

AMENDMENT TO H.R. 633

OFFERED BY MS. CASTOR OF FLORIDA

Page 1, insert after line 7, the following:

1 **TITLE I—TAKE IT DOWN ACT**

Page 2, line 1, strike “2” and insert “102”.

Page 14, line 9, strike “3” and insert “103”.

Page 18, line 15, strike “this Act” and insert “this title”.

Page 19, line 3, strike “4” and insert “104”.

Page 19, line 4, strike “this Act” and insert “this title”.

Page 21, line 1, strike “5” and insert “105”.

Page 21, lines 2 through 5, strike “this Act” each place it appears and insert “this title”.

Add at the end the following:

1 **TITLE II—KEEPING KIDS SAFE**
2 **ONLINE**

3 **SEC. 2. SHORT TITLE.**

4 This title may be cited as the “Kids Online Safety
5 and Privacy Act”.

6 **Subtitle A—Kids Online Safety**

7 **SEC. 201. DEFINITIONS.**

8 In this subtitle:

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

11 (2) COMPULSIVE USAGE.—The term “compul-
12 sive usage” means any response stimulated by exter-
13 nal factors that causes an individual to engage in re-
14 petitive behavior reasonably likely to cause psycho-
15 logical distress.

16 (3) COVERED PLATFORM.—

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

23 (B) EXCEPTIONS.—The term “covered
24 platform” does not include—

1 (i) an entity acting in its capacity as
2 a provider of—

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

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

13 (III) an email service;

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

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

23 (bb) the real-time commu-
24 nication is initiated by using a

1 unique link or identifier to facili-
2 tate access; or

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

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

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

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

4 (v) a news or sports coverage website
5 or app where—

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

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

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

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

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

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

3 (A) infinite scrolling or auto play;

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

6 (C) notifications;

7 (D) personalized recommendation systems;

8 (E) in-game purchases; or

9 (F) appearance altering filters.

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

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

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

22 (8) MICROTRANSACTION.—

23 (A) IN GENERAL.—The term “microtrans-
24 action” means a purchase made in an online
25 video game (including a purchase made using a

1 virtual currency that is purchasable or redeem-
2 able using cash or credit or that is included as
3 part of a paid subscription service).

4 (B) INCLUSIONS.—Such term includes a
5 purchase involving surprise mechanics, new
6 characters, or in-game items.

7 (C) EXCLUSIONS.—Such term does not in-
8 clude—

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

15 (ii) a purchase of additional levels
16 within the game or an overall expansion of
17 the game.

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

20 (10) ONLINE PLATFORM.—The term “online
21 platform” means any public-facing website, online
22 service, online application, or mobile application that
23 predominantly provides a community forum for user
24 generated content, such as sharing videos, images,
25 games, audio files, or other content, including a so-

1 cial media service, social network, or virtual reality
2 environment.

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

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

12 (B) engage in microtransactions within the
13 game; or

14 (C) communicate with other users.

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

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

24 (14) PERSONALIZED RECOMMENDATION SYS-
25 TEM.—The term “personalized recommendation sys-

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

9 (15) SEXUAL EXPLOITATION AND ABUSE.—The
10 term “sexual exploitation and abuse” means any of
11 the following:

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

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

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

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

23 (16) USER.—The term “user” means, with re-
24 spect to a covered platform, an individual who reg-

1 isters an account or creates a profile on the covered
2 platform.

3 **SEC. 202. DUTY OF CARE.**

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

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

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

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

16 (4) Sexual exploitation and abuse of minors.

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

21 (6) Predatory, unfair, or deceptive marketing
22 practices, or other financial harms.

23 (b) LIMITATION.—Nothing in subsection (a) shall be
24 construed to require a covered platform to prevent or pre-
25 clude any minor from—

1 (1) deliberately and independently searching
2 for, or specifically requesting, content; or

3 (2) accessing resources and information regard-
4 ing the prevention or mitigation of the harms de-
5 scribed in subsection (a).

