

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7891  
OFFERED BY MR. BILIRAKIS OF FLORIDA**

Strike all after the enacting clause and insert the following:

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—KIDS ONLINE SAFETY

Sec. 101. Definitions.  
Sec. 102. Duty of care.  
Sec. 103. Safeguards for minors.  
Sec. 104. Disclosure.  
Sec. 105. Transparency.  
Sec. 106. Market research.  
Sec. 107. Age verification study and report.  
Sec. 108. Guidance.  
Sec. 109. Enforcement.  
Sec. 110. Kids Online Safety Council.  
Sec. 111. Effective date.  
Sec. 112. Rules of construction and other matters.  
Sec. 113. Severability.

TITLE II—FILTER BUBBLE TRANSPARENCY

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

TITLE III—RELATIONSHIP TO STATE LAWS

Sec. 301. Relationship to State laws.

# 1 **TITLE I—KIDS ONLINE SAFETY**

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

3 In this title:

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

6 (2) **COMPULSIVE USAGE.**—The term “compul-  
7 sive usage” means a persistent and repetitive use of  
8 a covered platform that substantially limits the  
9 major life activity of an individual, including eating,  
10 sleeping, learning, reading, concentration, thinking,  
11 and communicating.

12 (3) **COVERED PLATFORM.**—

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

19 (B) **EXCEPTIONS.**—The term “covered  
20 platform” does not include—

21 (i) an entity acting in its capacity as  
22 a provider of—

23 (I) a common carrier service sub-  
24 ject to the Communications Act of  
25 1934 (47 U.S.C. 151 et seq.) and all

1 Acts amendatory thereof and supple-  
2 mentary thereto;

3 (II) a broadband internet access  
4 service (as such term is defined for  
5 purposes of section 8.1(b) of title 47,  
6 Code of Federal Regulations, or any  
7 successor regulation);

8 (III) an email service;

9 (IV) a teleconferencing or video  
10 conferencing service that allows recep-  
11 tion and transmission of audio or  
12 video signals for real-time communica-  
13 tion, provided that—

14 (aa) the service is not an on-  
15 line platform, including a social  
16 media service or social network;  
17 and

18 (bb) the real-time commu-  
19 nication is initiated by using a  
20 unique link or identifier to facili-  
21 tate access; or

22 (V) a wireless messaging service,  
23 including such a service provided  
24 through short messaging service or  
25 multimedia messaging service proto-

1 cols, that is not a component of, or  
2 linked to, an online platform and  
3 where the predominant or exclusive  
4 function is direct messaging consisting  
5 of the transmission of text, photos or  
6 videos that are sent by electronic  
7 means, where messages are trans-  
8 mitted from the sender to a recipient,  
9 and are not posted within an online  
10 platform or publicly;

11 (ii) an organization not organized to  
12 carry on business for its own profit or that  
13 of its members;

14 (iii) any public or private preschool,  
15 elementary, or secondary school, or any in-  
16 stitution of vocational, professional, or  
17 higher education;

18 (iv) a library (as defined in section  
19 213(1) of the Library Services and Tech-  
20 nology Act (20 U.S.C. 9122(1)));

21 (v) a news website or app, including  
22 sports news and coverage, entertainment  
23 news, or other journalistic news coverage  
24 where—

1 (I) the inclusion of video content  
2 on the website or app is related to the  
3 website or app’s own gathering, re-  
4 porting, or publishing of such news  
5 content; and

6 (II) the website or app is not  
7 otherwise an online platform;

8 (vi) a product or service that pri-  
9 marily functions as business-to-business  
10 software, a cloud storage, file sharing, or  
11 file collaboration service;

12 (vii) a virtual private network or simi-  
13 lar service that exists solely to route inter-  
14 net traffic between locations; or

15 (viii) a travel website or app that in-  
16 cludes user reviews or other travel infor-  
17 mation.

18 (4) DESIGN FEATURE.—The term “design fea-  
19 ture” means any feature or component of a covered  
20 platform that will encourage or increase the fre-  
21 quency, time spent, or activity of minors on the cov-  
22 ered platform. Design features include, but are not  
23 limited to—

24 (A) infinite scrolling or auto play;

1 (B) rewards for time spent on the plat-  
2 form;

3 (C) notifications;

4 (D) push alerts that urge a user to spend  
5 more time engaged with the platform when they  
6 are not actively using it;

7 (E) badges or other visual award symbols  
8 based on elevated levels of engagement with the  
9 platform;

10 (F) personalized recommendation systems;

11 (G) in-game purchases; or

12 (H) appearance altering filters.

13 (5) HIGH IMPACT ONLINE COMPANY.—The  
14 term “high impact online company” means an online  
15 platform or online video game that provides any  
16 internet-accessible platform where—

17 (A) the online platform or online video  
18 game constitutes an online product or service  
19 that is primarily used by users to access or  
20 share, user-generated content; and

21 (B) the online platform or online video  
22 game—

23 (i) generates \$1,000,000,000 or more  
24 in annual revenue, including the revenue

1 generated by any affiliate of such covered  
2 platform; or

3 (ii) has 100,000,000 or more global  
4 monthly active users for not fewer than 3  
5 of the preceding 12 months on the online  
6 product or service of such covered plat-  
7 form.

8 (6) KNOW; KNOWS.—

9 (A) IN GENERAL.—The term “know” or  
10 “knows” means with respect to knowledge that  
11 an individual is a minor or child means actual  
12 knowledge or knowledge fairly implied on the  
13 basis of objective circumstances.

