provides a parent of a user of
7 the covered platform who the provider knows is a
8 child with notice and the ability to enable a parental
9 tool described in paragraph (1) in a manner that
10 would otherwise comply with this subsection and the
11 parent opts out of enabling any such parental tool,
12 the covered platform is not required to enable any
13 such parental tool with respect to such user by de-
14 fault on or after such effective date.

15 (c) ADDITIONAL MESSAGING CONTROLS FOR
16 TEENS.—

17 (1) IN GENERAL.—A provider of a covered plat-
18 form that offers, provides, or enables any direct
19 messaging feature or ephemeral messaging feature
20 of such covered platform to any user of the covered
21 platform who the provider knows is a teen shall pro-
22 vide easily accessible and usable messaging controls
23 described in paragraph (2) to such user that the
24 user may activate and manage.

1 (2) TEEN MESSAGING CONTROLS.—The teen
2 messaging controls described in this paragraph shall
3 allow a user of the covered platform to do any of the
4 following:

5 (A) Receive a timely notification that—

6 (i) alerts the user about a request
7 from an unapproved contact who seeks to
8 use a direct messaging feature or an
9 ephemeral messaging feature of the cov-
10 ered platform with respect to the user; and

11 (ii) allows the user to approve or deny
12 the request before the unapproved contact
13 and the user engage in any direct mes-
14 saging or ephemeral messaging through
15 any such direct messaging feature or
16 ephemeral messaging feature.

17 (B) View and manage a list of any con-
18 tacts approved for engaging in direct messaging
19 or ephemeral messaging with the user through
20 any direct messaging feature or any ephemeral
21 messaging feature of the covered platform.

22 (C) Disable any direct messaging feature
23 or ephemeral messaging feature.

24 (D) Prevent any specific user, any specific
25 group of users, or other user in general from

1 initiating or continuing to engage in direct mes-
2 saging or ephemeral messaging with the user
3 through any direct messaging feature or any
4 ephemeral messaging feature of the covered
5 platform.

6 (E) Enable the user to set a profile of the
7 user on the covered platform as hidden.

8 (d) RULES OF APPLICATION.—

9 (1) ACCESSIBILITY.—With respect to any safe-
10 guard described in subsection (a)(1), any parental
11 tool described in subsection (b)(1), and any teen
12 messaging control described in subsection (c)(2), a
13 provider of a covered platform shall provide each of
14 the following:

15 (A) Information and control options in a
16 clear and conspicuous manner that takes into
17 consideration the differing ages, capacities, and
18 developmental needs of a user of the covered
19 platform who the provider knows is a minor
20 most likely to access the covered platform and
21 does not encourage such a user or a parent of
22 such a user to weaken or disable any such safe-
23 guard, parental tool, or teen messaging control.

24 (B) Readily accessible and easy-to-use con-
25 trols to enable or disable any such safeguard,

1 parental tool, or teen messaging control, as ap-
2 propriate.

3 (C) Information and control options in the
4 same language, form, and manner as the pro-
5 vider provides the product or service used by
6 such a user or a parent of such a user.

7 (2) TIMING CONSIDERATIONS; APPLICATION OF
8 CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If
9 the device of a user or user account does not have
10 access to the internet at the time of a change to a
11 parental tool described in subsection (b)(1), the pro-
12 vider of the relevant covered platform shall apply
13 changes the next time the device or user is con-
14 nected to the internet.

15 (3) PROHIBITION.—A provider of a covered
16 platform may not knowingly use a user interface
17 with the purpose or substantial effect of obscuring,
18 subverting, or impairing the use by a user of the
19 covered platform who the provider knows is a minor
20 or a parent of such a user of any safeguard de-
21 scribed in subsection (a)(1), any parental tool de-
22 scribed in subsection (b)(1), or any teen messaging
23 control described in subsection (c)(2).

24 (e) RULES OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed to do any of the following:

1 (1) Prevent a provider of a covered platform
2 from taking reasonable measures to block, detect, or
3 prevent the distribution of unlawful, obscene, or
4 other harmful material to minors or any other
5 harms to minors described in section 213(a).

6 (2) Prevent a provider of a covered platform
7 from entering into an agreement with a third party
8 with a primary or exclusive function of—

9 (A) providing—

10 (i) any safeguard described in sub-
11 section (a)(1);

12 (ii) any parental tool described in sub-
13 section (b)(1); or

14 (iii) any teen messaging control de-
15 scribed in subsection (c)(2); or

16 (B) otherwise assisting with meeting the
17 requirements described in subsections (a), (b),
18 and (c).

19 (3) Prevent a parent or user from authorizing
20 a third party described in paragraph (2) to imple-
21 ment—

22 (A) any safeguard described in subsection
23 (a)(1);

24 (B) any parental tool described in sub-
25 section (b)(1); or

1 (C) any teen messaging control described
2 in subsection (c)(2).

3 **SEC. 215. REPORTING MECHANISM.**

4 (a) REPORTING TOOLS.—A provider of a covered
5 platform shall provide each of the following:

6 (1) A readily accessible and easy-to-use means
7 for a user of or visitor to the covered platform to
8 submit a report to the covered platform of any harm
9 to a minor related to the use of the covered plat-
10 form.

11 (2) An electronic point of contact specific to
12 matters involving harms to a minor.

13 (3) Confirmation of the receipt of any such re-
14 port and, within the applicable time period described
15 in subsection (b), a substantive response to the user
16 or visitor who submitted the report.

17 (b) TIMING.—A covered platform shall establish an
18 internal process to receive and substantively respond to
19 a report submitted under subsection (a)(1) in a reasonable
20 and timely manner, but in no case later than—

21 (1) 10 days after the date on which the report
22 is received; or

23 (2) if the report involves an imminent threat to
24 the safety of a minor, the date that is as prompt as
25 needed to address the reported threat to safety.

1 **SEC. 216. DISCLOSURE.**

2 (a) NOTICE.—

3 (1) REGISTRATION OR PURCHASE.—Before any
4 registration or purchase on a covered platform by a
5 user of or visitor to the covered platform who the
6 provider knows is a minor, the provider shall provide
7 clear, conspicuous, and easy-to-understand notice
8 with respect to each of the following:

9 (A) The policies and practices of the cov-
10 ered platform with respect to safeguards for mi-
11 nors.

12 (B) Information about how to access any
13 safeguard described in section 214(a)(1), any
14 parental tool described in section 214(b)(1),
15 and any teen messaging control described in
16 section 214(c)(2).

17 (2) NOTIFICATION.—

18 (A) NOTICE AND ACKNOWLEDGMENT.—In
19 the case of a user of or visitor to a covered plat-
20 form who the provider of the covered platform
21 knows is a minor, the provider shall provide in-
22 formation about any safeguard described in sec-
23 tion 214(a)(1) and any parental tool described
24 in section 214(b)(1) to a parent of such user or
25 visitor.

1 (B) REASONABLE EFFORT.—A covered
2 platform shall be deemed to have satisfied the
3 requirement described in subparagraph (A) if
4 the provider of the covered platform is in com-
5 pliance with the requirements of the Children’s
6 Online Privacy Protection Act of 1998 (15
7 U.S.C. 6501 et seq.) to use reasonable efforts
8 (taking into consideration commercially avail-
9 able technology) to provide a parent with the
10 information required by paragraph (1)(B).

11 (b) CONSOLIDATED NOTICES.—For purposes of this
12 section, a provider of a covered platform may consolidate
13 the process for providing information required by this sec-
14 tion with the obligations of the provider to provide relevant
15 notice and obtain verifiable consent under the Children’s
16 Online Privacy Protection Act of 1998.

17 **SEC. 217. ADVERTISING AND MARKETING INFORMATION**
18 **AND LABELS.**

19 A provider of a covered platform shall provide clear,
20 conspicuous, and easy-to-understand labels and informa-
21 tion, which may be provided through a link to another web
22 page or disclosure, to a user of or visitor to the covered
23 platform who the provider knows is a minor on advertise-
24 ments regarding the disclosure of endorsements of prod-

1 ucts, services, or brands made for commercial consider-
2 ation by other users of the covered platform.

3 **SEC. 218. ADVERTISING OF ILLEGAL PRODUCTS TO MI-**
4 **NORS.**

5 A provider of a covered platform may not facilitate
6 the advertising of narcotic drugs, cannabis products, to-
7 bacco products, gambling, or alcohol to a user of or visitor
8 to the covered platform who the provider knows is a minor.

9 **SEC. 219. AUDIT; REPORT.**

10 (a) **AUDIT REQUIRED.**—Not later than 18 months
11 after the date of the enactment of this subtitle, and annu-
12 ally thereafter, a provider of a covered platform shall en-
13 sure that an independent, third-party auditor conducts an
14 independent, third-party audit of the covered platform.

15 (b) **AUDIT SPECIFICATIONS.**—

16 (1) **CRITERIA.**—In conducting an audit required
17 by subsection (a), an independent, third-party audi-
18 tor shall do the following:

19 (A) Consider widely accepted or evidence-
20 based approaches, best practices, frameworks,
21 and methods related to any safeguard described
22 in section 214(a)(1), any parental tool de-
23 scribed in section 214(b)(1), and any teen mes-
24 saging control described in section 214(c)(2).

1 (B) Consider widely accepted or evidence-
2 based approaches, best practices, frameworks,
3 and methods related to identifying, preventing,
4 and mitigating the harms to minors described
5 in section 213(a).

6 (C) Consult with parents (including par-
7 ents with relevant experience), public health
8 and mental health nonprofit organizations,
9 health and development organizations, and ex-
10 perts in freedom of expression about methods to
11 identify, prevent, and mitigate such harms.

12 (2) CONTENTS.—An audit required by sub-
13 section (a) shall include the following:

14 (A) An assessment of the extent to which
15 the relevant covered platform is likely to be
16 accessed by minors, including with respect to
17 any difference between children and teens.

18 (B) An accounting of the following:

19 (i) The number of users using such
20 covered platform who the provider of such
21 covered platform knows to be minors lo-
22 cated in the United States.

23 (ii) The median and mean amounts of
24 time spent on such covered platform by

1 such users during the year in which such
2 audit is conducted.

3 (iii) A description of the policies,
4 practices, and procedures implemented to
5 address the harms to minors described in
6 section 213(a).

7 (iv) The number of times that any
8 safeguard described in section 214(a)(1)
9 has been exercised during the year in
10 which such audit is conducted.

11 (v) The number of times that any pa-
12 rental tool described in section 214(b)(1)
13 has been exercised during the year in
14 which such audit is conducted.

