

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 6484
OFFERED BY MS. CASTOR 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.

TITLE II—FILTER BUBBLE TRANSPARENCY

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

TITLE III—RELATIONSHIP TO STATE LAWS; SEVERABILITY

- Sec. 301. Relationship to State laws.
- Sec. 302. Severability.

1 **TITLE I—KIDS ONLINE SAFETY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) CHILD.—The term “child” means an individual who is under the age of 13.

6 (2) COMPULSIVE USAGE.—The term “compulsive usage” means a persistent and repetitive use of a covered platform that significantly impacts one or more major life activities of an individual, including socializing, sleeping, eating, learning, reading, concentrating, communicating, or working.

12 (3) COVERED PLATFORM.—

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

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

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

23 (I) a common carrier service subject to the Communications Act of 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; and

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

20 (V) a wireless messaging service,
21 including such a service provided
22 through short messaging service or
23 multimedia messaging service proto-
24 cols, that is not a component of, or
25 linked to, an online platform and

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

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

12 (iii) any public or private—

(I) early childhood education program or preschool that provides for the care, development, and education of infants, toddlers, or young children who are not yet enrolled in kindergarten;

19 (II) elementary school (as defined
20 in section 8101 of the Elementary and
21 Secondary Education Act of 1965 (20
22 U.S.C. 7801)) or secondary school (as
23 so defined);

24 (III) school providing career and
25 technical education (as defined in sec-

4 (IV) school providing adult edu-
5 cation and literacy activities (as de-
6 fined in section 203 of the Adult Edu-
7 cation and Family Literacy Act (29
8 U.S.C. 3272)); or

9 (V) institution of higher edu-
10 cation (as defined in section 101, and
11 subparagraphs (A) and (B) of section
12 102(a)(1), of the Higher Education
13 Act of 1965 (20 U.S.C. 1001,
14 1002(a)(1)));

15 (iv) a library (as defined in section
16 213 of the Library Services and Tech-
17 nology Act (20 U.S.C. 9122));

18 (v) a news or sports coverage website
19 or app where—

20 (I) the inclusion of video content
21 on the website or app is related to the
22 website or app's own gathering, re-
23 porting, or publishing of news content
24 or sports coverage; and

1 (II) the website or app is not
2 otherwise an online platform;
3 (vi) a product or service that pri-
4 marily functions as business-to-business
5 software, such as a cloud storage, file shar-
6 ing, or file collaboration service;
7 (vii) a virtual private network or simi-
8 lar service that exists predominantly to
9 route internet traffic between locations; or
10 (viii) a government entity with a .gov
11 internet domain (as described in section
12 2215 of the Homeland Security Act of
13 2002 (6 U.S.C. 665)).

20 (A) infinite scrolling or auto play;

21 (B) rewards or incentives based on the fre-

22 quency, time spent, or activity of minors on the

23 covered platform;

24 (C) notifications and push alerts;

1 (D) badges or other visual award symbols
2 based on the frequency, time spent, or activity
3 of minors on the covered platform;

- 4 (E) personalized design features;
- 5 (F) in-game purchases; or
- 6 (G) appearance altering filters.

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

16 (7) MICROTRANSACTION.—

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

23 (B) INCLUSIONS.—Such term includes a
24 purchase involving surprise mechanics, new
25 characters, or in-game items.

1 (C) EXCLUSIONS.—Such term does not in-
2 clude—

3 (i) a purchase made in an online video
4 game using a virtual currency that is
5 earned through gameplay and is not other-
6 wise purchasable or redeemable using cash
7 or credit or included as part of a paid sub-
8 scription service; or

9 (ii) a purchase of additional levels
10 within the game or an overall expansion of
11 the game.

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

18 (10) ONLINE PLATFORM.—

19 (A) IN GENERAL.—The term “online plat-
20 form” means any public-facing website, online
21 service, online application, or mobile application
22 that predominantly provides a community
23 forum for user-generated content, such as shar-
24 ing videos, images, games, audio files, or other

1 content, including a social media service, social
2 network, or virtual reality environment.

3 (B) INCIDENTAL CHAT FUNCTIONS.—A
4 website, online service, online application, or
5 mobile application is not an online platform
6 solely on the basis that it includes a chat, com-
7 ment, or other interactive function that is inci-
8 dental to its predominant purpose.

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

13 (A) create and upload content other than
14 content that is incidental to gameplay, such as
15 character or level designs created by the user,
16 preselected phrases, or short interactions with
17 other users;

18 (B) engage in microtransactions within the
19 game; or

20 (C) communicate with other users.

21 (12) PARENT.—The term “parent” includes a
22 legal guardian.

23 (13) PERSONAL DATA.—The term “personal
24 data” has the same meaning as the term “personal
25 information” as defined in section 1302 of the Chil-

1 Children's Online Privacy Protection Act (15 U.S.C.
2 6501).

(15) PERSONALIZED RECOMMENDATION SYSTEM.—The term “personalized recommendation system” means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the personal data of users. A recommendation system that suggests, promotes, or ranks content based solely on the user’s language, city or town, or age shall not be considered a personalized recommendation system.