6 **SEC. 203. SAFEGUARDS FOR MINORS.**

7 (a) SAFEGUARDS FOR MINORS.—

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

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

14 (B) prevent other users or visitors, wheth-
15 er registered or not, from viewing the minor's
16 personal data collected by or shared on the cov-
17 ered platform, in particular restricting public
18 access to personal data;

19 (C) limit design features that encourage or
20 increase the frequency, time spent, or activity of
21 minors on the covered platform, such as infinite
22 scrolling, auto playing, rewards for time spent
23 on the platform, notifications, and other design
24 features that result in compulsive usage of the
25 covered platform by the minor;

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

4 (i) opt out of such personalized rec-
5 ommendation systems, while still allowing
6 the display of content based on a chrono-
7 logical format; or

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

10 (E) restrict the sharing of the geolocation
11 of the minor and provide notice regarding the
12 tracking of the minor's geolocation.

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

18 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-
19 NORS.—A covered platform shall provide that, in the
20 case of a user or visitor that the platform knows is
21 a minor, the default setting for any safeguard de-
22 scribed under paragraph (1) shall be the option
23 available on the platform that provides the most pro-
24 tective level of control that is offered by the platform
25 over privacy and safety for that user or visitor.

1 (b) PARENTAL TOOLS.—

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

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

8 (A) the ability to manage a minor’s privacy
9 and account settings, including the safeguards
10 and options established under subsection (a), in
11 a manner that allows parents to—

12 (i) view the privacy and account set-
13 tings; and

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

17 (B) the ability to restrict purchases and fi-
18 nancial transactions by the minor, where appli-
19 cable; and

20 (C) the ability to view metrics of total time
21 spent on the covered platform and restrict time
22 spent on the covered platform by the minor.

23 (3) NOTICE TO MINORS.—A covered platform
24 shall provide clear and conspicuous notice to a user

1 when the tools described in this subsection are in ef-
2 fect and what settings or controls have been applied.

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

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

17 (c) REPORTING MECHANISM.—

18 (1) REPORTS SUBMITTED BY PARENTS, MI-
19 NORS, AND SCHOOLS.—A covered platform shall pro-
20 vide—

21 (A) a readily-accessible and easy-to-use
22 means to submit reports to the covered plat-
23 form of harms to a minor;

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

1 (C) confirmation of the receipt of such a
2 report and, within the applicable time period
3 described in paragraph (2), a substantive re-
4 sponse to the individual that submitted the re-
5 port.

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

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

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

19 (C) notwithstanding subparagraphs (A)
20 and (B), if the report involves an imminent
21 threat to the safety of a minor, as promptly as
22 needed to address the reported threat to safety.

23 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-
24 ered platform shall not facilitate the advertising of nar-
25 cotic drugs (as defined in section 102 of the Controlled

1 Substances Act (21 U.S.C. 802)), tobacco products, gam-
2 bling, or alcohol to an individual that the covered platform
3 knows is a minor.

4 (e) RULES OF APPLICATION.—

5 (1) ACCESSIBILITY.—With respect to safe-
6 guards and parental tools described under sub-
7 sections (a) and (b), a covered platform shall pro-
8 vide—

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

16 (B) readily-accessible and easy-to-use con-
17 trols to enable or disable safeguards or parental
18 tools, as appropriate; and

19 (C) information and control options in the
20 same language, form, and manner as the cov-
21 ered platform provides the product or service
22 used by minors and their parents.

23 (2) DARK PATTERNS PROHIBITION.—It shall be
24 unlawful for any covered platform to design, modify,
25 or manipulate a user interface of a covered platform

1 with the purpose or substantial effect of subverting
2 or impairing user autonomy, decision-making, or
3 choice with respect to safeguards or parental tools
4 required under this section.

5 (3) TIMING CONSIDERATIONS.—

6 (A) NO INTERRUPTION TO GAMEPLAY.—

7 Subsections (a)(1)(C) and (b)(3) shall not re-
8 quire an online video game to interrupt the nat-
9 ural sequence of game play, such as progressing
10 through game levels or finishing a competition.