14 (B) RULE OF CONSTRUCTION.—For pur-  
15 poses of enforcing this title or a regulation pro-  
16 mulgated under this title, a determination as to  
17 whether a covered platform has knowledge fair-  
18 ly implied on the basis of objective cir-  
19 cumstances that an individual is a minor or a  
20 child shall rely on competent and reliable evi-  
21 dence, taking into account the totality of the  
22 circumstances, including whether a reasonable  
23 and prudent person under the circumstances  
24 would have known that the individual is a  
25 minor or child. Nothing in this title, including

1 a determination described in the preceding sen-  
2 tence, shall be construed to require a covered  
3 platform to—

4 (i) affirmatively collect data with re-  
5 spect to the age of a minor or child that  
6 a covered platform is not already collecting  
7 in the normal course of business; and

8 (ii) implement an age gating or age  
9 verification functionality.

10 (C) COMMISSION GUIDANCE.—

11 (i) IN GENERAL.—Within 180 days  
12 after the date of enactment of this Act, the  
13 Commission shall issue guidance to provide  
14 information, including best practices and  
15 examples for covered platforms to under-  
16 stand the Commission’s determination of  
17 whether a covered platform has knowledge  
18 fairly implied on the basis of objective cir-  
19 cumstances that an individual is a minor  
20 or child.

21 (ii) LIMITATION.—No guidance issued  
22 by the Commission with respect to this  
23 title shall confer any rights on any person,  
24 State, or locality, nor shall operate to bind  
25 the Commission or any person to the ap-



1           proach recommended in such guidance.  
2           Any enforcement action brought pursuant  
3           to this title, by the Commission or State  
4           attorney general, as applicable, shall allege  
5           a specific violation of a provision of this  
6           title and may not base an enforcement ac-  
7           tion on, or as applicable execute a consent  
8           order based on practices that are alleged to  
9           be inconsistent with any such guidance,  
10          unless the practices allegedly violate this  
11          title.

12           (7) MICROTRANSACTION.—

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

19           (B) INCLUSIONS.—Such term includes a  
20           purchase involving surprise mechanics, new  
21           characters, or in-game items.

22           (C) EXCLUSIONS.—Such term does not in-  
23           clude—

24                   (i) a purchase made in an online video  
25           game using a virtual currency that is

1           earned through gameplay and is not other-  
2           wise purchasable or redeemable using cash  
3           or credit or included as part of a paid sub-  
4           scription service; or

5                   (ii) a purchase of additional levels  
6           within the game or an overall expansion of  
7           the game.

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

10           (9) ONLINE PLATFORM.—

11                   (A) IN GENERAL.—The term “online plat-  
12           form” means any public-facing website, online  
13           service, online application, or mobile application  
14           that predominantly provides a community  
15           forum for user-generated content.

16                   (B) INCLUSIONS.—Such term includes  
17           sharing videos, images, games, audio files, or  
18           other content, including a social media service,  
19           social network, or virtual reality environment.

20                   (C) EXCLUSIONS.—Such term does not in-  
21           clude chats, comments, or other interactive  
22           functionalities of the community forum that is  
23           incidental to the predominant purpose of the  
24           website, online service, online application, or  
25           mobile application.

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

5           (A) create and upload content other than  
6 content that is incidental to gameplay, such as  
7 character or level designs created by the user,  
8 preselected phrases, or short interactions with  
9 other users;

10           (B) engage in microtransactions within the  
11 game; or

12           (C) communicate with other users.

13           (11) PARENT.—The term “parent” has the  
14 meaning given that term in section 1302 of the Chil-  
15 dren’s Online Privacy Protection Act (15 U.S.C.  
16 6501).

17           (12) PERSONAL DATA.—The term “personal  
18 data” has the same meaning as the term “personal  
19 information” as defined in section 1302 of the Chil-  
20 dren’s Online Privacy Protection Act (15 U.S.C.  
21 6501).

22           (13) PERSONALIZED RECOMMENDATION SYS-  
23 TEM.—

24           (A) IN GENERAL.—The term “personalized  
25 recommendation system” means a fully or par-

1 tially automated system used to suggest, pro-  
2 mote, rank, or recommend content, including  
3 other users, hashtags, or posts, based on the  
4 personal data of users.

5 (B) EXCLUSIONS.—The term “personal-  
6 ized recommendation system” does not in-  
7 clude—

8 (i) systems that suggests, promotes,  
9 or ranks content based solely on the user’s  
10 language, city or town, or age;

11 (ii) technical means that do not fully  
12 automate or replace human decision-mak-  
13 ing processes;

14 (iii) technical means that are designed  
15 to block, detect, identify, or prevent a user  
16 from accessing inappropriate, unlawful, or  
17 harmful content; or

18 (iv) technical means designed to pre-  
19 vent or detect fraud, malicious conduct or  
20 other illegal activity, or preserve the integ-  
21 rity or security of systems, products, or  
22 services.

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

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

3 (B) Child sexual abuse material, as de-  
4 scribed in sections 2251, 2252, 2252A, and  
5 2260 of title 18, United States Code.

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

9 (D) Sex trafficking of children, as de-  
10 scribed in section 1591 of title 18, United  
11 States Code.