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

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

(B) Child sexual abuse material, as described in sections 2251, 2252, 2252A, and 2260 of title 18, United States Code.

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

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

19 SEC. 102. DUTY OF CARE.

20 (a) PREVENTION OF HARM TO MINORS.—A covered
21 platform shall exercise reasonable care in the creation and
22 implementation of any design feature to prevent and miti-
23 gate the following harms to minors where a reasonable and
24 prudent person would agree that such harms were reason-
25 ably foreseeable by the covered platform and would agree

1 that the design feature is a contributing factor to such
2 harms:

3 (1) Eating disorders, substance use disorders,
4 and suicidal behaviors.

5 (2) Depressive disorders and anxiety disorders
6 when such conditions have objectively verifiable and
7 clinically diagnosable symptoms and are related to
8 compulsive usage.

9 (3) Patterns of use that indicate compulsive
10 usage.

11 (4) Physical violence or online harassment ac-
12 tivity that is so severe, pervasive, or objectively of-
13 fensive that it impacts a major life activity of a
14 minor.

15 (5) Sexual exploitation and abuse of minors.

16 (6) Distribution, sale, or use of narcotic drugs,
17 tobacco products, cannabis products, gambling, or
18 alcohol.

19 (7) Financial harms caused by unfair or decep-
20 tive acts or practices (as defined in section 5(a)(4)
21 of the Federal Trade Commission Act (15 U.S.C.
22 45(a)(4))).

23 (b) RULES OF CONSTRUCTION.—

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

(B) accessing resources and information regarding the prevention or mitigation of the harms described in subsection (a).

15 SEC. 103. SAFEGUARDS FOR MINORS.

16 (a) SAFEGUARDS FOR MINORS.—

21 (A) limit the ability of other users or visitors to communicate with the minor;

22

23 (B) prevent other users or visitors, whether registered or not, from viewing the minor's
24 personal data collected by or shared on the cov-
25

1 ered platform, in particular restricting public
2 access to personal data;

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

11 (D) control personalized recommendation
12 systems, including the ability for a minor to
13 have—

14 (i) a prominently displayed option to
15 opt out of such personalized recommenda-
16 tion systems, while still allowing the dis-
17 play of content based on a chronological
18 format; and

19 (ii) a prominently displayed option to
20 limit types or categories of recommenda-
21 tions from such systems; and

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

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

15 (b) PARENTAL TOOLS.—

24 (A) the ability to manage a minor's privacy
25 and account settings, including the safeguards

1 and options established under subsection (a), in
2 a manner that allows parents to—

3 (i) view the privacy and account set-
4 tings; and

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

11 (C) the ability to view metrics of total time
12 spent on the covered platform and restrict time
13 spent on the covered platform by the minor.

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

22 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
23 prior to the effective date of this subsection, a cov-
24 ered platform provided a parent of a user that the
25 platform knows is a child with notice and the ability

1 to enable the parental tools described under this
2 subsection in a manner that would otherwise comply
3 with this subsection, and the parent opted out of en-
4 abling such tools, the covered platform is not re-
5 quired to enable such tools with respect to such user
6 by default when this subsection takes effect.

7 (c) REPORTING MECHANISM.—

8 (1) REPORTING TOOLS.—A covered platform
9 shall provide—

10 (A) a readily accessible and easy-to-use
11 means for users and visitors to submit reports
12 to the covered platform of harms to a minor on
13 the covered platform;

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

16 (C) confirmation of the receipt of such a
17 report and, within the applicable time period
18 described in paragraph (2), a substantive re-
19 sponse to the individual that submitted the re-
20 port.

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

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

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

10 (C) notwithstanding subparagraphs (A)
11 and (B), if the report involves an imminent
12 threat to the safety of a minor, as promptly as
13 needed to address the reported threat to safety.

14 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-
15 ered platform shall not facilitate the advertising of nar-
16 cotic drugs, cannabis products, tobacco products, gam-
17 bling, or alcohol to an individual that the covered platform
18 knows is a minor.

19 (e) RULES OF APPLICATION.—

24 (A) information and control options in a
25 clear and conspicuous manner that takes into

1 consideration the differing ages, capacities, and
2 developmental needs of the minors most likely
3 to access the covered platform and does not en-
4 courage minors or parents to weaken or disable
5 safeguards or parental tools;

6 (B) readily accessible and easy-to-use con-
7 trols to enable or disable safeguards or parental
8 tools, as appropriate; and

9 (C) information and control options in the
10 same language, form, and manner as the cov-
11 ered platform provides the product or service
12 used by minors and their parents.