15 (vi) The number of times that any
16 teen messaging control described in section
17 214(c)(2) has been exercised during the
18 year in which such audit is conducted.

19 (vii) The number of reports, cat-
20 egorized by types of harms to a minor, re-
21 ceived by such covered platform through
22 the reporting mechanism described in sec-
23 tion 215(a)(1) during the year in which
24 such audit is conducted.

1 (C) A description of such safeguards for
2 minors and parental tools that are available to
3 minors and parents on such covered platform.

4 (D) A description of how such covered
5 platform handles reports received through such
6 reporting mechanism, including the rate of re-
7 sponse to such a report and the timeliness and
8 substantiveness of any such response.

9 (E) A description of whether, how, and for
10 what purpose such covered platform collects or
11 processes categories of personal information of
12 minors.

13 (F) If the covered platform has a process
14 used to create, implement, or evaluate the im-
15 pact of a design feature of the covered platform
16 used by minors, a description of such process.

17 (3) COOPERATION BY COVERED PLATFORM.—A
18 provider of a covered platform shall facilitate an
19 audit of the covered platform required by subsection
20 (a) by doing the following:

21 (A) Providing or otherwise making avail-
22 able to the independent, third-party auditor
23 that conducts such audit any information or
24 material in the possession, custody, or control
25 of such covered platform relevant to such audit.

1 (B) Providing or otherwise making avail-
2 able to such auditor access to any network, sys-
3 tem, or asset relevant to such audit.

4 (C) Disclosing any material fact to such
5 auditor and not misrepresenting any material
6 fact.

7 (c) REPORT TO COMMISSION.—Not later than 30
8 days after the date on which an audit required by sub-
9 section (a) is completed, the provider of the relevant cov-
10 ered platform shall submit to the Commission the results
11 of the audit.

12 (d) PUBLIC REPORT.—Not later than 45 days after
13 the date on which an audit required by subsection (a) is
14 completed, the provider of the relevant covered platform
15 shall issue a public report that—

16 (1) includes the information required by clauses
17 (i), (ii), (iv), (v), and (vi) of subsection (b)(2)(B);
18 and

19 (2) notwithstanding paragraph (1), may include
20 any other information required by this section.

21 **SEC. 220. RULE OF CONSTRUCTION ON AGE VERIFICATION.**

22 Nothing in this subtitle may be construed to require
23 the provider of a covered platform to implement an age
24 gating or age verification functionality on the covered plat-
25 form.

1 **SEC. 221. RULE OF CONSTRUCTION ON ENCRYPTION.**

2 No requirement under this subtitle to restrict any
3 feature for a user of a covered platform or to provide mes-
4 saging controls for a direct messaging feature or ephem-
5 eral messaging feature of a covered platform may be con-
6 strued to override any protection for an encrypted commu-
7 nication described in this subtitle and a provider of a cov-
8 ered platform shall adhere to any such requirement, to the
9 maximum extent technically feasible, through means that
10 do not compromise the integrity of strong encryption of-
11 fered to any user of the covered platform.

12 **Subtitle B—Stop Profiling Youth**
13 **and Kids**

14 **SEC. 231. SHORT TITLE.**

15 This subtitle may be cited as the “Stop Profiling
16 Youth and Kids Act” or the “SPY Kids Act”.

17 **SEC. 232. KNOW; KNOWS DEFINED.**

18 The term “know” or “knows” means to have actual
19 knowledge or to have acted in willful disregard.

20 **SEC. 233. MARKET RESEARCH.**

21 (a) PROHIBITION OF RESEARCH ON MINORS.—A
22 provider of a covered platform may not, in the case of a
23 user or visitor of the covered platform who the provider
24 knows is a minor, conduct market or product-focused re-
25 search on such user or visitor unless any such research
26 is—

1 (1) used solely to improve the privacy, security,
2 transparency, or safety of the covered platform, in-
3 cluding with respect to a design feature or any safe-
4 guard, setting, or tool offered to such user or visitor
5 or a parent of such user or visitor; or

6 (2) necessary for compliance with a Federal or
7 State law.

8 (b) **RULE OF CONSTRUCTION.**—Nothing in this sub-
9 title may be construed to limit the processing of personal
10 information solely for measuring or reporting advertising
11 or content performance, reach, or frequency, including
12 through an independent measurement.

13 **SEC. 234. EFFECTIVE DATE.**

14 This subtitle shall take effect on the date that is 90
15 days after the date of the enactment of this Act.

16 **TITLE III—SOCIAL GAMING**
17 **PLATFORMS**

18 **SEC. 301. SHORT TITLE.**

19 This title may be cited as the “Safer Guarding of
20 Adolescents from Malicious Interactions on Network
21 Games Act” or the “Safer GAMING Act”.

22 **SEC. 302. DEFINITIONS.**

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

24 (1) **COVERED COMMUNICATION TOOL.**—The
25 term “covered communication tool” means a capa-

1 bility available to a user of an interactive online
2 video game that allows for the exchange of verbal,
3 written, or visual messages between such user and
4 any other user of such interactive online video game.

5 (2) COVERED USER.—The term “covered user”
6 means a user of an interactive online video game if
7 the online video game provider of such interactive
8 online video game knows that such user is a minor.

9 (3) INTERACTIVE ONLINE VIDEO GAME.—The
10 term “interactive online video game” means a video
11 game that—

12 (A) connects to the internet; and

13 (B) allows a user of such video game to
14 communicate with other users of such video
15 game.

16 (4) KNOW; KNOWS.—The term “know” or
17 “knows” means know or should have known.

18 (5) MINOR.—The term “minor” means an indi-
19 vidual under the age of 17 years.

20 (6) ONLINE VIDEO GAME PROVIDER.—The term
21 “online video game provider” means a person en-
22 gaged in the business of providing directly to a con-
23 sumer over the internet or other online means a digi-
24 tal storefront, console network, mobile or cloud
25 gaming platform, or similar means of digital dis-

1 tribution that offers access to an interactive online
2 video game for use by the consumer.

3 (7) VIDEO GAME.—The term “video game”
4 means a software program that—

5 (A) receives and stores data or instructions
6 generated by the user of such software pro-
7 gram; and

8 (B) processes such data or instructions to
9 create an interactive game for such user to play
10 on a computer, gaming system, console, mobile
11 device, or other technological means.

12 **SEC. 303. SAFEGUARDS REQUIREMENTS FOR ONLINE**
13 **VIDEO GAME PROVIDERS.**

14 (a) COMMUNICATION SAFEGUARDS.—An online video
15 game provider shall provide safeguards to a parent of a
16 covered user of an interactive online video game of such
17 online video game provider that allow the parent to limit
18 communication between such covered user and any other
19 user of such interactive online video game.

20 (b) FEATURES.—

21 (1) IN GENERAL.—An online video game pro-
22 vider shall ensure that the safeguards required by
23 subsection (a) meet the following requirements:

24 (A) Be accessible and easy to use.

1 (B) Be enabled by default on an account
2 of a covered user of the interactive online video
3 game of such online video game provider.

4 (C) Be set to the most protective level of
5 control by default on any such account.

6 (2) PROTECTIVE LEVEL OF CONTROL.—For
7 purposes of paragraph (1)(C), the term “most pro-
8 tective level of control” means the relevant safe-
9 guards—

10 (A) are set to the most restrictive setting
11 by default; and

12 (B) may be set to a less restrictive setting
13 only by a parent of a covered user.

14 (3) OTHER SAFEGUARDS REQUIRED.—An on-
15 line video game provider shall provide to a covered
16 user and a parent of a covered user of an interactive
17 online video game of the online video game provider
18 readily accessible and easy-to-use safeguards to do
19 the following:

20 (A) Prevent a profile of such covered user
21 or personal information connected to such cov-
22 ered user from being recommended or sug-
23 gested to any other user of such interactive on-
24 line video game who is not a minor.

1 (B) Restrict purchases and financial trans-
2 actions by such covered user.

3 (C) Limit the amount of time spent by
4 such covered user on such interactive online
5 video game.

6 (e) DEVICE CONTROLS.—Nothing in this section may
7 be construed to prohibit an online video game provider
8 from making available to the parent of a covered user of
9 an interactive online video game of the online video game
10 provider a single user interface that permits such parent
11 to do the following:

12 (1) Set the level or scope of any covered com-
13 munication tool with respect to multiple other users
14 or categories of users or set the level or scope of
15 multiple covered communication tools.

16 (2) Control the safeguards required by this sec-
17 tion.

18 (d) NOTICE TO COVERED USERS.—An online video
19 game provider shall provide clear and conspicuous notice
20 to a covered user of an interactive online video game of
21 the online video game provider when the safeguards re-
22 quired by this section are in effect that describes the set-
23 tings or safeguards that have been applied.

1 **TITLE IV—ARTIFICIAL**
2 **INTELLIGENCE CHATBOTS**

3 **SEC. 401. SHORT TITLE.**

4 This title may be cited as the “Safeguarding Adoles-
5 cents From Exploitative BOTs Act” or the “SAFE BOTs
6 Act”.

7 **SEC. 402. DEFINITIONS.**

8 In this title:

9 (1) CHATBOT PROVIDER.—

10 (A) IN GENERAL.—The term “chatbot pro-
11 vider” means a person engaged in the business
12 of providing a chatbot directly to a consumer
13 for the use of the consumer, including through
14 a website, mobile application, or other online
15 means.

16 (B) LIMITATION.—A person that provides
17 a website, mobile application, or other online
18 service that includes a chat function incidental
19 to the primary purpose of such website, applica-
20 tion, or service may not be treated as a chatbot
21 provider solely on the basis of such incidental
22 chat function.

23 (2) COVERED USER.—The term “covered user”
24 means a user of a chatbot if the provider of such
25 chatbot knows that such user is a minor.

1 (3) KNOW; KNOWS.—The term “know” or
2 “knows” means know or should have known.

3 **SEC. 403. CERTAIN STATEMENTS PROHIBITED.**

4 A chatbot provider may not provide to a covered user
5 a chatbot that states to the covered user that the chatbot
6 is a licensed professional (unless such statement is true).

7 **SEC. 404. DISCLOSURE REQUIRED.**

8 (a) IN GENERAL.—A chatbot provider shall clearly
9 and conspicuously disclose to each covered user of a
10 chatbot of such chat provider a disclosure of the following:

11 (1) The chatbot is an artificial intelligence sys-
12 tem and not a natural person.

13 (2) Resources for contacting a suicide and crisis
14 intervention hotline.