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

16 **SEC. 102. DUTY OF CARE.**

17 (a) PREVENTION OF HARM TO MINORS.—A high im-  
18 pact online company shall exercise reasonable care in the  
19 creation and implementation of any design feature to pre-  
20 vent and mitigate the following harms to minors:

21 (1) Consistent with evidence-informed medical  
22 information, the following mental health disorders:  
23 anxiety, depression, eating disorders, substance use  
24 disorders, and suicidal behaviors.

1 (2) Patterns of use that indicate or encourage  
2 compulsive usage by minors.

3 (3) Physical violence (as defined in section 16  
4 of title 18, United States Code), cyberbullying and  
5 harassment of a minor.

6 (4) Sexual exploitation and abuse of minors.

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

11 (b) LIMITATION.—Nothing in subsection (a) shall be  
12 construed to require a high impact online company to pre-  
13 vent or preclude—

14 (1) any minor from deliberately and independ-  
15 ently searching for, or specifically requesting, con-  
16 tent; or

17 (2) the high impact online company or individ-  
18 uals on the platform from providing resources for  
19 the prevention or mitigation of the harms described  
20 in subsection (a), including evidence-informed infor-  
21 mation and clinical resources.

22 **SEC. 103. SAFEGUARDS FOR MINORS.**

23 (a) SAFEGUARDS FOR MINORS.—

24 (1) SAFEGUARDS.—A covered platform shall  
25 provide a user or visitor that the covered platform

1 knows is a minor with readily-accessible and easy-to-  
2 use safeguards to, as applicable—

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

5 (B) limit design features that encourage or  
6 increase the frequency, time spent, or activity of  
7 minors on the covered platform, such as infinite  
8 scrolling, auto playing, rewards for time spent  
9 on the platform, notifications, badges, push  
10 alerts, and other interactive elements, that re-  
11 sult in compulsive usage of the covered platform  
12 by the minor;

13 (C) control personalized recommendation  
14 systems, including the ability for a minor to  
15 have—

16 (i) the option of opting in to such per-  
17 sonalized recommendation systems, while  
18 still allowing the display of content based  
19 on a chronological format; and

20 (ii) the option of limiting types or cat-  
21 egories of recommendations from such sys-  
22 tems; and

23 (D) limit the ability to make in-game pur-  
24 chases, microtransactions, and design features  
25 that increase frequency and time spent on on-

1 line video games, and for such online video  
2 games, shall be deemed to comply with section  
3 103(a)(1)(B).

4 (2) OPTIONS.—A covered platform shall provide  
5 a user that the covered platform knows is a minor  
6 with readily-accessible and easy-to-use options to  
7 limit the amount of time spent by the minor on the  
8 covered platform.

9 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-  
10 NORS.—A covered platform shall provide that, in the  
11 case of a user or visitor that the platform knows is  
12 a minor, the default setting for any safeguard de-  
13 scribed under paragraph (1) shall be the option  
14 available on the platform that provides the most pro-  
15 tective level of control that is offered by the platform  
16 over safety for that user or visitor, unless otherwise  
17 enabled by the parent.

18 (4) EXCEPTION.—A covered platform shall pro-  
19 vide the safeguards described in subsection (a)(1)(C)  
20 to the educational agency or institution (as defined  
21 in section 444 of the General Education Provisions  
22 Act (commonly known as the “Family Educational  
23 Rights and Privacy Act of 1974”) (20 U.S.C.  
24 1232g(a)(3)), rather than to the user or visitor,  
25 when the covered platform is acting on behalf of an



1 educational agency or institution subject to a written  
2 contract that complies with the requirements of the  
3 Children’s Online Privacy Protection Act (15 U.S.C.  
4 6501 et seq.) and the Family Educational Rights  
5 and Privacy Act.

6 (b) PARENTAL TOOLS.—

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

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

13 (A) the ability to manage a minor’s ac-  
14 count settings, including the safeguards and op-  
15 tions established under subsection (a), in a  
16 manner that allows parents to—

17 (i) view the account settings; and

18 (ii) in the case of a user that the plat-  
19 form knows is a child, change and control  
20 the account settings;

21 (B) the ability to restrict purchases and fi-  
22 nancial transactions by the minor, where appli-  
23 cable; and

1 (C) the ability to view metrics of total time  
2 spent on the covered platform and restrict time  
3 spent on the covered platform by the minor.

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

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

12 (5) APPLICATION TO EXISTING ACCOUNTS.—If,  
13 prior to the effective date of this subsection, a cov-  
14 ered platform provided a parent of a user that the  
15 platform knows is a child with notice and the ability  
16 to enable the parental tools described under this  
17 subsection in a manner that would otherwise comply  
18 with this subsection, and the parent opted out of en-  
19 abling such tools, the covered platform is not re-  
20 quired to enable such tools with respect to such user  
21 by default when this subsection takes effect.

22 (c) REPORTING MECHANISM.—

23 (1) REPORTS SUBMITTED BY PARENTS, MI-  
24 NORS, AND SCHOOLS.—A covered platform shall pro-  
25 vide—

1 (A) a readily-accessible and easy-to-use  
2 means to submit reports to the covered plat-  
3 form of harms to a minor;

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

6 (C) confirmation of the receipt of such a  
7 report and, within the applicable time period  
8 described in paragraph (2), a substantive re-  
9 sponse to the individual that submitted the re-  
10 port.

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

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

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

24 (C) notwithstanding subparagraphs (A)  
25 and (B), if the report involves an imminent

1 threat to the safety of a minor, as promptly as  
2 needed to address the reported threat to safety.