13 (2) DARK PATTERNS PROHIBITION.—It shall be
14 unlawful for any covered platform to design, embed,
15 modify, or manipulate a user interface of a covered
16 platform with the purpose or substantial effect of
17 obscuring, subverting or impairing user autonomy,
18 decision-making, or choice with respect to safe-
19 guards or parental tools required under this section.

20 (3) TIMING CONSIDERATIONS.—

21 (A) NO INTERRUPTION TO GAMEPLAY.—
22 Subsections (a)(1)(C) and (b)(3) shall not re-
23 quire an online video game to interrupt the nat-
24 ural sequence of gameplay, such as progressing
25 through game levels or finishing a competition.

1 (B) APPLICATION OF CHANGES TO OFF-
2 LINE DEVICES OR ACCOUNTS.—If a user's de-
3 vice or user account does not have access to the
4 internet at the time of a change to parental
5 tools, a covered platform shall apply changes
6 the next time the device or user is connected to
7 the internet.

8 (f) DEVICE OR CONSOLE CONTROLS.—

9 (1) IN GENERAL.—Nothing in this section shall
10 be construed to prohibit a covered platform from in-
11 tegrating its products or service with, or duplicate
12 controls or tools provided by, third-party systems,
13 including operating systems or gaming consoles, to
14 meet the requirements imposed under subsections
15 (a) and (b) relating to safeguards for minors and
16 parental tools, provided that—

17 (A) the controls or tools meet such require-
18 ments; and

19 (B) the minor or parent is provided sufficient notice of the integration and use of the
20 parental tools.
21

22 (2) PRESERVATION OF PROTECTIONS.—In the
23 event of a conflict between the controls or tools of
24 a third-party system, including operating systems or
25 gaming consoles, and a covered platform, the cov-

1 ered platform is not required to override the controls
2 or tools of a third-party system if it would under-
3 mine the protections for minors from the safeguards
4 or parental tools imposed under subsections (a) and
5 (b).

6 (g) EXCEPTION.—A covered platform shall provide
7 the safeguards and parental tools described in subsections
8 (a) and (b) to an educational agency or institution (as de-
9 fined in section 444 of the General Education Provisions
10 Act (20 U.S.C. 1232g(a)(3))), rather than to the user or
11 visitor, when the covered platform is acting on behalf of
12 the educational agency or institution subject to a written
13 contract that complies with the requirements of the Chil-
14 dren's Online Privacy Protection Act (15 U.S.C. 6501 et
15 seq.) and the Family Educational Rights and Privacy Act
16 of 1974 (20 U.S.C. 1232g).

17 (h) RULES OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to—

19 (1) prevent a covered platform from taking rea-
20 sonable measures to—

21 (A) block, detect, or prevent the distribu-
22 tion of unlawful, obscene, or other harmful ma-
23 terial to minors as described in section 102(a);
24 or

(B) block or filter spam, prevent criminal activity, or protect the security of a platform or service;

4 (2) require the disclosure of the browsing be-
5 havior, search history, messages, contact list, or
6 other content or metadata of the communications of
7 a minor;

8 (3) prevent a covered platform from using a
9 personalized recommendation system to display con-
10 tent to a minor if the system only uses information
11 on—

12 (A) the language spoken by the minor;
13 (B) the city the minor is located in; or
14 (C) the minor's age;

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

19 (5) prevent a covered platform from contracting
20 or entering into an agreement with a third-party en-
21 tity, whose primary or exclusive function is to pro-
22 vide the safeguards or parental tools required under
23 subsections (a) and (b) or to offer similar or strong-
24 er protective capabilities for minors, to assist with

1 meeting the requirements imposed under subsections
2 (a) and (b); or
3 (6) prevent a parent or user from authorizing
4 a third-party entity described in subparagraph (5) to
5 implement such safeguards or parental tools or pro-
6 vide similar or stronger protective capabilities for
7 minors, at the choice of the parent or user.

8 **SEC. 104. DISCLOSURE.**

9 (a) NOTICE.—

10 (1) REGISTRATION OR PURCHASE.—Prior to
11 registration or purchase of a covered platform by an
12 individual that the platform knows is a minor, the
13 platform shall provide clear, conspicuous, and easy-
14 to-understand—

15 (A) notice of the policies and practices of
16 the covered platform with respect to safeguards
17 for minors;

18 (B) information about how to access the
19 safeguards and parental tools required under
20 section 103; and

21 (C) notice about how to access the infor-
22 mation on personalized recommendation sys-
23 tems required under subsection (b).

24 (2) NOTIFICATION.—

1 (A) NOTICE AND ACKNOWLEDGMENT.—In
2 the case of an individual that a covered plat-
3 form knows is a child, the platform shall pro-
4 vide information about the parental tools and
5 safeguards required under section 103 to a par-
6 ent of the child and obtain verifiable consent
7 (as defined in section 1302 of the Children's
8 Online Privacy Protection Act of 1998 (15
9 U.S.C. 6501)).