11 (B) APPLICATION OF CHANGES TO OFF-

12 LINE DEVICES OR ACCOUNTS.—If a user's de-
13 vice or user account does not have access to the
14 internet at the time of a change to parental
15 tools, a covered platform shall apply changes
16 the next time the device or user is connected to
17 the internet.

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

20 (A) prevent a covered platform from taking
21 reasonable measures to—

22 (i) block, detect, or prevent the dis-
23 tribution of unlawful, obscene, or other
24 harmful material to minors as described in
25 section 202(a); or

1 (ii) block or filter spam, prevent
2 criminal activity, or protect the security of
3 a platform or service;

4 (B) require the disclosure of a minor's
5 browsing behavior, search history, messages,
6 contact list, or other content or metadata of
7 their communications;

8 (C) prevent a covered platform from using
9 a personalized recommendation system to dis-
10 play content to a minor if the system only uses
11 information on—

12 (i) the language spoken by the minor;

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

14 (iii) the minor's age; or

15 (D) prevent an online video game from dis-
16 closing a username or other user identification
17 for the purpose of competitive gameplay or to
18 allow for the reporting of users.

19 (f) DEVICE OR CONSOLE CONTROLS.—

20 (1) IN GENERAL.—Nothing in this section shall
21 be construed to prohibit a covered platform from in-
22 tegrating its products or service with, or duplicate
23 controls or tools provided by, third-party systems,
24 including operating systems or gaming consoles, to
25 meet the requirements imposed under subsections

1 (a) and (b) relating to safeguards for minors and
2 parental tools, provided that—

3 (A) the controls or tools meet such require-
4 ments; and

5 (B) the minor or parent is provided suffi-
6 cient notice of the integration and use of the
7 parental tools.

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

17 **SEC. 204. DISCLOSURE.**

18 (a) NOTICE.—

19 (1) REGISTRATION OR PURCHASE.—Prior to
20 registration or purchase of a covered platform by an
21 individual that the platform knows is a minor, the
22 platform shall provide clear, conspicuous, and easy-
23 to-understand—

1 (A) notice of the policies and practices of
2 the covered platform with respect to safeguards
3 for minors required under section 203;

4 (B) information about how to access the
5 safeguards and parental tools required under
6 section 203; and

7 (C) notice about whether the covered plat-
8 form uses or makes available to minors a prod-
9 uct, service, or design feature, including any
10 personalized recommendation system, that
11 poses any heightened risk of harm to minors.

12 (2) NOTIFICATION.—

13 (A) NOTICE AND ACKNOWLEDGMENT.—In
14 the case of an individual that a covered plat-
15 form knows is a child, the platform shall addi-
16 tionally provide information about the parental
17 tools and safeguards required under section 203
18 to a parent of the child and obtain verifiable
19 consent (as defined in section 1302(9) of the
20 Children’s Online Privacy Protection Act (15
21 U.S.C. 6501(9))) from the parent prior to the
22 initial use of the covered platform by the child.

23 (B) REASONABLE EFFORT.—A covered
24 platform shall be deemed to have satisfied the
25 requirement described in subparagraph (A) if

1 the covered platform is in compliance with the
2 requirements of the Children’s Online Privacy
3 Protection Act (15 U.S.C. 6501 et seq.) to use
4 reasonable efforts (taking into consideration
5 available technology) to provide a parent with
6 the information described in subparagraph (A)
7 and to obtain verifiable consent as required.

8 (3) CONSOLIDATED NOTICES.—For purposes of
9 this subtitle, a covered platform may consolidate the
10 process for providing information under this sub-
11 section and obtaining verifiable consent or the con-
12 sent of the minor involved (as applicable) as re-
13 quired under this subsection with its obligations to
14 provide relevant notice and obtain verifiable consent
15 under the Children’s Online Privacy Protection Act
16 (15 U.S.C. 6501 et seq.).