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

9 (e) RULES OF APPLICATION.—

10 (1) ACCESSIBILITY.—With respect to safe-  
11 guards and parental tools described under sub-  
12 sections (a) and (b), a covered platform shall pro-  
13 vide—

14 (A) information and control options in a  
15 clear and conspicuous manner that takes into  
16 consideration the differing ages, capacities, and  
17 developmental needs of the minors most likely  
18 to access the covered platform and does not en-  
19 courage minors or parents to weaken or disable  
20 safeguards or parental tools;

21 (B) readily-accessible and easy-to-use con-  
22 trols to enable or disable safeguards or parental  
23 tools, as appropriate; and

24 (C) information and control options in the  
25 same language, form, and manner as the cov-

1           ered platform provides the product or service  
2           used by minors and their parents.

3           (2) DARK PATTERNS PROHIBITION.—It shall be  
4           unlawful for any covered platform to design, embed,  
5           modify, or manipulate a user interface of a covered  
6           platform with the purpose or substantial effect of  
7           obscuring, subverting, or impairing user autonomy,  
8           decision-making, or choice with respect to safe-  
9           guards or parental tools required under this section.

10          (3) TIMING CONSIDERATIONS.—

11                 (A) NO INTERRUPTION TO GAMEPLAY.—  
12           Subsections (a)(1)(B) and (b)(3) shall not re-  
13           quire an online video game to interrupt the nat-  
14           ural sequence of game play, such as progressing  
15           through game levels or finishing a competition.

16                 (B) APPLICATION OF CHANGES TO OFF-  
17           LINE DEVICES OR ACCOUNTS.—If a user’s de-  
18           vice or user account does not have access to the  
19           internet at the time of a change to parental  
20           tools, a covered platform shall apply changes  
21           the next time the device or user is connected to  
22           the internet.

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

1 (A) prevent a covered platform from taking  
2 reasonable measures to—

3 (i) block, detect, or prevent the dis-  
4 tribution of unlawful, obscene, or other  
5 harmful material to minors as described in  
6 section 102(a); or

7 (ii) block or filter spam, prevent  
8 criminal activity, or protect the security of  
9 a platform or service;

10 (B) require the disclosure of a minor's  
11 browsing behavior, search history, messages,  
12 contact list, or other content or metadata of  
13 their communications;

14 (C) prevent a covered platform from using  
15 a personalized recommendation system to dis-  
16 play content to a minor if the system only uses  
17 information on—

18 (i) the language spoken by the minor;

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

20 (iii) the minor's age; or

21 (D) prevent an online video game from dis-  
22 closing a username or other user identification  
23 for the purpose of competitive gameplay or to  
24 allow for the reporting of users.

25 (f) DEVICE OR CONSOLE CONTROLS.—

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

9                   (A) the controls or tools meet such require-  
10                  ments; and

11                   (B) the minor or parent is provided suffi-  
12                  cient notice of the integration and use of the  
13                  parental tools.

14           (2) PRESERVATION OF PROTECTIONS.—In the  
15           event of a conflict between the controls or tools of  
16           a third-party system, including operating systems or  
17           gaming consoles, and a covered platform, the cov-  
18           ered platform is not required to override the controls  
19           or tools of a third-party system if it would under-  
20           mine the protections for minors from the safeguards  
21           or parental tools imposed under subsections (a) and  
22           (b).

23 **SEC. 104. DISCLOSURE.**

24           (a) NOTICE.—

1           (1) REGISTRATION OR PURCHASE.—Prior to  
2 registration or purchase of a covered platform by an  
3 individual that the platform knows is a minor, the  
4 platform shall provide clear, conspicuous, and easy-  
5 to-understand—

6           (A) notice of the policies and practices of  
7 the covered platform with respect to safeguards  
8 for minors;

9           (B) information about how to access the  
10 safeguards and parental tools required under  
11 section 103; and

12           (C) notice about whether the covered plat-  
13 form uses or makes available to minors a prod-  
14 uct, service, or design feature, including any  
15 personalized recommendation system, that  
16 poses any heightened risk of harm to minors.

17           (2) NOTIFICATION.—

18           (A) NOTICE AND ACKNOWLEDGMENT.—In  
19 the case of an individual that a covered plat-  
20 form knows is a child, the platform shall addi-  
21 tionally provide information about the parental  
22 tools and safeguards required under section 103  
23 to a parent of the child and obtain verifiable  
24 parental consent (as defined in section 1302(9)  
25 of the Children’s Online Privacy Protection Act



1 (15 U.S.C. 6501(9))) from the parent prior to  
2 the initial use of the covered platform by the  
3 child.

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

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

24 (4) GUIDANCE.—The Federal Trade Commis-  
25 sion may issue guidance to assist covered platforms

1 in complying with the specific notice requirements of  
2 this subsection.

3 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A  
4 covered platform that operates a personalized rec-  
5 ommendation system shall set out in its terms and condi-  
6 tions, in a clear, conspicuous, and easy-to-understand  
7 manner—

8 (1) an overview of how such personalized rec-  
9 ommendation system is used by the covered platform  
10 to provide information to minors; and

11 (2) information about options for minors or  
12 their parents to control the personalized rec-  
13 ommendation system (as applicable).