10 (B) REASONABLE EFFORT.—A covered
11 platform shall be deemed to have satisfied the
12 requirement described in subparagraph (A) if
13 the covered platform is in compliance with the
14 requirements of the Children’s Online Privacy
15 Protection Act of 1998 (15 U.S.C. 6501 et
16 seq.) to use reasonable efforts (taking into con-
17 sideration available technology) to provide a
18 parent with the information described in sub-
19 paragraph (A) and to obtain verifiable consent
20 as required.

1 quired under this subsection with the obligations of
2 the covered platform to provide relevant notice and
3 obtain verifiable consent under the Children's Online
4 Privacy Protection Act of 1998 (15 U.S.C. 6501 et
5 seq.).

6 (4) GUIDANCE.—The Federal Trade Commis-
7 sion may issue guidance to assist covered platforms
8 in complying with the specific notice requirements of
9 this subsection.

10 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A
11 covered platform that operates a personalized rec-
12 ommendation system shall set out in its terms and condi-
13 tions, in a clear, conspicuous, and easy-to-understand
14 manner—

15 (1) an overview of how each personalized rec-
16 ommendation system is used by the covered platform
17 to provide information to minors, including how such
18 systems use the personal data of minors; and

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

22 (c) ADVERTISING AND MARKETING INFORMATION
23 AND LABELS.—

24 (1) INFORMATION AND LABELS.—A covered
25 platform shall provide clear, conspicuous, and easy-

1 to-understand labels and information, which can be
2 provided through a link to another web page or dis-
3 closure, to minors on advertisements regarding—

4 (A) the name of the product, service, or
5 brand and the subject matter of an advertise-
6 ment; and

7 (B) whether particular media displayed to
8 the minor is an advertisement or marketing ma-
9 terial, including disclosure of endorsements of
10 products, services, or brands made for commer-
11 cial consideration by other users of the plat-
12 form.

13 (2) GUIDANCE.—The Federal Trade Commis-
14 sion may issue guidance to assist covered platforms
15 in complying with the requirements of this sub-
16 section, including guidance about the minimum level
17 of information and labels for the disclosures required
18 under paragraph (1).

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

24 (1) the policies and practices of the covered
25 platform with respect to safeguards for minors; and

3 (e) RESOURCES IN ADDITIONAL LANGUAGES.—A
4 covered platform shall ensure, to the extent practicable,
5 that the disclosures required by this section are made
6 available in the same language, form, and manner as the
7 covered platform provides any product or service used by
8 minors and their parents.

9 SEC. 105. TRANSPARENCY.

10 (a) IN GENERAL.—Subject to subsection (b), not less
11 frequently than once a year, a covered platform shall issue
12 a public report that addresses the matters in subsection
13 (c) based on an independent, third-party audit of the cov-
14 ered platform with a reasonable level of assurance.

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

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

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

1 (c) CONTENT.—

2 (1) TRANSPARENCY.—The public reports re-
3 quired of a covered platform under this section shall
4 include—5 (A) an assessment of the extent to which
6 the platform is likely to be accessed by minors;7 (B) a description of the commercial inter-
8 ests of the covered platform being used by mi-
9 nors;10 (C) an accounting, based on the data held
11 by the covered platform, of—12 (i) the number of users using the cov-
13 ered platform that the platform knows to
14 be minors in the United States;15 (ii) the median and mean amounts of
16 time spent on the platform by users known
17 to be minors in the United States who
18 have accessed the platform during the re-
19 porting year on a daily, weekly, and
20 monthly basis; and21 (iii) the amount of content being
22 accessed by users that the platform knows
23 to be minors in the United States that is
24 in English, and the top 5 non-English lan-

3 (D) an accounting of total reports received
4 through the reporting mechanism described in
5 section 103, disaggregated by language, includ-
6 ing English and the top 5 non-English lan-
7 guages used by users accessing the platform
8 from the United States (as identified under
9 subparagraph (C)(iii)); and

10 (E) an assessment of the safeguards and
11 parental tools under section 103, representa-
12 tions regarding the use of the personal data of
13 minors, and other matters regarding compliance
14 with this title.

17 (A) an assessment based on aggregate data
18 on the exercise of safeguards and parental tools
19 described in section 103, and other competent
20 and reliable empirical evidence;

21 (B) a description of whether and how the
22 covered platform uses design features that in-
23 crease, sustain, or extend the use of a product
24 or service by a minor;

1 (C) a description of whether, how, and for
2 what purpose the platform collects or processes
3 categories of personal data, including how per-
4 sonal data is used to operate personalized rec-
5 ommendation systems related to minors;

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

10 (E) an assessment of differences, with re-
11 spect to the matters described in subparagraphs
12 (A) through (D), across different English and
13 non-English languages and efficacy of safe-
14 guards in those languages.