15 (b) TIMING.—

16 (1) AI SYSTEM DISCLOSURE.—A disclosure re-
17 quired by subsection (a)(1) shall be made—

18 (A) at the initiation of the first interaction
19 of a covered user with a chatbot; and

20 (B) at any point at which, during an inter-
21 action between a covered user and a chatbot,
22 the covered user prompts the chatbot about
23 whether the chatbot is an artificial intelligence
24 system.

1 (2) **CRISIS RESOURCES DISCLOSURE.**—A disclo-
2 sure required by subsection (a)(2) shall be made at
3 any point at which, during an interaction between a
4 covered user and a chatbot, the covered user
5 prompts the chatbot about suicide or suicidal idea-
6 tion.

7 (c) **USE OF PLAIN LANGUAGE.**—Any disclosure re-
8 quired by subsection (a) shall be made in a manner that
9 is clear and age-appropriate using plain language such
10 that the disclosure is reasonably understandable by a
11 minor.

12 **SEC. 405. POLICIES REQUIRED.**

13 A chatbot provider shall establish, implement, and
14 maintain reasonable policies, practices, and procedures—

15 (1) to ensure that a chatbot of the chatbot pro-
16 vider advises a covered user of the chatbot to take
17 a break from the chatbot at the point at which a
18 continuous and uninterrupted interaction of such
19 covered user with such chatbot has lasted for 3
20 hours; and

21 (2) to address, with respect to covered users—

22 (A) sexual exploitation and abuse;

23 (B) the promotion of gambling that is re-
24 stricted from or prohibited for minors by law;

25 and

1 (C) the promotion of the distribution, sale,
2 or use of narcotic drugs, tobacco products, or
3 alcohol that are restricted from or prohibited
4 for minors by law.

5 **SEC. 406. RULE OF CONSTRUCTION.**

6 Nothing in this title may be construed to require a
7 chatbot provider to prevent or preclude any covered user
8 of a chatbot of the chatbot provider from accessing re-
9 sources and information regarding the prevention or miti-
10 gation of the harms described in section 405(2).

11 **TITLE V—RESEARCH, EDUCATION, AND BEST PRACTICES FOR PROTECTING MINORS ONLINE**

12 **Subtitle A—Research**

13 **SEC. 501. DEFINITIONS.**

14 In this subtitle:

15 (1) FENTANYL.—The term “fentanyl” includes
16 any fentanyl analogue and fentanyl-related sub-
17 stance.

18 (2) FENTANYL-RELATED SUBSTANCE.—The
19 term “fentanyl-related substance” has the meaning
20 given that term in subsection (e) of schedule I of
21 section 202(c) of the Controlled Substances Act (21
22 U.S.C. 812(e)).

1 (3) RELEVANT CONGRESSIONAL COMMIT-
2 TEES.—The term “relevant congressional commit-
3 tees” means—

4 (A) the Committee on Energy and Com-
5 merce of the House of Representatives; and

6 (B) the Committee on Commerce, Science,
7 and Transportation of the Senate.

8 (4) SOCIAL MEDIA PLATFORM.—The term “so-
9 cial media platform”—

10 (A) means a public-facing website, internet
11 application, or mobile internet application, in-
12 cluding a social network or video sharing serv-
13 ice—

14 (i) that serves the public; and

15 (ii) that primarily provides a forum
16 for user-generated content, including mes-
17 sages, videos, images, games, and audio
18 files; and

19 (B) does not include—

20 (i) a provider of broadband internet
21 access service (as described in section
22 8.1(b) of title 47, Code of Federal Regula-
23 tions, or any successor regulation); or

24 (ii) electronic mail.

1 **SEC. 502. EXEMPTION.**

2 Subchapter I of chapter 35 of title 44, United States
3 Code (commonly known as the “Paperwork Reduction
4 Act”) does not apply to this subtitle.

5 **PART 1—SAFE SOCIAL MEDIA ACT**

6 **SEC. 511. SHORT TITLE.**

7 This part may be cited as the “Safe Social Media
8 Act”.

9 **SEC. 512. REPORT BY COMMISSION ON SOCIAL MEDIA USE**
10 **BY MINORS.**

11 The Commission, in coordination with the Secretary
12 of Health and Human Services (acting through the Assist-
13 ant Secretary for Mental Health and Substance Use),
14 shall do the following:

15 (1) Conduct a study on social media platform
16 use by minors, including with respect to the fol-
17 lowing:

18 (A) What personal information is collected
19 by social media platforms with respect to mi-
20 nors.

21 (B) How such personal information is used
22 by the algorithms of the social media platforms.

23 (C) How such personal information is used
24 with respect to targeted advertising.

25 (D) How often minors use social media
26 platforms daily.

1 (E) Differences in use of social media plat-
2 forms related to the age ranges of minors.

3 (F) Mental health effects on minors linked
4 to the use of social media platforms.

5 (G) Potential harmful effects and benefits
6 for minors from extended social media platform
7 use.

8 (2) Not later than 3 years after the date of the
9 enactment of this Act, submit to the relevant con-
10 gressional committees a report on the findings of the
11 study conducted under paragraph (1), including any
12 recommended policy changes based on such findings.

13 **PART 2—NO FENTANYL ON SOCIAL MEDIA ACT**

14 **SEC. 513. SHORT TITLE.**

15 This part may be cited as the “No Fentanyl on Social
16 Media Act”.

17 **SEC. 514. REPORT ON THE ABILITY OF MINORS TO ACCESS**
18 **FENTANYL THROUGH SOCIAL MEDIA PLAT-**
19 **FORMS.**

20 (a) REPORT REQUIRED.—Not later than 1 year after
21 the date of the enactment of this Act, the Commission,
22 in coordination with the Secretary of Health and Human
23 Services (acting through the Commissioner of Food and
24 Drugs), shall submit to the relevant congressional commit-
25 tees and publish on a website of the Commission a report

1 on the ability of minors to access fentanyl, including
2 through pressed pills, through social media platforms and
3 that includes the following:

4 (1) The prevalence and ability for minors to ac-
5 cess fentanyl from drug sellers on social media plat-
6 forms.

7 (2) The impact of such prevalence and access
8 on minors, including with respect to health risks and
9 risks to physical safety.

10 (3) How drug sellers use social media platforms
11 to market, sell, deliver, distribute, dispense, and en-
12 gage in other transactions related to the provision of
13 fentanyl to minors.

14 (4) How design features and other characteris-
15 tics of social media platforms affect the ability of
16 minors to access fentanyl.

17 (5) Other measures taken by law enforcement,
18 the medical community, and others to address the
19 issues described in paragraphs (1) through (4).

20 (6) Practices, policies, and other measures
21 taken by social media platforms to address the abil-
22 ity of drug sellers to use social media platforms and
23 the effectiveness of such practices, policies, and
24 measures.

1 (7) Recommendations for Congress to eliminate
2 the prevalence and ability for minors to access
3 fentanyl through social media platforms.

4 (b) CONSULTATION REQUIRED.—In developing the
5 report required by subsection (a), the Commission shall
6 consult with any relevant agencies and stakeholders, in-
7 cluding parents, social media platforms, law enforcement,
8 medical professionals, and other relevant experts.

9 (c) REDACTION PERMITTED.—In publishing the re-
10 port required by subsection (a), the Commission, in con-
11 sultation with the Attorney General, may redact any infor-
12 mation relating to paragraph (3) or (5) of such subsection
13 that may compromise any law enforcement tactic, strat-
14 egy, or technique.

15 **PART 3—ASSESSING SAFETY TOOLS FOR**
16 **PARENTS AND MINORS ACT**

17 **SEC. 515. SHORT TITLE.**

18 This part may be cited as the “Assessing Safety
19 Tools for Parents and Minors Act”.

20 **SEC. 516. INDUSTRY REVIEW AND REPORT.**

21 (a) REVIEW.—Not later than 6 months after the date
22 of the enactment of this Act, the Commission, in consulta-
23 tion with industry, parents, individuals with expertise in
24 communications technologies, parental controls, privacy,

1 and mental health, and any other appropriate entities as
2 determined by the Commission, shall—

3 (1) initiate a review of industry efforts to pro-
4 mote online safety for minors through education, pa-
5 rental and child safety tools, age-appropriate labels
6 for content, privacy and other safety settings, and
7 any other relevant technologies or initiatives; and

8 (2) examine the effectiveness of industry efforts
9 identified under paragraph (1) to mitigate online
10 harms for minors and provide recommendations for
11 industry, Congress, and agencies to improve online
12 safety for minors.

13 (b) SUBMISSION OF REPORT.—Not later than 3 years
14 after the date of the enactment of this Act, the Commis-
15 sion shall submit to the relevant congressional committees
16 a report with any findings and recommendations resulting
17 from the review and examination required by subsection
18 (a).

19 **PART 4—STUDY ON CHATBOTS AND MENTAL**
20 **HEALTH OF MINORS**

21 **SEC. 517. STUDY REQUIRED.**

22 The Secretary of Health and Human Services, acting
23 through the Director of the National Institutes of Health,
24 shall conduct a 4-year longitudinal study to evaluate the
25 risks and benefits of chatbots with respect to the mental

1 health of minors, including with respect to loneliness, anx-
2 iety, social skill building, social isolation, depression, self-
3 harm, and suicidal ideation.

4 **SEC. 518. CONSULTATION.**

5 In conducting the study required by section 517, the
6 Secretary, acting through the Director, shall consult with
7 the following:

8 (1) The Director of the National Institute of
9 Mental Health.

10 (2) Pediatric mental health experts.

11 (3) Technologists.

12 (4) Ethicists.

13 (5) Educators.

14 **SEC. 519. REPORT.**

15 Not later than 4 years after the date of the enact-
16 ment of this Act, the Secretary, acting through the Direc-
17 tor, shall submit to the relevant congressional committees
18 and the Committee on Health, Education, Labor, and
19 Pensions of the Senate a report on the results of the study
20 required by section 517 and any related recommendations.

1 **Subtitle B—Education**
2 **PART 1—PROMOTING A SAFE INTERNET FOR**
3 **MINORS ACT**

4 **SEC. 521. SHORT TITLE.**

5 This part may be cited as the “Promoting a Safe
6 Internet for Minors Act”.

7 **SEC. 522. ONLINE SAFETY EDUCATION FOR MINORS.**

8 (a) AMENDMENT.—Subtitle A of the Protecting Chil-
9 dren in the 21st Century Act (15 U.S.C. 6551 et seq.)
10 is amended—

11 (1) by striking sections 211 through 214 and
12 216 and inserting the following:

13 **“SEC. 211. PUBLIC AWARENESS AND EDUCATIONAL CAM-**
14 **PAIGN.**

15 “Not later than 180 days after the date of the enact-
16 ment of this section, the Commission, in partnership with
17 the heads of other relevant agencies, State and local gov-
18 ernments, nonprofit organizations, schools, industry, law
19 enforcement, medical professionals, and other appropriate
20 entities, shall carry out a program throughout the United
21 States to promote the safe use of the internet by minors
22 that includes the following:

23 “(1) The identification, promotion, and encour-
24 agement of best practices for educators, online plat-

1 forms, minors, and parents and guardians to protect
2 minors online.