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

19 (1) its policies and practices with respect to  
20 safeguards for minors; and

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

23 (d) RESOURCES IN ADDITIONAL LANGUAGES.—A  
24 covered platform shall ensure, to the extent practicable,  
25 that the disclosures required by this section are made

1 available in the same language, form, and manner as the  
2 covered platform provides any product or service used by  
3 minors and their parents.

4 **SEC. 105. TRANSPARENCY.**

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

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

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

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

23 (c) CONTENT.—

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

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

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

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

10                   (i) the number of users using the cov-  
11           ered platform that the platform knows to  
12           be minors in the United States;

13                   (ii) the median and mean amounts of  
14           time spent on the platform by users known  
15           to be minors in the United States who  
16           have accessed the platform during the re-  
17           porting year on a daily, weekly, and  
18           monthly basis; and

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

1 (D) an accounting of total reports received  
2 regarding, and the prevalence (which can be  
3 based on scientifically valid sampling methods  
4 using the content available to the covered plat-  
5 form in the normal course of business) of con-  
6 tent related to, the harms described in section  
7 102(a), disaggregated by category of harm and  
8 language, including English and the top 5 non-  
9 English languages used by users accessing the  
10 platform from the United States (as identified  
11 under subparagraph (C)(iii)); and

12 (E) a description of any material breaches  
13 of parental tools or assurances regarding mi-  
14 nors, and other matters regarding non-compli-  
15 ance with this title.

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

19 (A) an assessment of the reasonably fore-  
20 seeable risk of harms to minors posed by the  
21 covered platform, specifically identifying those  
22 physical, mental, developmental, or financial  
23 harms described in section 102(a);

24 (B) a description of whether and how the  
25 covered platform uses design features that en-

1 courage or increase the frequency, time spent,  
2 or activity of minors on the covered platform,  
3 such as infinite scrolling, auto playing, rewards  
4 for time spent on the platform, notifications,  
5 and other design features that result in compul-  
6 sive usage of the covered platform by the minor;

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

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

15 (E) an evaluation of any other relevant  
16 matters of public concern over risk of harms to  
17 minors associated with the use of the covered  
18 platform; and

19 (F) an assessment of differences in risk of  
20 harm to minors across different English and  
21 non-English languages and efficacy of safe-  
22 guards in those languages.

23 (3) MITIGATION.—The public reports required  
24 of a covered platform under this section shall in-  
25 clude, for English and the top 5 non-English lan-

1        guages used by users accessing the platform from  
2        the United States (as identified under paragraph  
3        (2)(C)(iii))—

4                (A) a description of the safeguards and pa-  
5                rental tools available to minors and parents on  
6                the covered platform;

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

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

16                        (i) prevent harms to minors, including  
17                        adapting or removing design features or  
18                        addressing through parental tools;

19                        (ii) provide the most protective level of  
20                        control over safety by default; and

21                        (iii) adapt recommendation systems to  
22                        mitigate reasonably foreseeable risk of  
23                        harms to minors, as described in section  
24                        102(a);

1 (D) a description of internal processes for  
2 handling reports and automated detection  
3 mechanisms for harms to minors, including the  
4 rate, timeliness, and effectiveness of responses  
5 under the requirement of section 103(c);

6 (E) the status of implementing prevention  
7 and mitigation measures identified in prior as-  
8 sessments; and

9 (F) a description of the additional meas-  
10 ures to be taken by the covered platform to ad-  
11 dress the circumvention of safeguards for mi-  
12 nors and parental tools.

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

17 (1) take into consideration the function of per-  
18 sonalized recommendation systems;

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



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

5           (4) take account of research, including research  
6 regarding design features, marketing, or product in-  
7 tegrity, industry best practices, or outside research;

8           (5) consider indicia or inferences of age of  
9 users, in addition to any self-declared information  
10 about the age of users; and

11           (6) take into consideration differences in risk of  
12 reasonably foreseeable harms and effectiveness of  
13 safeguards across English and non-English lan-  
14 guages.

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

18           (1) provide or otherwise make available to the  
19 independent third-party conducting the audit all in-  
20 formation and material in its possession, custody, or  
21 control that is relevant to the audit;

22           (2) provide or otherwise make available to the  
23 independent third-party conducting the audit access  
24 to all network, systems, and assets relevant to the  
25 audit; and

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

5           (f) PRIVACY SAFEGUARDS.—

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

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

18          (3) DEFINITION OF DE-IDENTIFIED.—As used  
19          in this subsection, the term “de-identified” means  
20          data that does not identify and is not linked or rea-  
21          sonably linkable to a device that is linked or reason-  
22          ably linkable to an individual, regardless of whether  
23          the information is aggregated.

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

4 **SEC. 106. MARKET RESEARCH.**

5 (a) MARKET RESEARCH BY COVERED PLATFORMS.—  
6 The Federal Trade Commission, in consultation with the  
7 Secretary of Commerce, shall issue guidance for covered  
8 platforms seeking to conduct market- and product-focused  
9 research on minors. Such guidance shall include—

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

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

19 (3) recommendations for age-appropriate re-  
20 search practices for studies that may include minors.

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

1 of the Kids Online Safety Council established under sec-  
2 tion 110.

3 **SEC. 107. AGE VERIFICATION STUDY AND REPORT.**

4 (a) STUDY.—The Secretary of Commerce, in coordi-  
5 nation with the Federal Communications Commission and  
6 Federal Trade Commission, shall conduct a study evalu-  
7 ating the most technologically feasible methods and op-  
8 tions for developing systems to verify age at the device  
9 or operating system level.