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

24 (B) a description of the prevention and
25 mitigation measures a covered platform may

1 take, if any, in response to the assessments con-
2 ducted under paragraph (2), including steps
3 take to provide the most protective level of con-
4 trol over safety by default;

5 (C) a description of the processes used for
6 the creation and implementation of any design
7 feature that will be used by minors;

8 (D) a description and assessment of han-
9 dling reports under the requirement of section
10 103(c), including the rate of response, timeli-
11 ness, and substantiveness of responses; and

12 (E) the status of implementing prevention
13 and mitigation measures identified in prior as-
14 sessments.

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

19 (1) take into consideration the function of per-
20 sonalized recommendation systems;

21 (2) consult parents and youth experts, including
22 youth and families with relevant past or current ex-
23 perience, public health and mental health nonprofit
24 organizations, health and development organizations,

1 and civil society with respect to the prevention of
2 harms to minors;

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

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

10 (5) take into consideration indicia or inferences
11 of age of users, in addition to any self-declared in-
12 formation about the age of users; and

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

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

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

24 (2) provide or otherwise make available to the
25 independent third-party conducting the audit access

1 to all network, systems, and assets relevant to the
2 audit; and

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

7 (f) PRIVACY SAFEGUARDS.—

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

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

20 (3) DEFINITION OF DE-IDENTIFIED.—As used
21 in this subsection, the term “de-identified” means
22 data that does not identify and is not linked or rea-
23 sonably linkable to a device that is linked or reason-
24 ably linkable to an individual, regardless of whether
25 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) PROHIBITION OF RESEARCH ON CHILDREN.—A
6 covered platform shall not, in the case of a user or visitor
7 that the covered platform knows is a child, conduct market
8 or product-focused research on such child.

9 (b) MARKET RESEARCH ON MINORS.—A covered
10 platform may not, in the case of a user or visitor that
11 the online platform knows is a minor, conduct market or
12 product-focused research on such minor, unless the cov-
13 ered platform obtains verifiable parental consent (as de-
14 fined in section 1302 of the Children's Online Privacy Pro-
15 tection Act of 1998 (15 U.S.C. 6501)) prior to conducting
16 such research on such minor.

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

18 (a) STUDY.—The Secretary of Commerce, in coordi-
19 nation with the Federal Communications Commission and
20 the Federal Trade Commission, shall conduct a study eval-
21 uating the most technologically feasible methods and op-
22 tions for developing systems to verify age at the device
23 or operating system level.

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

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

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

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

22 (c) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the agencies described in sub-
24 section (a) shall submit a report containing the results of
25 the study conducted under such subsection to the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate and the Committee on Energy and Commerce of
3 the House of Representatives.

4 **SEC. 108. GUIDANCE.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Federal Trade Com-
7 mission shall issue guidance to—

8 (1) provide information and examples for cov-
9 ered platforms and auditors regarding the following,
10 with consideration given to differences across
11 English and non-English languages—

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

15 (B) safeguarding minors against the pos-
16 sible misuse of parental tools;

17 (C) best practices in providing minors and
18 parents the most protective level of control over
19 privacy and safety;

20 (D) using indicia or inferences of age of
21 users for assessing use of the covered platform
22 by minors;

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

(F) providing additional parental tool options that allow parents to address the harms described in section 102(a); and

4 (2) outline conduct that does not have the pur-
5 pose or substantial effect of subverting or impairing
6 user autonomy, decision-making, or choice, or of
7 causing, increasing, or encouraging compulsive usage
8 for a minor, such as—

9 (A) de minimis user interface changes de-
10 rived from testing consumer preferences, includ-
11 ing different styles, layouts, or text, where such
12 changes are not done with the purpose of weak-
13 ening or disabling safeguards or parental tools;

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

16 (C) establishing default settings that pro-
17 vide enhanced privacy protection to users or
18 otherwise enhance their autonomy and decision-
19 making ability.

20 (b) GUIDANCE ON KNOWLEDGE STANDARD.—Not
21 later than 18 months after the date of enactment of this
22 Act, the Federal Trade Commission shall issue guidance
23 to provide information, including best practices and exam-
24 ples, for covered platforms to understand how the Com-
25 mission would determine whether a covered platform “had

1 knowledge fairly implied on the basis of objective cir-
2 cumstances" for purposes of this title.

3 (c) LIMITATION ON FEDERAL TRADE COMMISSION
4 GUIDANCE.—

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

8 (A) confer any rights on any person, State,
9 or locality; or

10 (B) operate to bind the Federal Trade
11 Commission or any court, person, State, or lo-
12 cality to the approach recommended in such
13 guidance.

14 (2) USE IN ENFORCEMENT ACTIONS.—In any
15 enforcement action brought pursuant to this title,
16 the Federal Trade Commission or a State attorney
17 general, as applicable—

18 (A) shall allege a violation of a provision of
19 this title; and

20 (B) may not base such enforcement action
21 on, or execute a consent order based on, prac-
22 tices that are alleged to be inconsistent with
23 guidance issued by the Federal Trade Commis-
24 sion with respect to this title, unless the prac-

1 tices are alleged to violate a provision of this
2 title.