3 “(2) The establishment and implementation of
4 an outreach and education campaign throughout the
5 United States that promotes online safety for mi-
6 nors.

7 “(3) The facilitation of access to, and the ex-
8 change of, information regarding online safety for
9 minors to promote up-to-date knowledge regarding
10 harms and risks negatively impacting or benefits
11 positively impacting minors online.

12 “(4) The facilitation of access to publicly acces-
13 sible online safety education and public awareness
14 efforts by other relevant agencies, State and local
15 governments, nonprofit organizations, schools, indus-
16 try, and other appropriate entities.

17 **“SEC. 212. ANNUAL REPORT.**

18 “Not later than 1 year after the date of the enact-
19 ment of this section, and annually thereafter for 10 years,
20 the Commission shall submit to the Committee on Com-
21 merce, Science, and Transportation of the Senate and the
22 Committee on Energy and Commerce of the House of
23 Representatives a report that describes the program car-
24 ried out under section 211.

1 **“SEC. 213. DEFINITIONS.**

2 “In this subtitle:

3 “(1) AGENCY.—The term ‘agency’ has the
4 meaning given that term in section 551 of title 5,
5 United States Code.

6 “(2) COMMISSION.—The term ‘Commission’
7 means the Federal Trade Commission.

8 “(3) MINOR.—The term ‘minor’ means an indi-
9 vidual under the age of 17.

10 “(4) NONPROFIT ORGANIZATION.—The term
11 ‘nonprofit organization’ means an organization that
12 is described in section 501(c)(3) of the Internal Rev-
13 enue Code of 1986 and exempt from taxation under
14 section 501(a) of such Code.

15 “(5) ONLINE SAFETY.—The term ‘online safety’
16 includes issues regarding the use of the internet in
17 a manner that promotes safe online activity for mi-
18 nors through the following:

19 “(A) Protecting minors from cybercrimes,
20 access to narcotics, tobacco products, gambling,
21 alcohol, and other adult content.

22 “(B) Preventing compulsive behavior on-
23 line and other adverse impacts on the physical
24 and mental health of minors.

25 “(C) Facilitating the effective use of safe-
26 guards, parental controls, and other tools to

1 empower parents, guardians, and minors to pro-
2 tect minors online.

3 “(6) STATE.—The term ‘State’ means each of
4 the several States, the District of Columbia, each
5 commonwealth, territory, or possession of the United
6 States, and each federally recognized Indian Tribe.”;
7 and

8 (2) by redesignating section 215 as section 214.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
10 The table of contents of the Protecting Children in the
11 21st Century Act (15 U.S.C. 6551 et seq.) is amended
12 by striking the items related to sections 211 through 216
13 and inserting the following:

 “Sec. 211. Public awareness and educational campaign.

 “Sec. 212. Annual report.

 “Sec. 213. Definitions.

 “Sec. 214. Promoting online safety in schools.”.

14 **PART 2—AI WARNINGS AND RESOURCES FOR**
15 **EDUCATION (AWARE) ACT**

16 **SEC. 523. SHORT TITLE.**

17 This part may be cited as the “AI Warnings And Re-
18 sources for Education Act” or the “AWARE Act”.

19 **SEC. 524. SAFE CHATBOT USE FOR MINORS.**

20 (a) EDUCATIONAL RESOURCES.—Not later than 1
21 year after the date of the enactment of this Act, the Com-
22 mission, in consultation with relevant agencies, shall de-
23 velop and make available to the public educational re-

1 sources for parents, educators, and minors with respect
2 to the safe and responsible use of chatbots by minors.

3 (b) CONTENTS.—The educational resources devel-
4 oped and made available under subsection (a) shall include
5 resources on the following:

6 (1) The risks and benefits of chatbot use.

7 (2) Privacy and data collection practices.

8 (3) Best practices for parents supporting the
9 safe use of chatbots by minors.

10 (c) YOUVILLE.—The Commission, in a manner ap-
11 propriate for minors, shall model the educational resources
12 developed and made available under subsection (a) on the
13 Youville program of the Commission.

14 **Subtitle C—Partnerships and Best** 15 **Practices**

16 **SEC. 525. SHORT TITLE.**

17 This subtitle may be cited as the “Kids Internet Safe-
18 ty Partnership Act”.

19 **SEC. 526. KIDS INTERNET SAFETY PARTNERSHIP.**

20 (a) ESTABLISHMENT.—Not later than 1 year after
21 the date of the enactment of this Act, the Secretary shall
22 establish the Kids Internet Safety Partnership.

23 (b) DIRECTOR.—The Secretary shall appoint a Direc-
24 tor to be the head of the Partnership.

1 (c) DUTIES.—The duties of the Partnership shall be
2 the following:

3 (1) Coordinate with relevant agencies (including
4 the Commission) and stakeholders to identify the
5 following:

6 (A) The risks for minors with respect to
7 the use of websites, online services, online appli-
8 cations, and mobile applications.

9 (B) The benefits for minors with respect to
10 the use of websites, online services, online appli-
11 cations, and mobile applications.

12 (C) Widely accepted or evidence-based best
13 practices, taking into account minors of dif-
14 ferent ages, to—

15 (i) address the risks identified under
16 subparagraph (A); and

17 (ii) preserve and enhance the benefits
18 identified under subparagraph (B).

19 (2) Not later than 1 year after the date on
20 which the Partnership is established, and every 2
21 years thereafter, publish on a publicly available
22 website a report that details—

23 (A) the identifications made under para-
24 graph (1); and

1 (B) the efficacy and adoption by websites,
2 online services, online applications, and mobile
3 applications of—

- 4 (i) safeguards for minors; and
- 5 (ii) parental tools.

6 (3) Not later than 2 years after the date on
7 which the Partnership is established, publish on a
8 publicly available website a playbook for providers
9 and developers of websites, online services, online
10 applications, and mobile applications to facilitate the
11 implementation of widely accepted or evidence-based
12 best practices that account for minors of different
13 ages and address the risks identified under para-
14 graph (1)(A) and preserve and enhance the benefits
15 identified under paragraph (1)(B), including best
16 practices with respect to the following:

- 17 (A) Age verification, assurance, and esti-
18 mation techniques.
- 19 (B) Design features.
- 20 (C) Parental tools.
- 21 (D) Default privacy and account settings.
- 22 (E) Reporting systems and tools.
- 23 (F) Third-party safety software services.

1 (G) Limitations and opt-outs related to
2 personalized recommendation systems and
3 chatbots.

4 (d) STAKEHOLDERS.—In coordinating with stake-
5 holders as required by subsection (c)(1), the Partnership
6 shall coordinate with the following:

7 (1) Academic experts with specific expertise
8 with respect to the prevention of risks for minors on-
9 line.

10 (2) Researchers with specific expertise with re-
11 spect to social media.

12 (3) Parents and minors with demonstrated ex-
13 perience with respect to the safety of minors online.

14 (4) Educators with demonstrated experience
15 with respect to the safety of minors online.

16 (5) Online platforms.

17 (6) Experts in academia and civil society with
18 specific expertise with respect to constitutional law,
19 privacy, free expression, access to information, and
20 civil liberties.

21 (7) State attorneys general (or designees there-
22 of who work in State or local government).

23 (e) SUNSET.—The Partnership shall terminate on the
24 date that is 5 years after the date on which the Partner-
25 ship is established.

1 (f) DEFINITIONS.—In this section:

2 (1) PARENTAL TOOL.—The term “parental
3 tool”—

4 (A) means a tool that—

5 (i) the provider of a website, online
6 service, online application, or mobile appli-
7 cation provides to a parent of a user who
8 such provider knows is a minor; and

9 (ii) the parent uses to support such
10 user with respect to the use of the website,
11 service, or application; and

12 (B) includes a tool that allows a parent of
13 a user who the provider of such a website, serv-
14 ice, or application knows is a minor to—

15 (i) view or change the privacy and ac-
16 count settings of such user;

17 (ii) grant or withdraw verifiable con-
18 sent;

19 (iii) restrict the purchases and finan-
20 cial transactions of such user;

21 (iv) view metrics of the total time
22 spent on such website, service, or applica-
23 tion by such user;

1 (v) restrict time spent on such
2 website, service, or application by such
3 user;

4 (vi) report illegal or harmful conduct
5 on such website, service, or application
6 with respect to which such user may be a
7 victim; and

8 (vii) limit or opt-out of personalized
9 recommendation systems or chatbots.

10 (2) PARTNERSHIP.—The term “Partnership”
11 means the Kids Internet Safety Partnership estab-
12 lished under subsection (a).

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Commerce.

15 **TITLE VI—KIDS PRIVACY**
16 **PROTECTIONS**
17 **Subtitle A—COPPA 2.0**

18 **SEC. 601. SHORT TITLE.**

19 This subtitle may be cited as the “Children and
20 Teens’ Online Privacy Protection Act”.

1 **SEC. 602. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**
2 **LETION OF PERSONAL INFORMATION OF**
3 **CHILDREN AND TEENS.**

4 (a) DEFINITIONS.—Section 1302 of the Children’s
5 Online Privacy Protection Act of 1998 (15 U.S.C. 6501)
6 is amended—

7 (1) by amending paragraph (1) to read as fol-
8 lows:

9 “(1) CHILD.—The term ‘child’ means an indi-
10 vidual under the age of 14.”;

11 (2) by amending paragraph (2) to read as fol-
12 lows:

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

14 “(A) means any person—

15 “(i) who, for commercial purposes in
16 interstate or foreign commerce, operates or
17 provides a website on the internet, an on-
18 line service, an online application, or a mo-
19 bile application; and

20 “(ii) who—

21 “(I) collects or maintains, either
22 directly or through a service provider,
23 personal information from or about
24 the users of that website, service, or
25 application;

1 “(II) allows another person to
2 collect personal information directly
3 from users of that website, service, or
4 application (in which case, the oper-
5 ator is deemed to have collected the
6 information); or

7 “(III) allows users of that
8 website, service, or application to pub-
9 licly disclose personal information (in
10 which case, the operator is deemed to
11 have collected the information); and

12 “(B) does not include any nonprofit entity
13 that would otherwise be exempt from coverage
14 under section 5 of the Federal Trade Commis-
15 sion Act (15 U.S.C. 45).”;