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

21 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A
22 covered platform that operates a personalized rec-
23 ommendation system shall set out in its terms and condi-
24 tions, in a clear, conspicuous, and easy-to-understand
25 manner—

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

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

8 (c) ADVERTISING AND MARKETING INFORMATION
9 AND LABELS.—

10 (1) INFORMATION AND LABELS.—A covered
11 platform shall provide clear, conspicuous, and easy-
12 to-understand labels and information, which can be
13 provided through a link to another web page or dis-
14 closure, to minors on advertisements regarding—

15 (A) the name of the product, service, or
16 brand and the subject matter of an advertise-
17 ment; and

18 (B) whether particular media displayed to
19 the minor is an advertisement or marketing ma-
20 terial, including disclosure of endorsements of
21 products, services, or brands made for commer-
22 cial consideration by other users of the plat-
23 form.

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

1 in complying with the requirements of this sub-
2 section, including guidance about the minimum level
3 of information and labels for the disclosures required
4 under paragraph (1).

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

10 (1) its policies and practices with respect to
11 safeguards for minors required under section 203;
12 and

13 (2) how to access the safeguards and tools re-
14 quired under section 203.

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

21 **SEC. 205. TRANSPARENCY.**

22 (a) IN GENERAL.—Subject to subsection (b), not less
23 frequently than once a year, a covered platform shall issue
24 a public report describing the reasonably foreseeable risks
25 of harms to minors and assessing the prevention and miti-

1 gation measures taken to address such risk based on an
2 independent, third-party audit conducted through reason-
3 able inspection of the covered platform.

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

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

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

15 (c) CONTENT.—

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

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

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

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

1 (i) the number of users using the cov-
2 ered platform that the platform knows to
3 be minors in the United States;

4 (ii) the median and mean amounts of
5 time spent on the platform by users known
6 to be minors in the United States who
7 have accessed the platform during the re-
8 porting year on a daily, weekly, and
9 monthly basis; and

10 (iii) the amount of content being
11 accessed by users that the platform knows
12 to be minors in the United States that is
13 in English, and the top 5 non-English lan-
14 guages used by users accessing the plat-
15 form in the United States;

16 (D) an accounting of total reports received
17 regarding, and the prevalence (which can be
18 based on scientifically valid sampling methods
19 using the content available to the covered plat-
20 form in the normal course of business) of con-
21 tent related to, the harms described in section
22 202(a), disaggregated by category of harm and
23 language, including English and the top 5 non-
24 English languages used by users accessing the

1 platform from the United States (as identified
2 under subparagraph (C)(iii)); and

3 (E) a description of any material breaches
4 of parental tools or assurances regarding mi-
5 nors, representations regarding the use of the
6 personal data of minors, and other matters re-
7 garding non-compliance with this subtitle.

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

11 (A) an assessment of the reasonably fore-
12 seeable risk of harms to minors posed by the
13 covered platform, specifically identifying those
14 physical, mental, developmental, or financial
15 harms described in section 202(a);

16 (B) a description of whether and how the
17 covered platform uses design features that en-
18 courage or increase the frequency, time spent,
19 or activity of minors on the covered platform,
20 such as infinite scrolling, auto playing, rewards
21 for time spent on the platform, notifications,
22 and other design features that result in compul-
23 sive usage of the covered platform by the minor;

24 (C) a description of whether, how, and for
25 what purpose the platform collects or processes

1 categories of personal data that may cause rea-
2 sonably foreseeable risk of harms to minors;

3 (D) an evaluation of the efficacy of safe-
4 guards for minors and parental tools under sec-
5 tion 203, and any issues in delivering such safe-
6 guards and the associated parental tools;

7 (E) an evaluation of any other relevant
8 matters of public concern over risk of harms to
9 minors associated with the use of the covered
10 platform; and

11 (F) an assessment of differences in risk of
12 harm to minors across different English and
13 non-English languages and efficacy of safe-
14 guards in those languages.

