

1 **TITLE I—KIDS ONLINE SAFETY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

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

6 (2) **COMPULSIVE USAGE.**—The term “compul-
7 sive usage” means a persistent and repetitive use of
8 a covered platform that substantially limits 1 or
9 more major life activities (as described in section
10 3(2) of the Americans with Disabilities Act of 1990
11 (42 U.S.C. 12102(2))) of an individual, including
12 eating, sleeping, learning, reading, concentrating,
13 thinking, communicating, and working.

14 (3) **COVERED PLATFORM.**—

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

21 (B) **EXCEPTIONS.**—The term “covered
22 platform” does not include any of the following:

23 (i) An entity acting in its capacity as
24 a provider of any of the following:

1 (I) A common carrier (as defined
2 in section 3 of the Communications
3 Act of 1934 (47 U.S.C. 153)).

4 (II) A broadband internet access
5 service (as defined in section 8.1(b) of
6 title 47, Code of Federal Regulations,
7 or any 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 if—

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.

20 (V) A wireless messaging service,
21 including a service that is 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 in

1 which the predominant or exclusive
2 function is direct messaging consisting
3 of the transmission of a text, photo,
4 or video that is sent by electronic
5 means, in which 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—

13 (I) early childhood education pro-
14 gram or preschool that provides for
15 the care, development, and education
16 of infants, toddlers, or young children
17 who are not yet enrolled in kinder-
18 garten;

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-

1 tion 3 of the Carl D. Perkins Career
2 and Technical Education Act of 2006
3 (20 U.S.C. 2302));

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 government entity with a .gov
19 internet domain (as described in section
20 2215 of the Homeland Security Act of
21 2002 (6 U.S.C. 665)).

22 (vi) A news website or app, including
23 sports news and coverage, entertainment
24 news, or other journalistic news coverage
25 in which—

1 (I) the inclusion of video content
2 on the website or app is related to the
3 gathering, reporting, or publishing by
4 the website or app of such news con-
5 tent; and

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

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

12 (viii) A virtual private network or
13 similar service that exists predominantly to
14 route internet traffic between locations.

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

18 (4) DESIGN FEATURE.—

19 (A) IN GENERAL.—The term “design fea-
20 ture”—

21 (i) means any feature or component of
22 a covered platform that encourages or in-
23 creases the frequency, time spent, or activ-
24 ity of a minor on the covered platform; and

25 (ii) includes—

1 (I) infinite scrolling or auto play;

2 (II) a reward or incentive for the
3 frequency of visits to the covered plat-
4 form or for the amount of time spent
5 or activities performed on the covered
6 platform;

7 (III) a notification;

8 (IV) a push alert that urges a
9 user to spend more time engaged with
10 the covered platform when they are
11 not actively using the covered plat-
12 form;

13 (V) a badge or other visual
14 award symbol based on elevated levels
15 of engagement with the covered plat-
16 form;

17 (VI) a personalized recommenda-
18 tion system;

19 (VII) an in-game purchase; and

20 (VIII) an appearance altering fil-
21 ter.

22 (B) PROHIBITION.—A government entity
23 may not enforce this title or a regulation pro-
24 mulgated under this title based upon a specific
25 viewpoint of any speech, expression, or informa-

1 tion protected by the First Amendment to the
2 Constitution that may be made available to a
3 user as a result of the operation of a design
4 feature.

5 (5) HARASSMENT.—The term “harassment”
6 means a criminal threat made or perpetuated
7 against a specific minor that involves or alludes to
8 the use of physical violence or unlawful conduct such
9 that the threat constitutes a misdemeanor or felony
10 violation of Federal criminal law.

11 (6) HIGH IMPACT ONLINE COMPANY.—The
12 term “high impact online company” means an online
13 platform or online video game that provides any
14 internet-accessible platform in which—

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

19 (B) the online platform or online video
20 game—

21 (i) generates \$1,000,000,000 or more
22 in annual revenue, including the revenue
23 generated by any affiliate of such covered
24 platform; or

1 (ii) has 100,000,000 or more global
2 monthly active users for not fewer than 3
3 of the preceding 12 months.