16 (3) in paragraph (4)—

17 (A) by amending subparagraph (A) to read
18 as follows:

19 “(A) the release of personal information
20 collected from a child or teen by an operator for
21 any purpose, except where the personal infor-
22 mation is provided to a person other than an
23 operator who—

24 “(i) provides support for the internal
25 operations of the website, online service,

1 online application, or mobile application of
2 the operator, excluding any activity relat-
3 ing to individual-specific advertising to
4 children or teens; and

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

8 (B) in subparagraph (B)—

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

11 (ii) by striking “website or online
12 service” and inserting “website, online
13 service, online application, or mobile appli-
14 cation”; and

15 (iii) by striking “actual knowledge”
16 and inserting “knowledge”;

17 (4) by amending paragraph (8) to read as fol-
18 lows:

19 “(8) PERSONAL INFORMATION.—

20 “(A) IN GENERAL.—The term ‘personal in-
21 formation’ means individually identifiable infor-
22 mation about an individual collected online, in-
23 cluding—

24 “(i) a first and last name;

- 1 “(ii) a home or other physical address,
2 including a street name and a name of a
3 city or town;
4 “(iii) an e-mail address;
5 “(iv) a telephone number;
6 “(v) a Social Security number;
7 “(vi) any other identifier that the
8 Commission determines permits the phys-
9 ical or online contacting of a specific indi-
10 vidual;
11 “(vii) a persistent identifier that can
12 be used to recognize a specific child or teen
13 over time and across different websites, on-
14 line services, online applications, or mobile
15 applications, that—
16 “(I) includes—
17 “(aa) a customer number
18 held in a cookie;
19 “(bb) an Internet Protocol
20 (IP) address;
21 “(cc) a processor or device
22 serial number; and
23 “(dd) a unique device identi-
24 fier; and

1 “(II) excludes an identifier that
2 is used by an operator solely for pro-
3 viding support for the internal oper-
4 ations of the website, online service,
5 online application, or mobile applica-
6 tion;

7 “(viii) a photograph, video, or audio
8 file that contains the image or voice of a
9 specific child or teen;

10 “(ix) geolocation information;

11 “(x) information generated from the
12 measurement or technological processing of
13 an the biological, physical, or physiological
14 characteristics of an individual that is used
15 to identify an individual, including—

16 “(I) fingerprints;

17 “(II) voice prints;

18 “(III) iris or retina imagery
19 scans;

20 “(IV) facial templates;

21 “(V) deoxyribonucleic acid
22 (DNA) information; and

23 “(VI) gait; and

24 “(xi) information linked or reasonably
25 linkable to a child or teen or a parent of

1 a child or teen (including any unique iden-
2 tifier) that an operator collects online from
3 the child or teen and combines with an
4 identifier described in this subparagraph.

5 “(B) EXCLUSION.—The term ‘personal in-
6 formation’ does not include an audio file that
7 contains the voice of a child or teen if the oper-
8 ator—

9 “(i) does not request information via
10 voice that would otherwise be considered
11 personal information under this paragraph;

12 “(ii) provides clear notice of its collec-
13 tion and use of the audio file and its dele-
14 tion policy in its privacy policy;

15 “(iii) only uses the voice contained in
16 the audio file as a replacement for written
17 words to perform a task or otherwise en-
18 gage with a website, online service, online
19 application, or mobile application, includ-
20 ing by performing a search and fulfilling a
21 verbal instruction or request;

22 “(iv) only maintains the audio file
23 during the period necessary to complete
24 the relevant task or engagement;

1 “(v) does not make any other use of
2 the audio file during such period; and

3 “(vi) deletes the audio file at the end
4 of such period.

5 “(C) SUPPORT FOR THE INTERNAL OPER-
6 ATIONS OF A WEBSITE, ONLINE SERVICE, ON-
7 LINE APPLICATION, OR MOBILE APPLICATION.—

8 “(i) IN GENERAL.—For purposes of
9 subparagraph (A)(vii), the term ‘support
10 for the internal operations of a website, on-
11 line service, online application, or mobile
12 application’ means the activities necessary
13 to such website, service, or application to—

14 “(I) maintain or analyze func-
15 tioning;

16 “(II) perform network commu-
17 nications;

18 “(III) authenticate users;

19 “(IV) personalize content;

20 “(V) serve contextual advertising
21 to users (if any persistent identifier is
22 only used as necessary for technical
23 purposes to serve the contextual ad-
24 vertisement or cap the frequency of
25 contextual advertising;

1 “(VI) protect the security or in-
2 tegrity of the user, website, online
3 service, online application, or mobile
4 application;

5 “(VII) ensure legal or regulatory
6 compliance, or

7 “(VIII) fulfill a request of a child
8 or teen under subparagraph (A), (B),
9 or (C) of section 1303(b)(2).

10 “(ii) CONDITION.—Except as specifi-
11 cally permitted under clause (i), informa-
12 tion collected through the activities de-
13 scribed in clause (i) may not be used or
14 disclosed to contact a specific individual
15 (including through individual-specific ad-
16 vertising to children or teens), to amass a
17 profile on a specific individual, in connec-
18 tion with processes that encourage or
19 prompt use of a website or online service,
20 or for any other purpose.”;

21 (5) by amending paragraph (9) to read as fol-
22 lows:

23 “(9) VERIFIABLE CONSENT.—The term
24 ‘verifiable consent’ means any reasonable effort (tak-
25 ing into consideration available technology) by an

1 operator, including a request for authorization for
2 future collection, use, and disclosure described in the
3 notice, to ensure that a parent of a child (in the case
4 of a child) or a teen (in the case of a teen)—

5 “(A) receives direct notice of the collection,
6 use, maintenance, and disclosure practices of
7 the operator with respect to personal informa-
8 tion; and

9 “(B) before the personal information of the
10 child or teen is collected, freely and unambig-
11 uously authorizes—

12 “(i) the collection, use, maintenance,
13 and disclosure, as applicable, of the per-
14 sonal information; and

15 “(ii) any subsequent use of the per-
16 sonal information.”;

17 (6) in paragraph (10)—

18 (A) in the heading, by striking “WEBSITE
19 OR ONLINE SERVICE DIRECTED TO CHILDREN”
20 and inserting “WEBSITE, ONLINE SERVICE, ON-
21 LINE APPLICATION, OR MOBILE APPLICATION
22 DIRECTED TO CHILDREN”;

23 (B) in subparagraph (A)—

24 (i) in the matter preceding clause (i),
25 by striking “website or online service di-

1 rected to children” and inserting “website,
2 online service, online application, or mobile
3 application directed to children”;

4 (ii) in clause (i), by striking “commer-
5 cial website or online service” and insert-
6 ing “website, online service, online applica-
7 tion, or mobile application”; and

8 (iii) in clause (ii), by striking “com-
9 mercial website or online service” and in-
10 serting “website, online service, online ap-
11 plication, or mobile application”;

12 (C) in subparagraph (B), by striking
13 “commercial website or online service” each
14 place the term appears and inserting “website,
15 online service, online application, or mobile ap-
16 plication”; and

17 (D) by adding at the end the following new
18 subparagraph:

19 “(C) RULE OF CONSTRUCTION.—In con-
20 sidering whether a website, online service, on-
21 line application, or mobile application, or por-
22 tion thereof, is directed to children, the Com-
23 mission shall apply a totality of circumstances
24 test and will also consider competent and reli-
25 able empirical evidence regarding audience com-

1 position and evidence regarding the intended
2 audience of the website, online service, online
3 application, or mobile application.”; and

4 (7) by adding at the end the following:

5 “(13) CONNECTED DEVICE.—The term ‘con-
6 nected device’ means a device that is capable of con-
7 necting to the internet, directly or indirectly, or to
8 another connected device.

9 “(14) ONLINE APPLICATION.—The term ‘online
10 application’—

11 “(A) means an internet-connected software
12 program; and

13 “(B) includes a service or application of-
14 fered via a connected device.

15 “(15) MOBILE APPLICATION.—The term ‘mo-
16 bile application’—

17 “(A) means a software program that runs
18 on the operating system of—

19 “(i) a cellular telephone;

20 “(ii) a tablet computer; or

21 “(iii) a similar portable computing de-
22 vice that transmits data over a wireless
23 connection; and

24 “(B) includes a service or application of-
25 fered via a connected device.

1 “(16) GEOLOCATION INFORMATION.—The term
2 ‘geolocation information’ means information suffi-
3 cient to identify a street name and name of a city
4 or town.

5 “(17) TEEN.—The term ‘teen’ means an indi-
6 vidual who has attained the age of 14 and is under
7 the age of 18.

8 “(18) INDIVIDUAL-SPECIFIC ADVERTISING TO
9 CHILDREN OR TEENS.—

10 “(A) IN GENERAL.—The term ‘individual-
11 specific advertising to children or teens’ means
12 advertising or any other effort to market a
13 product or service that is directed to a specific
14 child or teen or a connected device that is
15 linked or reasonably linkable to a child or teen
16 based on—

17 “(i) personal information of—

18 “(I) the child or teen; or

19 “(II) a group of children or teens
20 who are similar in sex, age, household
21 income level, race, or ethnicity to the
22 specific child or teen to whom the
23 product or service is marketed;

24 “(ii) profiling of such child or teen or
25 group of children or teens; or

1 “(iii) a unique identifier of such con-
2 nected device.

3 “(B) EXCLUSIONS.—The term ‘individual-
4 specific advertising to children or teens’ shall
5 not include—

6 “(i) advertising or marketing to an in-
7 dividual or to a device of an individual in
8 response to a specific request by the indi-
9 vidual for information or feedback, such as
10 a search query by a child or teen;

11 “(ii) contextual advertising, including
12 if an advertisement is displayed based on
13 the content of the website, online service,
14 online application, mobile application, or
15 connected device on which the advertise-
16 ment appears and does not vary based on
17 personal information of an individual who
18 views the advertisement;

19 “(iii) processing personal information
20 solely for measuring or reporting adver-
21 tising or content performance, reach, or
22 frequency, including independent measure-
23 ment; or

24 “(iv) advertising or marketing di-
25 rected to a connected device used by both

1 adult and child or teen members of a
2 household, if such advertising or marketing
3 is directed to a profile of an adult user.

4 “(C) RULE OF CONSTRUCTION.—Nothing
5 in subparagraph (A) shall be construed to pro-
6 hibit an operator with actual knowledge or an
7 operator who should have known that a user is
8 under the age of 18 from delivering advertising
9 or marketing that is age-appropriate and in-
10 tended for a child or teen audience, if the oper-
11 ator does not use any personal information
12 other than whether the user is under the age of
13 18.

