

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

At the end of the bill, insert the following:

1 **TITLE V—SAMMY’S LAW**

2 **SEC. 501. SHORT TITLE.**

3 This title may be cited as the “Sammy’s Law of
4 2024”.

5 **SEC. 502. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) parents and legal guardians should be em-
8 powered to use the services of third-party safety
9 software providers to protect the children of such
10 parents and legal guardians from certain harms on
11 large social media platforms; and

12 (2) dangers like cyberbullying, human traf-
13 ficking, illegal drug distribution, sexual harassment,
14 and violence perpetrated, facilitated, or exacerbated
15 through the use of certain large social media plat-
16 forms have harmed children on such platforms.

17 **SEC. 503. DEFINITIONS.**

18 In this title:

1 (1) CHILD.—The term “child” means any indi-
2 vidual under the age of 17 years who has registered
3 an account with a large social media platform.

4 (2) COMMERCE.—The term “commerce” has
5 the meaning given such term in section 4 of the
6 Federal Trade Commission Act (15 U.S.C. 44).

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

9 (4) LARGE SOCIAL MEDIA PLATFORM.—The
10 term “large social media platform”—

11 (A) means a service—

12 (i) provided through an internet
13 website or a mobile application (or both);

14 (ii) the terms of service of which do
15 not prohibit the use of the service by a
16 child;

17 (iii) with any feature or features that
18 enable a child to share images, text, or
19 video through the internet with other users
20 of the service whom such child has met,
21 identified, or become aware of solely
22 through the use of the service; and

23 (iv) that has more than 100,000,000
24 monthly global active users or generates
25 more than \$1,000,000,000 in gross rev-

1 revenue per year, adjusted yearly for inflation;

2 and

3 (B) does not include—

4 (i) a service that primarily serves—

5 (I) to facilitate—

6 (aa) the sale or provision of

7 professional services; or

8 (bb) the sale of commercial

9 products; or

10 (II) to provide news or informa-

11 tion, where the service does not offer

12 the ability for content to be sent by a

13 user directly to a child; or

14 (ii) a service that—

15 (I) has a feature that enables a

16 user who communicates directly with

17 a child through a message (including

18 a text, audio, or video message) not

19 otherwise available to other users of

20 the service to add other users to that

21 message that such child may not have

22 otherwise met, identified, or become

23 aware of solely through the use of the

24 service; and

1 (II) does not have any feature or
2 features described in subparagraph
3 (A)(iii).

4 (5) LARGE SOCIAL MEDIA PLATFORM PRO-
5 VIDER.—The term “large social media platform pro-
6 vider” means any person who, for commercial pur-
7 poses in or affecting commerce, provides, manages,
8 operates, or controls a large social media platform.

9 (6) STATE.—The term “State” means each
10 State of the United States, the District of Columbia,
11 each commonwealth, territory, or possession of the
12 United States, and each federally recognized Indian
13 Tribe.

14 (7) THIRD-PARTY SAFETY SOFTWARE PRO-
15 VIDER.—The term “third-party safety software pro-
16 vider” means any person who, for commercial pur-
17 poses in or affecting commerce, is authorized by a
18 child (if the child is 13 years of age or older) or a
19 parent or legal guardian of a child to interact with
20 a large social media platform to manage the online
21 interactions, content, or account settings of such
22 child for the sole purpose of protecting such child
23 from harm, including physical or emotional harm.

24 (8) USER DATA.—The term “user data” means
25 any information needed to have a profile on a large

1 social media platform or content on a large social
2 media platform, including images, video, audio, or
3 text, that is created by or sent to a child on or
4 through the account of such child with such plat-
5 form, but only—

6 (A) if the information or content is created
7 by or sent to such child while a delegation
8 under section 504(a) is in effect with respect to
9 the account; and

10 (B) during a 30-day period beginning on
11 the date on which the information or content is
12 created by or sent to such child.