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

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

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

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

18 (4) how such a system or systems could verify  
19 age while mitigating risks to user privacy and data  
20 security and safeguarding minors' personal data,  
21 emphasizing minimizing the amount of data col-  
22 lected and processed by covered platforms and age  
23 verification providers for such a system;

24 (5) the technical feasibility, including the need  
25 for potential hardware and software changes, includ-

1 ing for devices currently in commerce and owned by  
2 consumers; and

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

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

14 **SEC. 108. GUIDANCE.**

15 (a) IN GENERAL.—Not later than 18 months after  
16 the date of enactment of this Act, the Federal Trade Com-  
17 mission, in consultation with the Kids Online Safety Coun-  
18 cil established under section 110, shall issue guidance to—

19 (1) provide information and examples for cov-  
20 ered platforms and auditors regarding, with consid-  
21 eration given to differences across English and non-  
22 English languages—

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

1 (B) safeguarding minors against the pos-  
2 sible misuse of parental tools;

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

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

9 (E) methods for evaluating the efficacy of  
10 safeguards set forth in this title; and

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

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

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

1 (B) establishing default settings that pro-  
2 vide enhanced protection to users or otherwise  
3 enhance their autonomy and decision-making  
4 ability.

5 (b) GUIDANCE TO SCHOOLS.—Not later than 18  
6 months after the date of enactment of this Act, the Sec-  
7 retary of Education, in consultation with the Federal  
8 Trade Commission and the Kids Online Safety Council es-  
9 tablished under section 110, shall issue guidance to assist  
10 elementary and secondary schools in using the notice, safe-  
11 guards and tools provided under this Act and providing  
12 information on online safety for students and teachers.

13 (c) LIMITATION ON FEDERAL TRADE COMMISSION  
14 GUIDANCE.—

15 (1) EFFECT OF GUIDANCE.—No guidance  
16 issued by the Federal Trade Commission with re-  
17 spect to this title shall—

18 (A) confer any rights on any person, State,  
19 or locality; or

20 (B) operate to bind the Federal Trade  
21 Commission or any court, person, State, or lo-  
22 cality to the approach recommended in such  
23 guidance.

24 (2) USE IN ENFORCEMENT ACTIONS.—In any  
25 enforcement action brought pursuant to this Act, the

1 Federal Trade Commission or a State attorney gen-  
2 eral, as applicable—

3 (A) shall allege a violation of a provision of  
4 this title; and

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

12 **SEC. 109. ENFORCEMENT.**

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

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

21 (2) POWERS OF THE COMMISSION.—

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



1 same jurisdiction, powers, and duties as though  
2 all applicable terms and provisions of the Fed-  
3 eral Trade Commission Act (15 U.S.C. 41 et  
4 seq.) were incorporated into and made a part of  
5 this title.

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

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

14 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-  
15 ERAL.—

16 (1) IN GENERAL.—

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

1 (i) enjoin any practice that violates  
2 section 103, 104, or 105;

3 (ii) enforce compliance with section  
4 103, 104, or 105;

5 (iii) on behalf of residents of the  
6 State, obtain damages, restitution, or other  
7 compensation, each of which shall be dis-  
8 tributed in accordance with State law; or

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

11 (B) NOTICE.—

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

16 (I) written notice of that action;  
17 and

18 (II) a copy of the complaint for  
19 that action.

20 (ii) EXEMPTION.—

21 (I) IN GENERAL.—Clause (i)  
22 shall not apply with respect to the fil-  
23 ing of an action by an attorney gen-  
24 eral of a State under this paragraph  
25 if the attorney general of the State

1 determines that it is not feasible to  
2 provide the notice described in that  
3 clause before the filing of the action.

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

10 (2) INTERVENTION.—

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

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

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

20 (ii) to file a petition for appeal.

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

1 on the attorney general by the laws of that State  
2 to—

3 (A) conduct investigations;

4 (B) administer oaths or affirmations; or

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

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

16 (5) VENUE; SERVICE OF PROCESS.—

17 (A) VENUE.—Any action brought under  
18 paragraph (1) may be brought in—

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

23 (ii) a State court of competent juris-  
24 diction.

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

5 (i) is an inhabitant; or

6 (ii) may be found.

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

11 **SEC. 110. KIDS ONLINE SAFETY COUNCIL.**

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

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

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

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

25 (3) parents and youth representation;

1 (4) representatives of covered platforms;

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

8 (6) State attorneys general or their designees  
9 acting in State or local government;

10 (7) educators; and

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

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

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

18 (2) recommending measures and methods for  
19 assessing, preventing, and mitigating harms to mi-  
20 nors online;

21 (3) identifying specific design features and rec-  
22 ommending best practices to promote the health and  
23 safety of minors;

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

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

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

13 **SEC. 111. EFFECTIVE DATE.**

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

17 **SEC. 112. RULES OF CONSTRUCTION AND OTHER MATTERS.**

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

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

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

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

7           (b) PROTECTIONS FOR PRIVACY.—Nothing in this  
8           title shall be construed to require—

9           (1) the affirmative collection of any personal  
10          data with respect to the age of users that a covered  
11          platform is not already collecting in the normal  
12          course of business; or

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

15          (c) COMPLIANCE.—Nothing in this title shall be con-  
16          strued to restrict a covered platform’s ability to—

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

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

24          (3) prevent, detect, protect against, or respond  
25          to security incidents, identity theft, fraud, harass-



1       ment, malicious or deceptive activities, or any illegal  
2       activity; preserve the integrity or security of sys-  
3       tems; or investigate, report, or prosecute those re-  
4       sponsible for any such action; or

5           (4) investigate, establish, exercise, respond to,  
6       or defend against legal claims.