15 (3) MITIGATION.—The public reports required
16 of a covered platform under this section shall in-
17 clude, for English and the top 5 non-English lan-
18 guages used by users accessing the platform from
19 the United States (as identified under paragraph
20 (2)(C)(iii))—

21 (A) a description of the safeguards and pa-
22 rental tools available to minors and parents on
23 the covered platform;

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

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

10 (i) prevent harms to minors, including
11 adapting or removing design features or
12 addressing through parental tools;

13 (ii) provide the most protective level of
14 control over privacy and safety by default;
15 and

16 (iii) adapt recommendation systems to
17 mitigate reasonably foreseeable risk of
18 harms to minors, as described in section
19 202(a);

20 (D) a description of internal processes for
21 handling reports and automated detection
22 mechanisms for harms to minors, including the
23 rate, timeliness, and effectiveness of responses
24 under the requirement of section 203(c);

1 (E) the status of implementing prevention
2 and mitigation measures identified in prior as-
3 sessments; and

4 (F) a description of the additional meas-
5 ures to be taken by the covered platform to ad-
6 dress the circumvention of safeguards for mi-
7 nors and parental tools.

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

12 (1) take into consideration the function of per-
13 sonalized recommendation systems;

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

20 (3) conduct research based on experiences of
21 minors that use the covered platform, including re-
22 ports under section 203(c) and information provided
23 by law enforcement;

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

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

7 (6) take into consideration differences in risk of
8 reasonably foreseeable harms and effectiveness of
9 safeguards across English and non-English lan-
10 guages.

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

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

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

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

1 (f) PRIVACY SAFEGUARDS.—

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

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

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

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

23 **SEC. 206. RESEARCH ON SOCIAL MEDIA AND MINORS.**

24 (a) DEFINITIONS.—In this section:

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

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

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

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

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

23 (1) Anxiety, depression, eating disorders, and
24 suicidal behaviors.

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

4 (3) Sexual exploitation and abuse.

5 (4) Addiction-like use of social media and de-
6 sign factors that lead to unhealthy and harmful
7 overuse of social media.

8 (d) ADDITIONAL STUDY.—Not earlier than 4 years
9 after enactment, the Commission shall seek to enter into
10 a contract with the National Academy under which the
11 National Academy shall conduct an additional study and
12 report covering the matters described in subsection (c) for
13 the purposes of providing additional information, consid-
14 ering new research, and other matters.

15 (e) CONTENT OF REPORTS.— The comprehensive
16 studies and reports conducted pursuant to this section
17 shall seek to evaluate impacts and advance understanding,
18 knowledge, and remedies regarding the harms to minors
19 posed by social media and other online platforms, and may
20 include recommendations related to public policy.

21 (f) ACTIVE STUDIES.—If the National Academy is
22 engaged in any active studies on the matters described in
23 subsection (c) at the time that it enters into a contract
24 with the Commission to conduct a study under this sec-
25 tion, it may base the study to be conducted under this

1 section on the active study, so long as it otherwise incor-
2 porates the requirements of this section.

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

7 (h) ACCESS TO DATA.—

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

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

18 (3) CONFIDENTIAL ACCESS.—Notwithstanding
19 section 6(f) or 21 of the Federal Trade Commission
20 Act (15 U.S.C. 46, 57b–2), the Commission shall
21 enter in agreements with the National Academy to
22 share appropriate information received from a cov-
23 ered platform pursuant to an order under such sub-
24 section (b) for a comprehensive study under this sec-
25 tion in a confidential and secure manner, and to

1 prohibit the disclosure or sharing of such informa-
2 tion by the National Academy. Nothing in this para-
3 graph shall be construed to preclude the disclosure
4 of any such information if authorized or required by
5 any other law.

6 **SEC. 207. MARKET RESEARCH.**

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

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

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

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

24 (b) TIMING.—The Federal Trade Commission shall
25 issue such guidance not later than 18 months after the

1 date of enactment of this Act. In doing so, they shall seek
2 input from members of the public and the representatives
3 of the Kids Online Safety Council established under sec-
4 tion 211.