13 **SEC. 504. PROVIDING ACCESS TO THIRD-PARTY SAFETY**
14 **SOFTWARE.**

15 (a) **DUTY OF LARGE SOCIAL MEDIA PLATFORM PRO-**
16 **VIDERS.—**

17 (1) **IN GENERAL.—**Not later than 30 days after
18 the effective date of this Act (in the case of a service
19 that is a large social media platform on such effec-
20 tive date) or not later than 30 days after a service
21 becomes a large social media platform (in the case
22 of a service that becomes a large social media plat-
23 form after such effective date), the large social
24 media platform provider shall create, maintain, and
25 make available to any third-party safety software

1 provider registered with the Commission under sub-
2 section (b)(1) a set of third-party-accessible real-
3 time application programming interfaces, including
4 any information necessary to use such interfaces, by
5 which a child (if the child is 13 years of age or
6 older) or a parent or legal guardian of a child may
7 delegate permission to the third-party safety soft-
8 ware provider to—

9 (A) manage the online interactions, con-
10 tent, and account settings of such child on the
11 large social media platform on the same terms
12 as such child; and

13 (B) initiate secure transfers of user data
14 from the large social media platform in a com-
15 monly-used and machine-readable format to the
16 third-party safety software provider, where the
17 frequency of such transfers may not be limited
18 by the large social media platform provider to
19 less than once per hour.

20 (2) REVOCATION.—Once a child or a parent or
21 legal guardian of a child makes a delegation under
22 paragraph (1), the large social media platform pro-
23 vider shall make the application programming inter-
24 faces and information described in such paragraph

1 available to the third-party safety software provider
2 on an ongoing basis until—

3 (A) the child (if the child made the delega-
4 tion) or the parent or legal guardian of such
5 child revokes the delegation;

6 (B) the child or a parent or legal guardian
7 of such child revokes or disables the registra-
8 tion of the account of such child with the large
9 social media platform;

10 (C) the third-party safety software pro-
11 vider rejects the delegation; or

12 (D) one or more of the affirmations made
13 by the third-party safety software provider
14 under subsection (b)(1)(A) is no longer true.

15 (3) SECURE TRANSFER OF USER DATA.—A
16 large social media platform provider shall establish
17 and implement reasonable policies, practices, and
18 procedures regarding the secure transfer of user
19 data pursuant to a delegation under paragraph (1)
20 from the large social media platform to a third-party
21 safety software provider in order to mitigate any
22 risks related to user data.

23 (4) DISCLOSURE.—In the case of a delegation
24 made by a child or a parent or legal guardian of a
25 child under paragraph (1) with respect to the ac-

1 count of such child with a large social media plat-
2 form, the large social media platform provider
3 shall—

4 (A) disclose to such child and (if the par-
5 ent or legal guardian made the delegation) the
6 parent or legal guardian the fact that the dele-
7 gation has been made;

8 (B) provide to such child and (if such par-
9 ent or legal guardian made the delegation) such
10 parent or legal guardian a summary of the user
11 data that is transferred to the third-party safe-
12 ty software provider; and

13 (C) update the summary provided under
14 subparagraph (B) as necessary to reflect any
15 change to the user data that is transferred to
16 the third-party safety software provider.

17 (b) REGISTRATION WITH COMMISSION.—

18 (1) THIRD-PARTY SAFETY SOFTWARE PRO-
19 VIDERS.—

20 (A) REGISTRATION.—A third-party safety
21 software provider shall register with the Com-
22 mission as a condition of accessing an applica-
23 tion programming interface and any informa-
24 tion under subsection (a). Such registration
25 shall require the third-party safety software

1 provider to affirm that the third-party safety
2 software provider—

3 (i) is a company based in the United
4 States;

5 (ii) is solely engaged in the business
6 of internet safety;

7 (iii) will use any user data obtained
8 under subsection (a) solely for the purpose
9 of protecting a child from harm;

10 (iv) will only disclose user data ob-
11 tained under subsection (a) as permitted
12 by subsection (f); and