7       (d) APPLICATION TO VIDEO STREAMING SERV-  
8       ICES.—A video streaming service shall be deemed to be  
9       in compliance with this title if it predominantly consists  
10      of news, sports, entertainment, or other video program-  
11      ming content that is preselected by the provider and not  
12      user-generated, and—

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

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

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

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

1 (C) to provide an individual that the serv-  
2 ice knows is a minor with readily-accessible and  
3 easy-to-use options to delete an account held by  
4 the minor on the service, or, in the case of a  
5 service that allows a parent to create a profile  
6 for a minor, to allow a parent to delete the mi-  
7 nor's profile;

8 (D) for a parent to manage a minor's ac-  
9 count settings, and restrict purchases and fi-  
10 nancial transactions by a minor, where applica-  
11 ble;

12 (E) to provide an electronic point of con-  
13 tact specific to matters described in this para-  
14 graph;

15 (F) to offer a clear, conspicuous, and easy-  
16 to-understand notice of its policies and prac-  
17 tices with respect the capabilities described in  
18 this paragraph; and

19 (G) when providing on-demand content, to  
20 employ measures that safeguard against serving  
21 advertising for narcotic drugs (as defined in  
22 section 102 of the Controlled Substances Act  
23 (21 U.S.C. 802)), tobacco products, gambling,  
24 or alcohol directly to the account or profile of  
25 an individual that the service knows is a minor.

1 **SEC. 113. SEVERABILITY.**

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

6 **TITLE II—FILTER BUBBLE**  
7 **TRANSPARENCY**

8 **SEC. 201. DEFINITIONS.**

9 In this title:

10 (1) **ALGORITHMIC RANKING SYSTEM.**—The  
11 term “algorithmic ranking system” means a com-  
12 putational process, including one derived from algo-  
13 rithmic decision-making, machine learning, statis-  
14 tical analysis, or other data processing or artificial  
15 intelligence techniques, used to determine the selec-  
16 tion, order, relative prioritization, or relative promi-  
17 nence of content from a set of information that is  
18 provided to a user on an online platform, including  
19 the ranking of search results, the provision of con-  
20 tent recommendations, the display of social media  
21 posts, or any other method of automated content se-  
22 lection.

23 (2) **APPROXIMATE GEOLOCATION INFORMA-**  
24 **TION.**—The term “approximate geolocation informa-  
25 tion” means information that identifies the location

1 of an individual, but with a precision of less than 5  
2 miles.

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

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

7 (A) is capable of connecting to the inter-  
8 net, either directly or indirectly through a net-  
9 work, to communicate information at the direc-  
10 tion of an individual;

11 (B) has computer processing capabilities  
12 for collecting, sending, receiving, or analyzing  
13 data; and

14 (C) is primarily designed for or marketed  
15 to consumers.

16 (5) INPUT-TRANSPARENT ALGORITHM.—

17 (A) IN GENERAL.—The term “input-trans-  
18 parent algorithm” means an algorithmic rank-  
19 ing system that does not use the user-specific  
20 data of a user to determine the selection, order,  
21 relative prioritization, or relative prominence of  
22 information that is furnished to such user on  
23 an online platform, unless the user-specific data  
24 is expressly provided to the platform by the  
25 user for such purpose.

1 (B) DATA EXPRESSLY PROVIDED TO THE  
2 PLATFORM.—For purposes of subparagraph  
3 (A), user-specific data that is provided by a  
4 user for the express purpose of determining the  
5 selection, order, relative prioritization, or rel-  
6 ative prominence of information that is fur-  
7 nished to such user on an online platform—

8 (i) shall include user-supplied search  
9 terms, filters, speech patterns (if provided  
10 for the purpose of enabling the platform to  
11 accept spoken input or selecting the lan-  
12 guage in which the user interacts with the  
13 platform), saved preferences, the resump-  
14 tion of a previous search, and the current  
15 precise geolocation information that is sup-  
16 plied by the user;

17 (ii) shall include the user's current ap-  
18 proximate geolocation information;

19 (iii) shall include data submitted to  
20 the platform by the user that expresses the  
21 user's desire to receive particular informa-  
22 tion, such as the social media profiles the  
23 user follows, the video channels the user  
24 subscribes to, or other content or sources

1 of content on the platform the user has se-  
2 lected;

3 (iv) shall not include the history of  
4 the user's connected device, including the  
5 user's history of web searches and brows-  
6 ing, previous geographical locations, phys-  
7 ical activity, device interaction, and finan-  
8 cial transactions; and

9 (v) shall not include inferences about  
10 the user or the user's connected device,  
11 without regard to whether such inferences  
12 are based on data described in clause (i) or  
13 (iii).

14 (6) ONLINE PLATFORM.—

15 (A) IN GENERAL.—The term “online plat-  
16 form” means any public-facing website, online  
17 service, online application, or mobile application  
18 that predominantly provides a community  
19 forum for user-generated content.

20 (B) INCLUSIONS.—Such term includes  
21 sharing videos, images, games, audio files, or  
22 other content, including a social media service,  
23 social network, or virtual reality environment.