5 **SEC. 208. AGE VERIFICATION STUDY AND REPORT.**

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

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

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

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

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

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

1 (5) the technical feasibility, including the need
2 for potential hardware and software changes, includ-
3 ing for devices currently in commerce and owned by
4 consumers; and

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

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

16 **SEC. 209. GUIDANCE.**

17 (a) IN GENERAL.—Not later than 18 months after
18 the date of enactment of this Act, the Federal Trade Com-
19 mission, in consultation with the Kids Online Safety Coun-
20 cil established under section 211, shall issue guidance to—

21 (1) provide information and examples for cov-
22 ered platforms and auditors regarding the following,
23 with consideration given to differences across
24 English and non-English languages—

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

4 (B) safeguarding minors against the pos-
5 sible misuse of parental tools;

6 (C) best practices in providing minors and
7 parents the most protective level of control over
8 privacy and safety;

9 (D) using indicia or inferences of age of
10 users for assessing use of the covered platform
11 by minors;

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

14 (F) providing additional parental tool op-
15 tions that allow parents to address the harms
16 described in section 202(a); and

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

22 (A) de minimis user interface changes de-
23 rived from testing consumer preferences, includ-
24 ing different styles, layouts, or text, where such

1 changes are not done with the purpose of weak-
2 ening or disabling safeguards or parental tools;
3 (B) algorithms or data outputs outside the
4 control of a covered platform; and
5 (C) establishing default settings that pro-
6 vide enhanced privacy protection to users or
7 otherwise enhance their autonomy and decision-
8 making ability.

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

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

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

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

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

1 cality to the approach recommended in such
2 guidance.

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

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

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

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

19 **SEC. 210. ENFORCEMENT.**

20 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
21 SION.—

22 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of this subtitle shall be treated
24 as a violation of a rule defining an unfair or decep-
25 tive act or practice prescribed under section

1 18(a)(1)(B) of the Federal Trade Commission Act
2 (15 U.S.C. 57a(a)(1)(B)).

3 (2) POWERS OF THE COMMISSION.—

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

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

18 (3) AUTHORITY PRESERVED.—Nothing in this
19 subtitle shall be construed to limit the authority of
20 the Commission under any other provision of law.

21 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-
22 ERAL.—

23 (1) IN GENERAL.—

24 (A) CIVIL ACTIONS.—In any case in which
25 the attorney general of a State has reason to

1 believe that a covered platform has violated or
2 is violating section 203, 204, or 205, the State,
3 as *parens patriae*, may bring a civil action on
4 behalf of the residents of the State in a district
5 court of the United States or a State court of
6 appropriate jurisdiction to—

7 (i) enjoin any practice that violates
8 section 203, 204, or 205;

9 (ii) enforce compliance with section
10 203, 204, or 205;

11 (iii) on behalf of residents of the
12 State, obtain damages, restitution, or other
13 compensation, each of which shall be dis-
14 tributed in accordance with State law; or

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

17 (B) NOTICE.—

18 (i) IN GENERAL.—Before filing an ac-
19 tion under subparagraph (A), the attorney
20 general of the State involved shall provide
21 to the Commission—

22 (I) written notice of that action;
23 and

24 (II) a copy of the complaint for
25 that action.

1 (ii) EXEMPTION.—

2 (I) IN GENERAL.—Clause (i)
3 shall not apply with respect to the fil-
4 ing of an action by an attorney gen-
5 eral of a State under this paragraph
6 if the attorney general of the State
7 determines that it is not feasible to
8 provide the notice described in that
9 clause before the filing of the action.

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

16 (2) INTERVENTION.—

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

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

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

1 (ii) to file a petition for appeal.

2 (3) CONSTRUCTION.—For purposes of bringing
3 any civil action under paragraph (1), nothing in this
4 subtitle shall be construed to prevent an attorney
5 general of a State from exercising the powers con-
6 ferred on the attorney general by the laws of that
7 State to—

8 (A) conduct investigations;

9 (B) administer oaths or affirmations; or

10 (C) compel the attendance of witnesses or
11 the production of documentary and other evi-
12 dence.

13 (4) ACTIONS BY THE COMMISSION.—In any
14 case in which an action is instituted by or on behalf
15 of the Commission for violation of this subtitle, no
16 State may, during the pendency of that action, insti-
17 tute a separate action under paragraph (1) against
18 any defendant named in the complaint in the action
19 instituted by or on behalf of the Commission for
20 that violation.