3 For purposes of enforcing this title, State attorneys
4 general shall take into account any guidance issued
5 by the Commission under subsection (b).

6 **SEC. 109. ENFORCEMENT.**

7 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
8 SION.—

9 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
10 TICES.—A violation of this title shall be treated as
11 a violation of a rule defining an unfair or deceptive
12 act or practice prescribed under section 18(a)(1)(B)
13 of the Federal Trade Commission Act (15 U.S.C.
14 57a(a)(1)(B)).

15 (2) POWERS OF THE COMMISSION.—

16 (A) IN GENERAL.—The Federal Trade
17 Commission (referred to in this section as the
18 “Commission”) shall enforce this title in the
19 same manner, by the same means, and with the
20 same jurisdiction, powers, and duties as though
21 all applicable terms and provisions of the Fed-
22 eral Trade Commission Act (15 U.S.C. 41 et
23 seq.) were incorporated into and made a part of
24 this title.

1 (B) PRIVILEGES AND IMMUNITIES.—Any
2 person that violates this title shall be subject to
3 the penalties, and entitled to the privileges and
4 immunities, provided in the Federal Trade
5 Commission Act (15 U.S.C. 41 et seq.).

9 (b) ENFORCEMENT BY STATE ATTORNEYS GENERAL—
10

11 (1) IN GENERAL.—

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

20 (i) enjoin any practice that violates
21 section 103, 104, or 105;

22 (ii) enforce compliance with section
23 103, 104 or 105;

24 (iii) on behalf of residents of the
25 State obtain damages, restitution, or other

1 compensation, each of which shall be dis-
2 tributed in accordance with State law; or

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

5 (B) NOTICE.—

6 (i) IN GENERAL.—Before filing an ac-
7 tion under subparagraph (A), the attorney
8 general of the State involved shall provide
9 to the Commission—

10 (I) written notice of that action;
11 and

12 (II) a copy of the complaint for
13 that action.

14 (ii) EXEMPTION.—

15 (I) IN GENERAL.—Clause (i)
16 shall not apply with respect to the fil-
17 ing of an action by an attorney gen-
18 eral of a State under this paragraph
19 if the attorney general of the State
20 determines that it is not feasible to
21 provide the notice described in that
22 clause before the filing of the action.

23 (II) NOTIFICATION.—In an ac-
24 tion described in subclause (I), the at-
25 torney general of a State shall provide

1 notice and a copy of the complaint to
2 the Commission at the same time as
3 the attorney general files the action.

4 (2) INTERVENTION.—

(B) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under paragraph (1), it shall have the right—

23 (A) conduct investigations;
24 (B) administer oaths or affirmations; or

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

12 (5) VENUE; SERVICE OF PROCESS.—

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

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

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

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

25 (i) is an inhabitant; or

1 (ii) may be found.

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

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

7 (a) ESTABLISHMENT.—There is established a Kids
8 Online Safety Council (in this section referred to as the
9 “Council”).

10 (b) DUTIES.—The duties of the Council shall be to
11 provide reports to Congress with recommendations and
12 advice on matters related to the safety of minors online.
13 The matters to be addressed by the Council shall in-
14 clude—

15 (1) identifying emerging or current risks of
16 harms to minors associated with online platforms;
17 (2) recommending measures and methods for
18 assessing, preventing, and mitigating harms to mi-
19 nors online;

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

23 (4) recommending best practices and clear, con-
24 sensus-based technical standards for transparency
25 reports and audits, as required under this title, in-

1 cluding methods, criteria, and scope to promote
2 overall accountability.

3 (c) NUMBER AND APPOINTMENT OF MEMBERS.—

4 The Council shall be comprised of 11 members, of whom—

5 (1) 3 members shall be appointed by the Presi-
6 dent, including—

7 (A) the Secretary of Commerce or a des-
8 ignee of the Secretary; and

9 (B) the Secretary of Health and Human
10 Services or a designee of the Secretary;

11 (2) 2 members shall be appointed by the Speak-
12 er of the House of Representatives;

13 (3) 2 members shall be appointed by the Minor-
14 ity Leader of the House of Representatives;

15 (4) 2 members shall be appointed by the Major-
16 ity Leader of the Senate; and

17 (5) 2 members shall be appointed by the Minor-
18 ity Leader of the Senate.

19 (d) TIMING OF APPOINTMENTS.—Each of the ap-
20 pointments under subsection (c) shall be made not later
21 than 180 days after the date of the enactment of this Act.

22 (e) TERMS; VACANCIES.—Each member of the Coun-
23 cil shall be appointed for the life of the Council, and a
24 vacancy in the Council shall be filled in the manner in
25 which the original appointment was made.

1 (f) CHAIRPERSON; VICE CHAIRPERSON.—The Coun-
2 cil, once it has been fully appointed, shall select its own
3 Chair and Vice Chair.