14 “(19) EDUCATIONAL AGENCY OR INSTITU-
15 TION.—The term ‘educational agency or institution’
16 means—

17 “(A) a State educational agency or a local
18 educational agency (as such terms are defined
19 in section 8101 of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 7801)); or

22 “(B) an institutional day or residential
23 school, including a public school (including a
24 charter school) or a private school, that pro-

1 vides elementary or secondary education, as de-
2 termined under State law.

3 “(20) KNOWLEDGE.—The term ‘knowledge’
4 means the operator has actual knowledge or should
5 have known that a user is a child or teen.”.

6 (b) ONLINE COLLECTION, USE, DISCLOSURE, AND
7 DELETION OF PERSONAL INFORMATION OF CHILDREN
8 AND TEENS.—Section 1303 of the Children’s Online Pri-
9 vacy Protection Act of 1998 (15 U.S.C. 6502) is amend-
10 ed—

11 (1) by striking the heading and inserting the
12 following: “**ONLINE COLLECTION, USE, DISCLO-**
13 **SURE, AND DELETION OF PERSONAL INFORMA-**
14 **TION OF CHILDREN AND TEENS.**”;

15 (2) in subsection (a)—

16 (A) by amending paragraph (1) to read as
17 follows:

18 “(1) IN GENERAL.—It is unlawful for an oper-
19 ator of a website, online service, online application,
20 or mobile application directed to children or for any
21 operator of a website, online service, online applica-
22 tion, or mobile application with actual knowledge or
23 any operator of a website, online service, online ap-
24 plication, or mobile application who should have

1 known that a user is a child or teen to do any of
2 the following:

3 “(A) Collect personal information from a
4 child or teen in a manner that violates the regu-
5 lations promulgated under subsection (b).

6 “(B) Collect, use, disclose to third parties,
7 or maintain personal information of a child or
8 teen for purposes of individual-specific adver-
9 tising to children or teens (or to allow another
10 person to collect, use, disclose, or maintain such
11 information for such purpose);

12 “(C) Otherwise collect the personal infor-
13 mation of a child or teen, except if the collec-
14 tion of the personal information is—

15 “(i) consistent with the context of a
16 particular transaction or service or the re-
17 lationship of the child or teen with the op-
18 erator, including any collection necessary
19 to fulfill a transaction or provide a product
20 or service requested by the child or teen; or

21 “(ii) authorized or required by Fed-
22 eral law (including a regulation promul-
23 gated under subsection (b)) or State law.

24 “(D) Store or transfer the personal infor-
25 mation of a child or teen outside of the United

1 States, unless the operator provides direct no-
2 tice to a parent of the child (in the case of a
3 child) or to the teen (in the case of a teen) of
4 such storage or transfer.

5 “(E) Retain the personal information of a
6 child or teen for longer than is reasonably nec-
7 essary to fulfill a transaction or provide a serv-
8 iced requested by the child or teen, except as au-
9 thorized or required by Federal or State law.”;
10 and

11 (B) in paragraph (2)—

12 (i) in the heading, by striking “PAR-
13 ENT” and inserting “PARENT OR TEEN”;

14 (ii) by striking “Notwithstanding
15 paragraph (1)” and inserting “Notwith-
16 standing paragraph (1)(A)”;

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

19 (iv) by striking “subsection
20 (b)(1)(B)(iii) to the parent of a child” and
21 inserting “subsection (b)(1)(B)(iv) to a
22 parent of a child or under subsection
23 (b)(1)(C)(iv) to a teen”;

24 (3) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause
3 (i), by striking “the operator of any
4 website” and all that follows through
5 “from a child” and inserting “an op-
6 erator of a website, online service, on-
7 line application, or mobile application
8 directed to children or for any oper-
9 ator of a website, online service, on-
10 line application, or mobile application
11 with actual knowledge or any operator
12 of a website, online service, online ap-
13 plication, or mobile application who
14 should have known that a user is a
15 child or teen”;

16 (II) in clause (i)—

17 (aa) by striking “notice on
18 the website” and inserting “clear
19 and conspicuous notice on the
20 website, service, or application”;

21 (bb) by inserting “or teens”
22 after “children”;

23 (cc) by striking “, and the
24 operator’s disclosure practices”

1 and inserting “, the disclosure
2 practices of the operator”; and
3 (dd) by striking “; and” and
4 inserting “, the rights and oppor-
5 tunities available to a parent of a
6 child or teen under subpara-
7 graphs (B) and (C), and the pro-
8 cedures or mechanisms the oper-
9 ator uses to ensure that personal
10 information is not collected from
11 children or teens (except as per-
12 mitted by the regulations promul-
13 gated under this subsection);”;
14 (III) in clause (ii)—
15 (aa) by striking “parental”;
16 (bb) by inserting “or teens”
17 after “children”;
18 (cc) by striking the semi-
19 colon at the end and inserting “;
20 and”; and
21 (IV) by inserting after clause (ii)
22 the following new clause:
23 “(iii) to obtain verifiable consent from
24 a parent of a child (in the case of a child)
25 or from a teen (in the case of a teen) be-

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

7 (ii) in subparagraph (B)—

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

11 (II) in clause (i), by striking
12 “that operator” and inserting “the
13 operator, the method by which the op-
14 erator obtains the personal informa-
15 tion, and the purposes for which the
16 operator collects, uses, discloses, and
17 retains the personal information”;

18 (III) in clause (ii)—

19 (aa) by inserting “to delete
20 personal information collected
21 from the child or content or in-
22 formation submitted by the child
23 to a website, online service, on-
24 line application, or mobile appli-

1 cation and” after “the oppor-
2 tunity at 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,
10 if the parent of the child establishes the in-
11 accuracy of the personal information, to
12 have the inaccurate personal information
13 corrected;” and

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

19 (iii) by redesignating subparagraphs
20 (C) and (D) as subparagraphs (D) and
21 (E), 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 who has provided personal

1 information to the operator, upon proper identi-
2 fication of the teen—

3 “(i) a description of the specific types
4 of personal information collected from the
5 teen by the operator, the method by which
6 the operator obtained the personal infor-
7 mation, and the purposes for which the op-
8 erator collects, uses, discloses, and retains
9 the personal information;

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

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

24 “(iv) a means that is reasonable
25 under the circumstances for the teen to ob-

1 tain any personal information collected
2 from the teen, if such information is avail-
3 able to the operator at the time the teen
4 makes the request;”;

5 (v) in subparagraph (D), as so redes-
6 ignated—

7 (I) by striking “a child’s partici-
8 pation” and inserting “the participa-
9 tion of a child or teen”; and

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

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

14 “(E) require the operator—

15 “(i) to establish, implement, and
16 maintain reasonable security practices to
17 protect the confidentiality, integrity, and
18 accessibility of personal information of
19 children or teens collected by the operator;
20 and

21 “(ii) to protect such personal informa-
22 tion against unauthorized access.”;

23 (B) in paragraph (2)—

24 (i) in the matter preceding subpara-
25 graph (A), by striking “verifiable parental

1 consent” and inserting “verifiable con-
2 sent”;

3 (ii) in subparagraph (A)—

4 (I) by inserting “or teen” after
5 “collected from a child”;

6 (II) by inserting “or teen” after
7 “request from the child”; and

8 (III) by inserting “or teen or to
9 contact another child or teen” after
10 “to recontact the child”;

11 (iii) in subparagraph (B)—

12 (I) by striking “parent or child”
13 and inserting “parent or teen”; and

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

17 (iv) in subparagraph (C)—

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

21 (II) in clause (i)—

22 (aa) by inserting “or teen”
23 after “child” each place the term
24 appears; and

1 (bb) by inserting “or teen,
2 as applicable,” after “parent”
3 each place the term appears; and
4 (III) in clause (ii)—
5 (aa) by striking “without
6 notice to the parent” and insert-
7 ing “without notice to the parent
8 or teen, as applicable,”; and
9 (bb) by inserting “or teen”
10 after “child” each place the term
11 appears; and
12 (v) in subparagraph (D)—
13 (I) in the matter preceding clause
14 (i), by inserting “or teen” after
15 “child” each place the term appears;
16 (II) in clause (ii), by inserting
17 “or teen” after “child”; and
18 (III) in the flush text following
19 clause (iii)—
20 (aa) by inserting “or teen,
21 as applicable,” after “parent”
22 each place the term appears; and
23 (bb) by inserting “or teen”
24 after “child”;

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

4 “(3) APPLICATION TO OPERATORS ACTING
5 UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES
6 OR INSTITUTIONS.—The regulations may provide
7 that verifiable consent under paragraph (1)(A)(ii) is
8 not required for an operator that acts under a writ-
9 ten agreement with an educational agency or institu-
10 tion that, at a minimum, requires the—

11 “(A) operator to—

12 “(i) limit the collection, use, and dis-
13 closure by the operator of the personal in-
14 formation from a child or teen to solely
15 educational purposes and for no other com-
16 mercial 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
21 method by which the operator will obtain
22 the personal information, and the purposes
23 for which the operator will collect, use, dis-
24 close, and retain the personal information;

1 “(iii) provide to the educational agen-
2 cy or institution a link regarding the dis-
3 closure practices of the operator described
4 in subsection (b)(1)(A)(i); and

5 “(iv) provide the educational agency
6 or institution, upon request, with a means
7 to 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
12 from a child or teen or content or informa-
13 tion submitted by a child or teen to
14 website, online service, online application,
15 or mobile application of the operator;

16 “(B) representative of the educational
17 agency or institution to acknowledge and agree
18 that the representative has authority to author-
19 ize the collection, use, and disclosure of per-
20 sonal information from children or teens on be-
21 half of the educational agency or institution,
22 along with such authorization, the name of the
23 representative, and the title of the representa-
24 tive at the educational agency or institution;
25 and

1 “(C) educational agency or institution to—

2 “(i) provide on a website of the edu-
3 cational agency or institution a notice that
4 identifies the operator with which the edu-
5 cational agency or institution has entered
6 into a written agreement under this sub-
7 section and provides the link described in
8 subparagraph (A)(iii);

9 “(ii) upon request, provide the notice
10 described in subparagraph (A)(ii) to a par-
11 ent (in the case of a child) or a parent or
12 teen (in the case of a teen); and

13 “(iii) upon the request of such a par-
14 ent or teen, request the operator provide a
15 means to review the personal information
16 of such a child or teen and provide the
17 parent or teen a means to review the per-
18 sonal information.”;

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

21 “(4) TERMINATION OF SERVICE.—The regula-
22 tions shall permit the operator of a website, online
23 service, online application, or mobile application to
24 terminate service provided to a child for whom a
25 parent has refused or a teen who has refused (under

1 the regulations promulgated under paragraphs
2 (1)(B)(ii) and (1)(C)(ii), respectively) to permit the
3 operator any further use or maintenance, in retriev-
4 able form or future online collection, of personal in-
5 formation from the child or teen.”; and

6 (E) by adding at the end the following new
7 paragraphs:

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

18 “(6) RULE OF CONSTRUCTION.—A request to
19 delete or correct personal information of a child or
20 teen (under the regulations promulgated under sub-
21 paragraph (B) or (C) of paragraph (1), respectively)
22 may not be construed to do any of the following:

23 “(A) Limit the authority of a law enforce-
24 ment agency to obtain any content or informa-
25 tion from an operator pursuant to a lawfully ex-

1 ecuted warrant or an order of a court of com-
2 petent jurisdiction.