21 (5) VENUE; SERVICE OF PROCESS.—

22 (A) VENUE.—Any action brought under
23 paragraph (1) may be brought in—

24 (i) the district court of the United
25 States that meets applicable requirements

1 relating to venue under section 1391 of
2 title 28, United States Code; or

3 (ii) a State court of competent juris-
4 diction.

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

9 (i) is an inhabitant; or

10 (ii) may be found.

11 (6) LIMITATION.—A violation of section 202
12 shall not form the basis of liability in any action
13 brought by the attorney general of a State under a
14 State law.

15 **SEC. 211. KIDS ONLINE SAFETY COUNCIL.**

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

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

23 (1) academic experts, health professionals, and
24 members of civil society with expertise in mental

1 health, substance use disorders, and the prevention
2 of harms to minors;

3 (2) representatives in academia and civil society
4 with specific expertise in privacy, free expression, ac-
5 cess to information, and civil liberties;

6 (3) parents and youth representation;

7 (4) representatives of covered platforms;

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

14 (6) State attorneys general or their designees
15 acting in State or local government;

16 (7) educators; and

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

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

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

1 (2) recommending measures and methods for
2 assessing, preventing, and mitigating harms to mi-
3 nors online;

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

7 (4) recommending best practices and clear, con-
8 sensus-based technical standards for transparency
9 reports and audits, as required under this subtitle,
10 including methods, criteria, and scope to promote
11 overall accountability.

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

16 **SEC. 212. EFFECTIVE DATE.**

17 Except as otherwise provided in this subtitle, this
18 subtitle shall take effect on the date that is 18 months
19 after the date of enactment of this Act.

20 **SEC. 213. RULES OF CONSTRUCTION AND OTHER MATTERS.**

21 (a) RELATIONSHIP TO OTHER LAWS.—Nothing in
22 this subtitle shall be construed to—

23 (1) preempt section 444 of the General Edu-
24 cation Provisions Act (20 U.S.C. 1232g, commonly
25 known as the “Family Educational Rights and Pri-

1 vacy Act of 1974”) or other Federal or State laws
2 governing student privacy;

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

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

9 (4) expand or limit the scope of section 230 of
10 the Communications Act of 1934 (commonly known
11 as “section 230 of the Communications Decency Act
12 of 1996”) (47 U.S.C. 230).

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

1 (c) PROTECTIONS FOR PRIVACY.—Nothing in this
2 subtitle, including a determination described in subsection
3 (b), shall be construed to require—

4 (1) the affirmative collection of any personal
5 data with respect to the age of users that a covered
6 platform is not already collecting in the normal
7 course of business; or

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

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

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

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

19 (3) investigate, establish, exercise, respond to,
20 or defend against legal claims.

21 (e) APPLICATION TO VIDEO STREAMING SERVICES.—
22 A video streaming service shall be deemed to be in compli-
23 ance with this subtitle if it predominantly consists of news,
24 sports, entertainment, or other video programming con-

1 tent that is preselected by the provider and not user-gen-
2 erated, and—

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

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

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

11 (B) to limit the automatic playing of on-
12 demand content selected by a personalized rec-
13 ommendation system for an individual that the
14 service knows is a minor;

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

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

22 (E) to offer a clear, conspicuous, and easy-
23 to-understand notice of its policies and prac-
24 tices with respect to the capabilities described
25 in this paragraph; and

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

8 **Subtitle B—Relationship to State**
9 **Laws; Severability**

10 **SEC. 230. RELATIONSHIP TO STATE LAWS.**

11 The provisions of this title shall preempt any State
12 law, rule, or regulation only to the extent that such State
13 law, rule, or regulation conflicts with a provision of this
14 title. Nothing in this title shall be construed to prohibit
15 a State from enacting a law, rule, or regulation that pro-
16 vides greater protection to minors than the protection pro-
17 vided by the provisions of this title.

18 **SEC. 231. SEVERABILITY.**

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