4 (g) PARTICIPATION.—The Council shall consist of 1
5 member from each of the following:

6 (1) academic experts with specific expertise in
7 the prevention of online harms to minors;

8 (2) researchers with specific expertise in social
9 media studies;

10 (3) parents with demonstrated experience in
11 child online safety;

12 (4) youth representatives with demonstrated ex-
13 perience in child online safety;

14 (5) educators with demonstrated experience in
15 child online safety;

16 (6) representatives of online platforms;

17 (7) representatives of online video games;

18 (8) State attorneys general or their designees
19 acting in State or local government; and

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

23 (h) REPORTS.—

24 (1) INTERIM REPORT.—Not later than 1 year
25 after the date of the initial meeting of the Council,

1 the Council shall submit to Congress an interim re-
2 port that includes a detailed summary of the work
3 of the Council and any preliminary findings of the
4 Council.

5 (2) FINAL REPORT.—Not later than 3 years
6 after the date of the initial meeting of the Council,
7 the Council shall submit to Congress a final report
8 that includes—

9 (A) a detailed statement of the findings
10 and conclusions of the Council;

11 (B) dissenting opinions of any member of
12 the Council who does not support the findings
13 and conclusions referred to in subparagraph
14 (A); and

15 (C) any recommendations for legislative
16 and administrative actions to address online
17 safety for children and prevent harms to mi-
18 nors.

19 (i) TERMINATION.—The Council shall terminate not
20 later than 30 days after the submission of the final report
21 required under subsection (h)(2).

22 (j) NON-APPLICABILITY OF FACA.—The Kids On-
23 line Safety Council shall not be subject to chapter 10 of
24 title 5, United States Code (commonly referred to as the
25 “Federal Advisory Committee Act”).

1 **SEC. 111. EFFECTIVE DATE.**

2 Except as otherwise provided in this title, this title
3 shall take effect on the date that is 18 months after the
4 date of enactment of this Act.

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

6 (a) **RELATIONSHIP TO OTHER LAWS.**—Nothing in
7 this title shall be construed to—

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

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

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

19 (4) expand, limit the scope, or alter the mean-
20 ing of section 230 of the Communications Act of
21 1934 (commonly known as “section 230 of the Com-
22 munications Decency Act of 1996”) (47 U.S.C.
23 230).

24 (b) **DETERMINATION OF “FAIRLY IMPLIED ON THE**
25 **BASIS OF OBJECTIVE CIRCUMSTANCES”.**—For purposes
26 of enforcing this title, in making a determination as to

1 whether covered platform has knowledge fairly implied on
2 the basis of objective circumstances that a specific user
3 is a minor, the Federal Trade Commission or a State at-
4 torney general shall rely on competent and reliable evi-
5 dence, taking into account the totality of the cir-
6 cumstances, including whether a reasonable and prudent
7 person under the circumstances would have known that
8 the user is a minor.

9 (c) PROTECTIONS FOR PRIVACY.—Nothing in this
10 title, including a determination described in subsection
11 (b), shall be construed to require—

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

16 (2) a covered platform to implement an age
17 gating or age verification functionality.

18 (d) COMPLIANCE.—Nothing in this title shall be con-
19 strued to restrict a covered platform's ability to—

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

6 (4) prevent, detect, protect against, or respond
7 to any security incident, identity theft, fraud, har-
8 assment, malicious or deceptive activity, or any ille-
9 gal activities; or

10 (5) investigate or report those responsible for
11 any action described in paragraph (4).

12 (e) APPLICATION TO VIDEO STREAMING SERVICES.—

13 A video streaming service shall be deemed to be in compli-
14 ance with this title if it predominantly consists of news,
15 sports, entertainment, or other video programming con-
16 tent that is preselected by the provider and not user-gen-
17 erated, and—

18 (1) any chat, comment, or interactive
19 functionality is provided incidental to, directly re-
20 lated to, or dependent on provision of such content;
21 and

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

- (A) to limit a minor's access to the service, which may utilize a system of age-rating;
- (B) to limit the automatic playing of on-demand content selected by a personalized recommendation system for an individual that the service knows is a minor;
- (C) for a parent to manage a minor's privacy and account settings, and restrict purchases and financial transactions by a minor, where applicable;
- (D) to provide an electronic point of contact specific to matters described in this paragraph;
- (E) to offer a clear, conspicuous, and easy-to-understand notice of its policies and practices with respect to the capabilities described in this paragraph; and
- (F) when providing on-demand content, to employ measures that safeguard against serving advertising for narcotic drugs, cannabis products, tobacco products, gambling, or alcohol directly to the account or profile of an individual that the service knows is a minor.

1 **TITLE II—FILTER BUBBLE** 2 **TRANSPARENCY**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

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

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

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

3 (A) is capable of connecting to the inter-
4 net, either directly or indirectly through a net-
5 work, to communicate information at the direc-
6 tion of an individual;

7 (B) has computer processing capabilities
8 for collecting, sending, receiving, or analyzing
9 data; and

10 (C) is primarily designed for or marketed
11 to consumers.