3 “(B) Require an operator or third party to
4 delete or correct information that—

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

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

16 “(C) Prohibit an operator from doing any
17 of the following:

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) of paragraph (1).

23 “(ii) Preventing, detecting, protecting
24 against, or responding to any security inci-

1 dent, identity theft, or fraud, or reporting
2 a person responsible for any such action.

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

6 “(iv) Ensuring that any such personal
7 information remains deleted.

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

10 “(A) IN GENERAL.—

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

17 “(ii) REQUIREMENTS.—The feasibility
18 assessment required by clause (i) shall con-
19 sider whether a single operator could use a
20 common verifiable consent mechanism to
21 obtain the verifiable consent required by
22 this title from a parent of a child or from
23 a teen on behalf of multiple listed opera-
24 tors that provide a joint or related service.

1 “(B) REPORT.—Not later than 1 year
2 after the date of the enactment of this para-
3 graph, the Commission shall submit to the
4 Committee on Commerce, Science, and Trans-
5 portation of the Senate and the Committee on
6 Energy and Commerce of the House of Rep-
7 resentatives a report with the findings of the
8 feasibility assessment required by subparagraph
9 (A)(i).

10 “(C) REGULATIONS.—If the Commission
11 finds that the use of a common verifiable con-
12 sent mechanism is feasible and would meet the
13 requirements of this title, the Commission shall
14 issue regulations to permit the use of a common
15 verifiable consent mechanism in accordance
16 with the findings outlined in such report.”; and
17 (4) in subsection (c), by striking “a regulation
18 prescribed under subsection (a)” and inserting “sub-
19 paragraph (B), (C), (D), or (E) of subsection (a)(1)
20 or of a regulation promulgated under subsection
21 (b)”.

22 (c) SAFE HARBORS.—Section 1304 of the Children’s
23 Online Privacy Protection Act of 1998 (15 U.S.C. 6503)
24 is amended—

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

3 (2) by adding at the end the following:

4 “(d) PUBLICATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the Commission shall publish on the
7 internet website of the Commission any report or
8 documentation required by regulation to be sub-
9 mitted to the Commission to carry out this title.

10 “(2) RESTRICTIONS ON PUBLICATION.—Not-
11 withstanding the publication requirement described
12 in paragraph (1), the restrictions described in sec-
13 tions 6(f) and section 21 of the Federal Trade Com-
14 mission Act (15 U.S.C. 46(f); 57b–2) applicable to
15 the disclosure of information obtained by the Com-
16 mission shall apply in the same manner to any publi-
17 cation under paragraph (1).”.

18 (d) ACTIONS BY STATES.—Section 1305 of the Chil-
19 dren’s Online Privacy Protection Act of 1998 (15 U.S.C.
20 6504) is amended—

21 (1) in subsection (a)(1)—

22 (A) in the matter preceding subparagraph

23 (A), by inserting “section 1303(a)(1) or” before

24 “any regulation”; and

1 (B) in subparagraph (B), by inserting
2 “section 1303(a)(1) or” before “the regula-
3 tion”; and

4 (2) in subsection (d)—

5 (A) by inserting “section 1303(a)(1) or”
6 before “any regulation”; and

7 (B) by inserting “section 1303(a)(1) or”
8 before “that regulation”.

9 (e) ADMINISTRATION AND APPLICABILITY OF ACT.—

10 Section 1306 of the Children’s Online Privacy Protection
11 Act of 1998 (15 U.S.C. 6505) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by striking “, in the
14 case of” and all that follows through “the
15 Board of Directors of the Federal Deposit In-
16 surance Corporation;” and inserting the fol-
17 lowing: “by the appropriate Federal banking
18 agency with respect to any insured depository
19 institution (as such terms are defined in section
20 3 of such Act (12 U.S.C. 1813));”; and

21 (B) by striking paragraph (2); and

22 (C) by redesignating paragraphs (3)
23 through (6) as paragraphs (2) through (5), re-
24 spectively;

25 (2) in subsection (d)—

1 (A) by striking “a rule of the Commission
2 under section 1303” and inserting “section
3 1303(a)(1) or a regulation promulgated under
4 section 1303(b)”;

5 (B) by striking “such rule” and inserting
6 “such section or such a regulation”;

7 (3) by adding at the end the following new sub-
8 sections:

9 “(f) **RULE OF CONSTRUCTION ON AGE**
10 **VERIFICATION.**—Nothing in this title may be construed
11 to require an operator to implement an age gating or age
12 verification functionality on a website, online service, on-
13 line application, or mobile application of the operator.

14 “(g) **ADDITIONAL REQUIREMENT.**—Any regulation
15 promulgated under this title shall include a description
16 and analysis of the impact of proposed and final rules on
17 small entities under chapter 6 of title 5, United States
18 Code (commonly known as the ‘Regulatory Flexibility
19 Act’).”

20 **SEC. 603. STUDY AND REPORTS OF MOBILE AND ONLINE**
21 **APPLICATION OVERSIGHT AND ENFORCE-**
22 **MENT.**

23 (a) **OVERSIGHT REPORT.**—Not later than 3 years
24 after the date of the enactment of this subtitle, the Com-
25 mission shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-
2 mittee on Energy and Commerce of the House of Rep-
3 resentatives a report on the processes of platforms that
4 offer mobile and online applications for ensuring that, of
5 those applications that are websites, online services, online
6 applications, or mobile applications directed to children,
7 the applications operate in accordance with—

8 (1) this subtitle, the amendments made by this
9 subtitle, and regulations promulgated under this
10 subtitle; and

11 (2) any regulation under section 18(a)(1)(B) of
12 the Federal Trade Commission Act (15 U.S.C.
13 57a(a)(1)(B)) regarding unfair or deceptive acts or
14 practices with respect to marketing.

15 (b) ENFORCEMENT REPORT.—Not later than 1 year
16 after the date of the enactment of this subtitle, and annu-
17 ally thereafter, the Commission shall submit to the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate and the Committee on Energy and Commerce of
20 the House of Representatives a report that addresses the
21 following:

22 (1) The number of actions brought by the Com-
23 mission during the reporting year to enforce the
24 Children’s Online Privacy Protection Act of 1998
25 (15 U.S.C. 6501 et seq.) (referred to in this sub-

1 section as the “Act”) and the outcome of each such
2 action.

3 (2) The total number of investigations or in-
4 quires into potential violations of the Act during the
5 reporting year.

6 (3) The total number of open investigations or
7 inquiries into potential violations of the Act as of the
8 date on which the report is submitted.

9 (4) The number and nature of complaints re-
10 ceived by the Commission relating to an allegation
11 of a violation of the Act during the reporting year.

12 (5) Policy or legislative recommendations to
13 strengthen online protections for children and teens.

14 **SEC. 604. GAO STUDY.**

15 (a) STUDY.—The Comptroller General of the United
16 States shall conduct a study on the privacy and mental
17 health of teens who use financial technology products that
18 shall do the following:

19 (1) Identify the type of financial technology
20 products that teens use.

21 (2) Identify the potential risks to the privacy
22 and mental health of teens that may result from the
23 use of such financial technology products.

24 (3) Determine whether existing laws are suffi-
25 cient to address any such risks.

1 (b) REPORT.—Not later than 1 year after the date
2 of the enactment of this section, the Comptroller General
3 shall submit to Congress a report that details the results
4 of the study conducted under subsection (a) and rec-
5 ommendations for any legislative or administrative action
6 as the Comptroller General determines appropriate.

7 **SEC. 605. SEVERABILITY.**

8 If any provision of this subtitle, or any amendment
9 made by this subtitle, is determined to be unenforceable
10 or invalid, the remaining provisions of and amendments
11 made by this subtitle shall not be affected.

12 **Subtitle B—Data Broker**
13 **Disclosures**

14 **SEC. 611. DEFINITIONS.**

15 In this subtitle:

16 (1) COVERED DATA BROKER.—

17 (A) IN GENERAL.—The term “covered
18 data broker” means an entity that, for valuable
19 consideration, sells, licenses, rents, trades,
20 transfers, releases, discloses, provides access to,
21 or otherwise makes available to another entity
22 personal data of an individual the data brokers
23 knows is a minor that the entity did not collect
24 directly from such individual to another entity
25 that is not acting as a service provider.

1 (B) EXCEPTION.—The term “covered data
2 broker” does not include an entity to the extent
3 that the entity does any of the following:

4 (i) Transmits personal data of an in-
5 dividual, including any communication of
6 such individual, at the request or direction
7 of such individual.

8 (ii) Provides, maintains, or offers a
9 product or service with respect to which
10 personal data, or access to such data, is
11 not the product or service.

12 (iii) Reports or publishes news or in-
13 formation that concerns local, national, or
14 international events or other matters of
15 public interest.

16 (iv) Acts as a service provider.

17 (2) KNOWS.—The term “knows” means to have
18 actual knowledge or willful disregard.

19 (3) MINOR.—The term “minor” means an indi-
20 vidual under the age of 18 years.

21 (4) PERSONAL DATA.—The term “personal
22 data” has the meaning given the term “personal in-
23 formation” in section 1302 of the Children’s Online
24 Privacy Protection Act of 1998 (15 U.S.C. 6501)
25 (as amended by section 602(a)(4) of this Act).

1 (5) SERVICE PROVIDER.—The term “service
2 provider” means an entity that—

3 (A) collects, processes, or transfers per-
4 sonal data on behalf of and at the direction
5 of—

6 (i) the minor to whom such informa-
7 tion pertains;

8 (ii) a parent of such a minor;

9 (iii) a Federal, State, or local govern-
10 ment entity; or

11 (iv) an entity acting as a covered data
12 broker or another service provider; and

13 (B) receives data from or on behalf of an
14 individual or entity described in subparagraph

15 (A).