13 (v) will disclose, in an easy-to-under-
14 stand, human-readable format, to each
15 child with respect to whose account with a
16 large social media platform the service of
17 the third-party safety software provider is
18 operating and (if a parent or legal guard-
19 ian of the child made the delegation under
20 subsection (a) with respect to the account)
21 to the parent or legal guardian, sufficient
22 information detailing the operation of the
23 service and what information the third-
24 party safety software provider is collecting
25 to enable such child and (if applicable)

1 such parent or legal guardian to make in-
2 formed decisions regarding the use of the
3 service.

4 (B) NOTIFICATION OF CHANGES.—Not
5 later than 30 days after the date on which
6 there is a change to an affirmation made under
7 subparagraph (A) by a third-party safety soft-
8 ware provider that is registered under such sub-
9 paragraph, the provider shall notify the fol-
10 lowing about such change:

11 (i) The Commission.

12 (ii) Each child with respect to whose
13 account with a large social media platform
14 the service of the third-party safety soft-
15 ware provider is operating and (if a parent
16 or legal guardian of the child made the del-
17 egation under subsection (a) with respect
18 to the account) the parent or legal guard-
19 ian.

20 (C) DEREGISTRATION BY COMMISSION.—
21 The Commission shall establish a process to
22 deregister a third-party safety software provider
23 that the Commission determines—

1 (i) has violated or misrepresented the
2 affirmations made under subparagraph
3 (A); or

4 (ii) has not notified the Commission,
5 a child, or a parent or legal guardian of a
6 child of a change to such an affirmation as
7 required by subparagraph (B).

8 (D) NOTIFICATION OF
9 DEREGISTRATION.—

10 (i) NOTIFICATION OF LARGE SOCIAL
11 MEDIA PLATFORM PROVIDERS BY COMMIS-
12 SION.—If the Commission deregisters a
13 third-party safety software provider under
14 subparagraph (C), the Commission shall
15 notify each large social media platform
16 provider of—

17 (I) the deregistration of the
18 third-party safety software provider;
19 and

20 (II) the specific reason for the
21 deregistration.

22 (ii) NOTIFICATION OF CHILDREN AND
23 PARENTS OR LEGAL GUARDIANS BY LARGE
24 SOCIAL MEDIA PLATFORM PROVIDERS.—A
25 large social media platform provider that

1 receives a notification from the Commis-
2 sion under clause (i) that a third-party
3 safety software provider has been
4 deregistered by the Commission under sub-
5 paragraph (C) shall notify each child with
6 respect to whose account with the large so-
7 cial media platform the service of the
8 third-party safety software provider was
9 operating and (if a parent or legal guard-
10 ian of the child made the delegation under
11 subsection (a) with respect to the account)
12 the parent or legal guardian of—

13 (I) the deregistration of such
14 third-party safety software provider;
15 and

16 (II) the specific reason for such
17 deregistration provided by the Com-
18 mission under clause (i)(II).

19 (2) LARGE SOCIAL MEDIA PLATFORMS.—

20 (A) REGISTRATION.—Not later than 30
21 days after the effective date of this Act (in the
22 case of a service that is a large social media
23 platform on such effective date) or not later
24 than 30 days after a service becomes a large so-
25 cial media platform (in the case of a service

1 that becomes a large social media platform
2 after such effective date), the large social media
3 platform provider of the platform shall register
4 the platform with the Commission by submit-
5 ting to the Commission a statement indicating
6 that the platform is a large social media plat-
7 form.

8 (B) DEREGISTRATION BY COMMISSION.—

9 The Commission shall establish a process to
10 deregister a service registered under subpara-
11 graph (A) if the service is no longer a large so-
12 cial media platform. The Commission shall per-
13 mit the person who provides, manages, oper-
14 ates, or controls a service registered under sub-
15 paragraph (A) to submit to the Commission in-
16 formation indicating that the service is no
17 longer a large social media platform.