12 (5) INPUT-TRANSPARENT ALGORITHM.—

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

22 (B) DATA EXPRESSLY PROVIDED TO THE
23 PLATFORM.—For purposes of subparagraph
24 (A), user-specific data that is provided by a
25 user for the express purpose of determining the

selection, order, relative prioritization, or relative prominence of information that is furnished to such user on an online platform—

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

13 (ii) includes the user's current approx-
14 imate geolocation information;

15 (iii) includes data submitted to the
16 platform by the user that expresses the
17 user's desire to receive particular informa-
18 tion, such as the social media profiles the
19 user follows, the video channels the user
20 subscribes to, or other content or sources
21 of content on the platform the user has se-
22 lected;

23 (iv) does not include the history of the
24 connected device of the user, including the
25 history of web searches and browsing, pre-

1 previous geographical locations, physical activ-
2 ity, device interaction, and financial trans-
3 actions of the user; and

4 (v) does not include inferences about
5 the user or the connected device of the
6 user, without regard to whether such infer-
7 ences are based on data described in clause
8 (i) or (iii).

9 (6) ONLINE PLATFORM.—

10 (A) IN GENERAL.—Subject to subparagraph
11 (B), the term “online platform” means
12 any public-facing website, online service, online
13 application, or mobile application that predomi-
14 nantly provides a community forum for user-
15 generated content, such as sharing videos, im-
16 ages, games, audio files, or other content, in-
17 cluding a social media service, social network,
18 or virtual reality environment.

19 (B) SCOPE.—

20 (i) INCIDENTAL CHAT FUNCTIONS.—A
21 website, online service, online application,
22 or mobile application is not an online plat-
23 form solely on the basis that it includes a
24 chat, comment, or other interactive func-

3 (ii) REVIEW SITES.—A website, online
4 service, online application, or mobile applica-
5 tion that has the predominant purpose of
6 providing travel reviews is not an online
7 platform.

10 (A) means an algorithmic ranking system
11 that determines the selection, order, relative
12 prioritization, or relative prominence of infor-
13 mation that is furnished to such user on an on-
14 line platform based, in whole or part, on user-
15 specific data that was not expressly provided by
16 the user to the platform for such purpose; and

17 (B) does not include an algorithmic rank-
18 ing system used by an online platform if—

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

23 (ii) such information is only used to
24 restrict the access of a user to content on

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

3 (8) PRECISE GEOLOCATION INFORMATION.—

4 The term “precise geolocation information” means
5 geolocation information that identifies the location of
6 an individual to within a range of 5 miles or less.

11 SEC. 202. REQUIREMENT TO ALLOW USERS TO SEE
12 UNMANIPULATED CONTENT ON INTERNET
13 PLATFORMS.

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

19 (b) OPAQUE ALGORITHM REQUIREMENTS.—

20 (1) IN GENERAL.—The requirements of this
21 subsection with respect to a person that operates an
22 online platform that uses an opaque algorithm are
23 the following:

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

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

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

16 (I) the most salient features, in-
17 puts, and parameters used by the al-
18 gorithm;

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

23 (III) any options that the online
24 platform makes available for a user of
25 the platform to opt out or exercise op-

1 tions under subparagraph (B), modify
2 the profile of the user or to influence
3 the features, inputs, or parameters
4 used by the algorithm; and

(IV) any quantities, such as time spent using a product or specific measures of engagement or social interaction, that the algorithm is designed to optimize, as well as a general description of the relative importance of each quantity for such ranking.

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

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

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

23 (B) that is confidential business informa-
24 tion; or

25 (C) that is privileged.

(4) SPECIAL RULE.—Notwithstanding paragraphs (1) and (2), an online platform shall provide the notice and opt-out described in paragraphs (1) and (2) to the educational agency or institution (as defined in section 444(a)(3) of the General Education Provisions Act (20 U.S.C. 1232g(a)(3)), rather than to the user, when the online platform is acting on behalf of an educational agency or institution (as so defined), subject to a written contract that complies with the requirements of the Children’s Online Privacy Protection Act of 1998 (15 U.S.C. 1232g(a)(3)) and section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the “Family Educational Rights and Privacy Act of 1974”).

23 (c) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—
24

7 (2) POWERS OF COMMISSION.—

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

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

1 (d) RULE OF CONSTRUCTION TO PRESERVE PER-
2 SONALIZED BLOCKS.—Nothing in this section shall be
3 construed to limit or prohibit an online platform’s ability
4 to, 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 **TITLE III—RELATIONSHIP TO**
9 **STATE LAWS; SEVERABILITY**

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

11 The provisions of this Act 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 Act. Nothing in this Act shall be construed to prohibit a
15 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 Act.

18 **SEC. 302. SEVERABILITY.**

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