16 **SEC. 612. REGISTRATION REQUIREMENT.**

17 (a) DATA BROKER REGISTRATION.—Not later than
18 12 months after the date of the enactment of this subtitle,
19 and annually thereafter, a covered data broker shall reg-
20 ister with the Commission by paying the registration fee
21 set by the Commission under subsection (c) and by filing
22 a registration statement that includes the following infor-
23 mation:

24 (1) The legal name of the covered data broker.

1 (2) A contact person and the primary physical
2 address, human-monitored email address, human-
3 monitored telephone number, and website address
4 for the covered data broker.

5 (3) A description of each category of personal
6 data sold by the covered data broker.

7 (4) A statement of whether the covered data
8 broker implements a purchaser credentialing pro-
9 cess.

10 (5) A description of any incident of unauthor-
11 ized access to personal data that the covered data
12 broker has reported to a Federal or State govern-
13 mental entity pursuant to an applicable law, rule, or
14 regulation during the year before the year in which
15 the registration is filed and, if known, the total num-
16 ber of consumers affected by each previously re-
17 ported incident of such unauthorized access.

18 (b) DATA BROKER REGISTRY.—Not later than 18
19 months after the date of the enactment of this subtitle,
20 the Commission shall establish and maintain on a publicly
21 available website of the Commission a searchable, central
22 registry of covered data brokers registered under sub-
23 section (a) that includes—

1 (1) a search feature that allows members of the
2 public to search for and identify covered data bro-
3 kers; and

4 (2) for each covered data broker, the informa-
5 tion required by paragraphs (1) through (5) of sub-
6 section (a).

7 (c) ANNUAL REGISTRATION FEE.—The Commission
8 may charge a covered data broker an annual registration
9 fee of at least \$22,500 (as adjusted on January 1 each
10 year by the percentage increase (if any), during the pre-
11 ceding 12-month period, in the Consumer Price Index for
12 All Urban Consumers published by the Bureau of Labor
13 Statistics).

14 **SEC. 613. RULE OF CONSTRUCTION.**

15 Compliance with this subtitle shall not relieve a cov-
16 ered data broker of an obligation to register with any
17 State covered data broker registry.

18 **TITLE VII—GENERAL**
19 **PROVISIONS**

20 **SEC. 701. ENFORCEMENT.**

21 (a) ENFORCEMENT BY COMMISSION.—

22 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of this Act shall be treated as
24 a violation of a regulation under section 18(a)(1)(B)
25 of the Federal Trade Commission Act (15 U.S.C.

1 57a(a)(1)(B)) regarding unfair or deceptive acts or
2 practices.

3 (2) POWERS OF COMMISSION.—The Commis-
4 sion shall enforce this Act in the same manner, by
5 the same means, and with the same jurisdiction,
6 powers, and duties as though all applicable terms
7 and provisions of the Federal Trade Commission Act
8 (15 U.S.C. 41 et seq.) were incorporated into and
9 made a part of this Act, and any person who violates
10 this Act shall be subject to the penalties and entitled
11 to the privileges and immunities provided in the
12 Federal Trade Commission Act.

13 (3) AUTHORITY PRESERVED.—Nothing in this
14 title may be construed to limit the authority of the
15 Commission under any other provision of law.

16 (b) ACTIONS BY STATES.—

17 (1) IN GENERAL.—In any case in which the at-
18 torney general of a State, or an official or agency of
19 a State, has reason to believe that an interest of the
20 residents of such State has been or is threatened or
21 adversely affected by an act or practice in violation
22 of this Act, the State, as *parens patriae*, may bring
23 a civil action on behalf of the residents of the State
24 in an appropriate district court of the United States
25 to—

1 (A) enjoin such act or practice;

2 (B) enforce compliance with this Act;

3 (C) obtain damages, restitution, or other
4 compensation on behalf of residents of the
5 State; or

6 (D) obtain such other legal and equitable
7 relief as the court may consider to be appro-
8 priate.

9 (2) NOTICE.—Before filing an action under this
10 subsection, the attorney general, official, or agency
11 of the State involved shall provide to the Commis-
12 sion a written notice of such action and a copy of
13 the complaint for such action. If the attorney gen-
14 eral, official, or agency determines that it is not fea-
15 sible to provide the notice described in this para-
16 graph before the filing of the action, the attorney
17 general, official, or agency shall provide written no-
18 tice of the action and a copy of the complaint to the
19 Commission immediately upon the filing of the ac-
20 tion.

21 (3) AUTHORITY OF COMMISSION.—

22 (A) IN GENERAL.—On receiving notice
23 under paragraph (2) of an action under this
24 subsection, the Commission shall have the
25 right—

1 (i) to intervene in the action;

2 (ii) upon so intervening—

3 (I) to be heard on all matters
4 arising therein; and

5 (II) to file petitions for appeal.

6 (B) LIMITATION ON STATE ACTION WHILE
7 FEDERAL ACTION IS PENDING.—If the Commis-
8 sion or the Attorney General of the United
9 States has instituted a civil action for violation
10 of this Act (referred to in this subparagraph as
11 the “Federal action”), no State attorney gen-
12 eral, official, or agency may bring an action
13 under this subsection during the pendency of
14 the Federal action against any defendant
15 named in the complaint in the Federal action
16 for any violation of this Act alleged in such
17 complaint.

18 (4) RULE OF CONSTRUCTION.—For purposes of
19 bringing a civil action under this subsection, nothing
20 in this Act may be construed to prevent an attorney
21 general, official, or agency of a State from exercising
22 the powers conferred on the attorney general, offi-
23 cial, or agency by the laws of such State to conduct
24 investigations, administer oaths and affirmations, or

1 compel the attendance of witnesses or the production
2 of documentary and other evidence.

3 **SEC. 702. JUDICIAL REVIEW.**

4 The United States District Court for the District of
5 Columbia shall have exclusive jurisdiction over any chal-
6 lenge to the constitutionality of this Act or the constitu-
7 tionality of any action, finding, or determination under
8 this Act.

9 **SEC. 703. RULES OF CONSTRUCTION.**

10 Nothing in this Act may be construed to do any of
11 the following:

12 (1) Allow a governmental entity to enforce this
13 Act based on a viewpoint expressed by or through
14 any speech, expression, or information protected by
15 the First Amendment to the Constitution of the
16 United States.

17 (2) Prevent—

18 (A) the taking of reasonable measures to
19 block or filter spam, prevent criminal activity,
20 or protect the security of a platform or service;
21 or

22 (B) compliance with the duties and report-
23 ing requirements set forth in 18 U.S.C. 2258A.

24 (3) Require the disclosure of the browsing be-
25 havior, search history, messages, contact list, or

1 other content or metadata of the communications of
2 a minor.

3 (4) Limit or impair the Children's Online Pri-
4 vacy Protection Act of 1998 (15 U.S.C. 6501 et
5 seq.) or any rule or regulation promulgated under
6 such Act.

7 (5) Expand, limit the scope of, or alter the
8 meaning of section 230 of the Communications Act
9 of 1934 (47 U.S.C. 230).

10 (6) Restrict the ability to do any of the fol-
11 lowing:

12 (A) Cooperate with a law enforcement
13 agency regarding activity reasonably and in
14 good faith believed to violate a Federal, State,
15 or local law, rule, or regulation.

16 (B) Comply with a lawful civil, criminal, or
17 regulatory inquiry, subpoena, or summons from
18 a Federal, State, local, or other governmental
19 authority.

20 (C) Investigate, establish, exercise, respond
21 to, or defend against a legal claim.

22 (D) Prevent, detect, or respond to a secu-
23 rity incident, identity theft, fraud, harassment,
24 or any other malicious, deceptive, or illegal ac-
25 tivity.

1 (E) Investigate or report a person respon-
2 sible for an activity described in subparagraph
3 (D).

4 (7) Decrypt or ensure an ability to decrypt an
5 encrypted communication of a user.

6 (8) Preclude the use of any form of encryption,
7 including end-to-end encryption, for any communica-
8 tion of a user.

9 (9) Require indefinite retention of data of a
10 user.

11 (10) Require the affirmative collection of any
12 personal information with respect to age that is not
13 already collected in the normal course of business.

14 **SEC. 704. RELATIONSHIP TO STATE LAWS.**

15 (a) IN GENERAL.—The provisions of this Act shall
16 preempt any law, rule, requirement or regulation of a
17 State, or a political subdivision of a State, only to the ex-
18 tent that such law, rule, requirement or regulation con-
19 flicts with a provision of this Act.

20 (b) EXCEPTION.—Notwithstanding subsection (a),
21 nothing in this Act may be construed—

22 (1) to preempt any law, rule, requirement or
23 regulation of a State, or political subdivision of a
24 State, with respect to contract, tort, or product li-
25 ability; or

1 (2) to prohibit a State, or a political subdivision
2 of a State, from enacting or enforcing any law, rule,
3 requirement or regulation that provides greater pro-
4 tection to minors than the protection provided by the
5 provisions of this Act.

6 (c) CHILDREN’S ONLINE PRIVACY PROTECTION
7 ACT.—Section 1303 of the Children’s Online Privacy Pro-
8 tection Act of 1998 (15 U.S.C. 6502) is amended by strik-
9 ing subsection (d) and inserting the following:

10 “(d) RELATIONSHIP TO STATE LAW.—

11 “(1) IN GENERAL.—The provisions of this title
12 shall preempt any law, rule, requirement or regula-
13 tion of a State, or a political subdivision of a State,
14 only to the extent that such law, rule, requirement
15 or regulation conflicts with a provision of this title.

16 “(2) EXCEPTION.—Notwithstanding subsection
17 (a), nothing in this title may be construed—

18 “(A) To preempt any law, rule, require-
19 ment or regulation of a State, or political sub-
20 division of a State, with respect to contract,
21 tort, or product liability; or

22 “(B) To prohibit a State, or a political
23 subdivision of a State, from enacting or enforce-
24 ing any law, rule, requirement or regulation
25 that provides greater protection to minors than

1 the protection provided by the provisions of this
2 title.”.

3 **SEC. 705. SEVERABILITY.**

4 If any provision of this Act or the application of this
5 Act to any person or circumstance is held to be unconstitu-
6 tional, the remaining provisions of this Act and the appli-
7 cation of this Act to other persons or circumstances shall
8 not be affected.

9 **SEC. 706. EFFECTIVE DATE.**

10 Except as otherwise provided in this Act, this Act
11 shall take effect on the date that is 1 year after the date
12 of the enactment of this Act.