18 (3) PUBLIC AVAILABILITY OF REGISTRATION
19 LISTS.—The Commission shall make publicly avail-
20 able on the internet website of the Commission a list
21 of the third-party safety software providers reg-
22 istered under paragraph (1), a list of the large social
23 media platforms registered under paragraph (2), and
24 a list of the third-party safety software providers

1 deregistered by the Commission under paragraph
2 (1)(C).

3 (c) AUTHENTICATION.—Not later than 180 days
4 after the date of the enactment of this Act, the Commis-
5 sion shall issue guidance to facilitate the ability of a third-
6 party safety software provider to obtain user data or ac-
7 cess under subsection (a) in a manner that ensures that
8 a request for user data or access on behalf of a child is
9 a verifiable request.

10 (d) GUIDANCE AND CONSUMER EDUCATION.—The
11 Commission shall—

12 (1) not later than 180 days after the date of
13 the enactment of this Act, issue guidance for large
14 social media platform providers and third-party safe-
15 ty software providers regarding the maintenance of
16 reasonable safety standards to protect user data;
17 and

18 (2) educate consumers regarding the rights of
19 consumers under this title.

20 (e) INDEMNIFICATION.—In any civil action in Fed-
21 eral or State court (other than an action brought by the
22 Commission), a large social media platform provider may
23 not be held liable for damages arising out of the transfer
24 of user data to a third-party safety software provider
25 under subsection (a), if the large social media platform

1 provider has in good faith complied with the requirements
2 of this title and the guidance issued by the Commission
3 under this title.

4 (f) USER DATA DISCLOSURE.—

5 (1) PERMITTED DISCLOSURES.—A third-party
6 safety software provider may not disclose any user
7 data obtained under subsection (a) to any other per-
8 son except—

9 (A) pursuant to a lawful request from a
10 government body, including for law enforcement
11 purposes or for judicial or administrative pro-
12 ceedings by means of a court order or a court-
13 ordered warrant, a subpoena or summons
14 issued by a judicial officer, or a grand jury sub-
15 poena;

16 (B) to the extent that such disclosure is re-
17 quired by law and such disclosure complies with
18 and is limited to the relevant requirements of
19 such law;

20 (C) to the child or a parent or legal guard-
21 ian of the child who made a delegation under
22 such subsection and whose data is at issue, with
23 such third-party safety software provider mak-
24 ing a good faith effort to ensure that such dis-
25 closure includes only the user data necessary

1 for a reasonable parent or caregiver to under-
2 stand that such child is experiencing (or is at
3 foreseeable risk to experience) the following
4 harms—

- 5 (i) suicide;
- 6 (ii) anxiety;
- 7 (iii) depression;
- 8 (iv) eating disorders;
- 9 (v) violence, including being the victim
10 of or planning to commit or facilitate as-
11 sult;
- 12 (vi) substance abuse;
- 13 (vii) fraud;
- 14 (viii) severe forms of trafficking in
15 persons (as defined in section 103 of the
16 Trafficking Victims Protection Act of 2000
17 (22 U.S.C. 7102));
- 18 (ix) sexual abuse;
- 19 (x) physical injury;
- 20 (xi) harassment;
- 21 (xii) sexually explicit conduct or child
22 pornography (as defined in section 2256 of
23 title 18, United States Code);
- 24 (xiii) terrorism (as defined in section
25 140(d) of the Foreign Relations Authoriza-

1 tion Act, Fiscal Years 1988 and 1989 (22
2 U.S.C. 2656f(d)), including communica-
3 tions with or in support of a foreign ter-
4 rorist organization (as designated by the
5 Secretary of State under section 219(a) of
6 the Immigration and Nationality Act (8
7 U.S.C. 1189(a));

8 (xiv) academic dishonesty, including
9 cheating, plagiarism, and other forms of
10 academic dishonesty that are intended to
11 gain an unfair academic advantage; and

12 (xv) sharing personal information,
13 limited to—

14 (I) home address;

15 (II) phone number;

16 (III) social security number; and

17 (IV) personal banking informa-
18 tion;

19 (D) in the case of a reasonably foreseeable
20 serious and imminent threat to the health or
21 safety of any individual, if the disclosure is
22 made to a person or persons reasonably able to
23 prevent or lessen the threat; or

1 (E) to a public health authority or other
2 appropriate government authority authorized by
3 law to receive reports of child abuse or neglect.