4 (7) KNOW; KNOWS.—The term “know” or
5 “knows” means, with respect to knowledge that an
6 individual is a child or minor—

7 (A) with respect to a high impact online
8 company, that the platform knew or should
9 have known the individual was a child or minor;

10 (B) with respect to a covered platform that
11 has an annual gross revenue of \$200,000,000
12 or more, collects the personal information of
13 200,000 individuals or more, and is not a high
14 impact online company, that the covered plat-
15 form knew or acted in willful disregard of the
16 fact that the individual was a child or minor;
17 and

18 (C) with respect to a covered platform that
19 is not covered by subparagraph (A) or (B), ac-
20 tual knowledge.

21 (8) MICROTRANSACTION.—The term “micro-
22 transaction”—

23 (A) means a purchase made in an online
24 video game (including a purchase made using a
25 virtual currency that is purchasable or redeem-

1 able using cash or credit or that is included as
2 part of a paid subscription service);

3 (B) includes a purchase involving a sur-
4 prise mechanic, new character, or in-game item;
5 and

6 (C) does not include—

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

13 (ii) a purchase of an additional level
14 within the game or an overall expansion of
15 the game.

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

18 (10) NARCOTIC DRUG.—The term “narcotic
19 drug” has the meaning given such term and the
20 term “controlled substance” in section 102 of the
21 Controlled Substances Act (21 U.S.C. 802).

22 (11) ONLINE PLATFORM.—The term “online
23 platform”—

24 (A) means any public-facing website, online
25 service, online application, or mobile application

1 that predominantly provides a community
2 forum for user-generated content;

3 (B) includes any such website, service, or
4 application that shares videos, images, games,
5 audio files, or other content, including a social
6 media service, social network, or virtual reality
7 environment; and

8 (C) does not include any chat, comment, or
9 other interactive functionality of a community
10 forum that is incidental to the predominant
11 purpose of the website, online service, online ap-
12 plication, or mobile application.

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

17 (A) create and upload content other than
18 content that is incidental to gameplay, such as
19 a character or level design created by the user,
20 preselected phrase, or short interactions with
21 other users;

22 (B) engage in microtransactions within the
23 game; or

24 (C) communicate with other users.

1 (13) PARENT.—The term “parent” includes a
2 legal guardian.

3 (14) PERSONAL DATA.—The term “personal
4 data” has the meaning given the term “personal in-
5 formation” in section 1302 of the Children’s Online
6 Privacy Protection Act of 1998 (15 U.S.C. 6501).

7 (15) PERSONALIZED RECOMMENDATION SYS-
8 TEM.—The term “personalized recommendation sys-
9 tem”—

10 (A) means a fully or partially automated
11 system used to suggest, promote, rank, or rec-
12 ommend content, including other users,
13 hashtags, or posts, based on the personal data
14 of users; and

15 (B) does not include—

16 (i) a system that suggests, promotes,
17 or ranks content based solely on the lan-
18 guage, city or town, or age of the user;

19 (ii) technical means that do not fully
20 automate or replace human decision-mak-
21 ing processes;

22 (iii) technical means that are designed
23 to block, detect, identify, or prevent a user
24 from accessing unlawful content; or

1 (iv) technical means designed to pre-
2 vent or detect fraud, malicious conduct,
3 other illegal activity, or preserve the integ-
4 rity or security of systems, products, or
5 services.

6 (16) SERIOUS EMOTIONAL DISTURBANCE.—The
7 term “serious emotional disturbance” means, with
8 respect to a minor, the presence of a diagnosable
9 mental, behavioral, or emotional disorder in the past
10 year, which resulted in functional impairment that
11 substantially interferes with or limits the minor’s
12 role or functioning in family, school, or community
13 activities.

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

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

19 (B) Child sexual abuse material, as de-
20 scribed in sections 2251, 2252, 2252A, and
21 2260 of title 18, United States Code.

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

1 (D) Sex trafficking of children, as de-
2 scribed in section 1591 of title 18, United
3 States Code.