24 (C) EXCLUSIONS.—Such term does not in-  
25 clude—

1 (i) chats, comments, or other inter-  
2 active functionalities of the community  
3 forum that is incidental to the predomi-  
4 nant purpose of the website, online service,  
5 online application, or mobile application; or

6 (ii) a product or service that primarily  
7 serves to facilitate the sale or provision of  
8 commercial products or professional serv-  
9 ices.

10 (7) OPAQUE ALGORITHM.—

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

19 (B) EXCEPTION FOR AGE-APPROPRIATE  
20 CONTENT FILTERS.—Such term shall not in-  
21 clude an algorithmic ranking system used by an  
22 online platform if—

23 (i) the only user-specific data (includ-  
24 ing inferences about the user) that the sys-

1           tem uses is information relating to the age  
2           of the user; and

3                   (ii) such information is only used to  
4           restrict a user's access to content on the  
5           basis that the individual is not old enough  
6           to access such content.

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

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

15 **SEC. 202. REQUIREMENT TO ALLOW USERS TO SEE**  
16                   **UNMANIPULATED CONTENT ON INTERNET**  
17                   **PLATFORMS.**

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

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

24                  (1) **IN GENERAL.**—The requirements of this  
25          subsection with respect to a person that operates an



1 online platform that uses an opaque algorithm are  
2 the following:

3 (A) The person provides notice to users of  
4 the platform—

5 (i) that the platform uses an opaque  
6 algorithm that uses user-specific data to  
7 select the content the user sees. Such no-  
8 tice shall be presented in a clear and con-  
9 spicuous manner on the platform whenever  
10 the user interacts with an opaque algo-  
11 rithm for the first time, and may be a one-  
12 time notice that can be dismissed by the  
13 user; and

14 (ii) in the terms and conditions of the  
15 online platform, in a clear, accessible, and  
16 easily comprehensible manner that is to be  
17 updated whenever the online platform  
18 makes a material change to—

19 (I) the most salient features, in-  
20 puts, and parameters used by the al-  
21 gorithm;

22 (II) how any user-specific data  
23 used by the algorithm is collected or  
24 inferred about a user of the platform,  
25 and the categories of such data;

1 (III) any options that the online  
2 platform makes available for a user of  
3 the platform to opt out or exercise op-  
4 tions under subparagraph (B), modify  
5 the profile of the user or to influence  
6 the features, inputs, or parameters  
7 used by the algorithm; and

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

16 (B) The online platform enables users to  
17 easily switch between the opaque algorithm and  
18 an input-transparent algorithm in their use of  
19 the platform.

20 (2) RULE OF CONSTRUCTION.—Nothing in this  
21 subsection shall be construed to require an online  
22 platform to disclose any information, including data  
23 or algorithms—

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

1 (B) that is confidential business informa-  
2 tion; or

3 (C) that is privileged.

4 (3) PROHIBITION ON DIFFERENTIAL PRIC-  
5 ING.—An online platform shall not deny, charge dif-  
6 ferent prices or rates for, or condition the provision  
7 of a service or product to a user based on the user’s  
8 election to use an input-transparent algorithm in  
9 their use of the platform, as provided under para-  
10 graph (1)(B).

11 (4) EXCEPTION.—A person that operates an  
12 online platform that uses an opaque algorithm shall  
13 provide the requirements described in subsection (b)  
14 to the educational agency or institution (as defined  
15 in section 444 of the General Education Provisions  
16 Act (commonly known as the “Family Educational  
17 Rights and Privacy Act of 1974”) (20 U.S.C.  
18 1232g(a)(3)), rather than to the user, when the per-  
19 son is acting on behalf of an educational agency or  
20 institution subject to a written contract that com-  
21 plies with the requirements of the Children’s Online  
22 Privacy Protection Act (15 U.S.C. 6501 et seq.) and  
23 the Family Educational Rights and Privacy Act.

24 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
25 SION.—

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

7           (2) POWERS OF COMMISSION.—

8           (A) IN GENERAL.—The Federal Trade  
9           Commission shall enforce this section in the  
10          same manner, by the same means, and with the  
11          same jurisdiction, powers, and duties as though  
12          all applicable terms and provisions of the Fed-  
13          eral Trade Commission Act (15 U.S.C. 41 et  
14          seq.) were incorporated into and made a part of  
15          this section.

16          (B) PRIVILEGES AND IMMUNITIES.—Ex-  
17          cept as provided in subparagraph (C), any per-  
18          son who violates this Act shall be subject to the  
19          penalties and entitled to the privileges and im-  
20          munities provided in the Federal Trade Com-  
21          mission Act (15 U.S.C. 41 et seq.).

22          (C) AUTHORITY PRESERVED.—Nothing in  
23          this section shall be construed to limit the au-  
24          thority of the Commission under any other pro-  
25          vision of law.

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

8 **SEC. 203. SEVERABILITY.**

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

13 **TITLE III—RELATIONSHIP TO**  
14 **STATE LAWS**

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

16 The provisions of this Act shall preempt any State  
17 law, rule, or regulation only to the extent that such State  
18 law, rule, or regulation conflicts with a provision of this  
19 Act. Nothing in this Act shall be construed to prohibit a  
20 State from enacting a law, rule, or regulation that pro-  
21 vides greater protection to minors than the protection pro-  
22 vided by the provisions of this Act.