4 (2) DISCLOSURE REPORTING.—A third-party
5 safety software provider that makes a disclosure per-
6 mitted by paragraph (1)(A), (1)(B), (1)(D), or
7 (1)(E) shall promptly inform the child with respect
8 to whose account with a large social media platform
9 the delegation was made under subsection (a) and
10 (if a parent or legal guardian of the child made the
11 delegation) the parent or legal guardian that such a
12 disclosure has been or will be made, except if—

13 (A) the third-party safety software pro-
14 vider, in the exercise of professional judgment,
15 believes informing such child or parent or legal
16 guardian would place such child at risk of seri-
17 ous harm; or

18 (B) the third-party safety software pro-
19 vider is prohibited by law (including a valid
20 order by a court or administrative body) from
21 informing such child or parent or legal guard-
22 ian.

23 **SEC. 505. IMPLEMENTATION AND ENFORCEMENT.**

24 (a) ENFORCEMENT.—

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

7 (2) POWERS OF COMMISSION.—

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

15 (B) PRIVILEGES AND IMMUNITIES.—Any
16 person who violates this title shall be subject to
17 the penalties and entitled to the privileges and
18 immunities provided in the Federal Trade Com-
19 mission Act (15 U.S.C. 41 et seq.).

20 (3) PRESERVATION OF AUTHORITY.—Nothing
21 in this title may be construed to limit the authority
22 of the Commission under any other provision of law.

23 (b) FTC GUIDANCE.—Not later than 180 days after
24 the date of the enactment of this Act, the Commission
25 shall issue guidance to assist large social media platform

1 providers and third-party safety software providers in
2 complying with this title.

3 (c) COMPLIANCE ASSESSMENT.—The Commission,
4 on a biannual basis, shall assess compliance by large social
5 media platform providers and third-party safety software
6 providers with the provisions of this title.

7 (d) COMPLAINTS.—The Commission shall establish
8 procedures under which a child, or the parent or legal
9 guardian of such child, a large social media platform pro-
10 vider, or a third-party safety software provider may file
11 a complaint alleging that a large social media platform
12 provider or a third-party safety software provider has vio-
13 lated this title.

14 **SEC. 506. ONE NATIONAL STANDARD.**

15 (a) IN GENERAL.—No State or political subdivision
16 of a State may maintain, enforce, prescribe, or continue
17 in effect any law, rule, regulation, requirement, standard,
18 or other provision having the force and effect of law of
19 the State, or political subdivision of a State, related to
20 requiring large social media platform providers to create,
21 maintain, and make available to third-party safety soft-
22 ware providers a set of real-time application programming
23 interfaces, through which a child or a parent or legal
24 guardian of a child may delegate permission to a third-
25 party safety software provider to manage the online inter-

1 actions, content, and account settings of such child on a
2 large social media platform on the same terms as such
3 child.

4 (b) RULE OF CONSTRUCTION.—This section may not
5 be construed to—

6 (1) limit the enforcement of any consumer pro-
7 tection law of a State or political subdivision of a
8 State;

9 (2) preempt the applicability of State trespass,
10 contract, or tort law; or

11 (3) preempt the applicability of any State law
12 to the extent that the law relates to acts of fraud,
13 unauthorized access to personal information, or noti-
14 fication of unauthorized access to personal informa-
15 tion.

16 **SEC. 507. EFFECTIVE DATE.**

17 This title shall take effect on the date on which the
18 Commission issues guidance under section 505(b).