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

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

13 **SEC. 102. DUTY OF CARE.**

14 (a) PREVENTION OF HARM TO MINORS.—A high im-
15 pact online company shall create and implement its design
16 features to reasonably prevent and mitigate the following
17 harms to minors:

18 (1) Physical violence (as the term “crime of vio-
19 lence” is defined in section 16 of title 18, United
20 States Code) and harassment.

21 (2) Sexual exploitation and abuse.

22 (3) Promotion and marketing of narcotic drugs.

23 (4) Promotion of inherently dangerous acts that
24 are likely to cause serious bodily harm, serious emo-
25 tional disturbance, or death.

1 (5) With respect to a user the high impact on-
2 line company knows is a minor, compulsive usage.

3 (6) With respect to a user the high impact on-
4 line company knows is a minor, the marketing of to-
5 bacco products, gambling, or alcohol.

6 (b) CONSIDERATIONS.—The design features de-
7 scribed under subsection (a) shall be appropriate to the
8 nature and scope of the activities engaged in by the high
9 impact online company.

10 (c) RULE OF CONSTRUCTION.—Nothing in sub-
11 section (a) shall be construed to require a high impact on-
12 line company to prevent or preclude—

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

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

21 **SEC. 103. SAFEGUARDS FOR MINORS.**

22 (a) SAFEGUARDS FOR MINORS.—

23 (1) SAFEGUARDS.—Except as provided in para-
24 graph (4), a covered platform shall provide a user or
25 visitor that the covered platform knows is a minor

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

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

5 (B) Limit design features, such as infinite
6 scrolling, auto playing, rewards or incentives for
7 the frequency of visits to the covered platform
8 or time spent on the covered platform, notifica-
9 tions, badges, push alerts, and other design fea-
10 tures that result in compulsive usage of the cov-
11 ered platform by the minor.

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

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

19 (ii) the option of limiting types or cat-
20 egories of recommendations from such sys-
21 tems.

22 (D) Limit the ability to make in-game pur-
23 chases and microtransactions and time spent on
24 online video games, and, in the case of an on-
25 line video game, compliance with this subpara-

1 graph shall be considered to be compliance with
2 subparagraph (B).

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

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

17 (4) EXCEPTION.—Notwithstanding paragraph
18 (1), a covered platform shall provide the safeguards
19 described in paragraph (1)(C) to the educational
20 agency or institution (as defined in section 444(a)(3)
21 of the General Education Provisions Act (20 U.S.C.
22 1232g(a)(3)), rather than to the user or visitor,
23 when the covered platform is acting on behalf of an
24 educational agency or institution (as so defined),
25 subject to a written contract that complies with the

1 requirements of the Children’s Online Privacy Pro-
2 tection Act of 1998 (15 U.S.C. 6501 et seq.) and
3 section 444 of the General Education Provisions Act
4 (20 U.S.C. 1232g) (commonly known as the “Fam-
5 ily Educational Rights and Privacy Act of 1974”).

6 (b) PARENTAL TOOLS.—

7 (1) TOOLS.—A covered platform shall provide
8 readily-accessible and easy-to-use parental tools for
9 parents to support a user that the platform knows
10 is a minor with respect to the use of the platform
11 by the user.

12 (2) REQUIREMENTS.—The parental tools pro-
13 vided by a covered platform under paragraph (1)
14 shall include—

15 (A) the ability to manage the account set-
16 tings of a minor, including the safeguards and
17 options established under subsection (a), in a
18 manner that allows parents to—

19 (i) view the account settings; and

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

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

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

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

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

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

22 (c) REPORTING MECHANISM.—

23 (1) REPORTS SUBMITTED BY PARENTS AND MI-
24 NORS.—A covered platform shall provide—

1 (A) a readily accessible and easy-to-use
2 means for a parent or minor to submit a report
3 to the covered platform of any harm to a minor
4 related to the use by the minor of the platform;

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

7 (C) confirmation of the receipt of a report
8 submitted under subparagraph (A) and, within
9 the applicable time period described in para-
10 graph (2), a substantive response to the indi-
11 vidual that submitted the report.

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

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

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

1 (C) notwithstanding subparagraphs (A)
2 and (B), if the report involves an imminent
3 threat to the safety of a minor, as promptly as
4 needed to address the reported threat to safety.

5 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-
6 ered platform may not facilitate the advertising of narcotic
7 drugs, tobacco products, gambling, or alcohol to an indi-
8 vidual that the covered platform knows is a minor.

9 (e) RULES OF APPLICATION.—

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

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

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

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

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

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

10 (3) TIMING CONSIDERATIONS.—

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

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

23 (f) DEVICE OR CONSOLE CONTROLS.—

24 (1) IN GENERAL.—Nothing in this section shall
25 be construed to prohibit a covered platform from in-

1 tegrating the products or service of the platform
2 with, or duplicate controls or tools provided by, a
3 third-party system (including an operating system or
4 gaming console) to meet the requirements described
5 under subsections (a) and (b) relating to safeguards
6 for minors and parental tools, if—

7 (A) the controls or tools meet such require-
8 ments; and

9 (B) the minor or parent is provided suffi-
10 cient notice of the integration and use of the
11 controls or tools.

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

21 (g) RULES OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to do the following:

23 (1) Prevent a covered platform from taking rea-
24 sonable measures to—

1 (A) block, detect, or prevent the distribu-
2 tion of unlawful, obscene, or other harmful ma-
3 terial to minors described in section 102(a); or

4 (B) block or filter spam, prevent criminal
5 activity, or protect the security of a platform or
6 service.

7 (2) Require the disclosure of the browsing be-
8 havior, search history, messages, contact list, or
9 other content or metadata of the communications of
10 a minor.

11 (3) Prevent a covered platform from using a
12 personalized recommendation system to display con-
13 tent to a minor if the system only uses information
14 on—

15 (A) the language spoken by the minor;

16 (B) the city the minor is located in; or

17 (C) the age of the minor.

18 (4) Prevent an online video game from dis-
19 closing a username or other user identification for
20 the purpose of competitive gameplay or to allow for
21 the reporting of users.

22 **SEC. 104. DISCLOSURE.**

23 (a) NOTICE.—

24 (1) REGISTRATION OR PURCHASE.—Prior to
25 registration or a purchase on a covered platform by

1 an individual that the platform knows is a minor,
2 the platform shall provide clear, conspicuous, and
3 easy-to-understand—

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

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

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

15 (2) NOTIFICATION.—

16 (A) NOTICE AND ACKNOWLEDGMENT.—In
17 the case of an individual user that a covered
18 platform knows is a child, the platform shall
19 provide information about the parental tools
20 and safeguards required under section 103 to a
21 parent of the child and obtain verifiable paren-
22 tal consent (as defined in section 1302 of the
23 Children’s Online Privacy Protection Act of
24 1998 (15 U.S.C. 6501)).

1 (B) REASONABLE EFFORT.—A covered
2 platform shall be deemed to have satisfied the
3 requirement described in subparagraph (A) if
4 the covered platform is in compliance with the
5 requirements of the Children’s Online Privacy
6 Protection Act of 1998 (15 U.S.C. 6501 et
7 seq.) to use reasonable efforts (taking into con-
8 sideration available technology) to provide a
9 parent with the information described in sub-
10 paragraph (A) and to obtain verifiable parental
11 consent as required.

12 (3) CONSOLIDATED NOTICES.—For purposes of
13 this title, a covered platform may consolidate the
14 process for providing information under this sub-
15 section and obtaining verifiable parental consent or
16 the consent of the minor involved (as applicable) as
17 required under this subsection with the obligations
18 of the covered platform to provide relevant notice
19 and obtain verifiable consent under the Children’s
20 Online Privacy Protection Act of 1998 (15 U.S.C.
21 6501 et seq.).

22 (4) GUIDANCE.—The Federal Trade Commis-
23 sion may issue guidance to assist covered platforms
24 in complying with the specific notice requirements of
25 this subsection.

1 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A
2 covered platform that operates a personalized rec-
3 ommendation system shall describe in the terms and con-
4 ditions of the covered platform, in a clear, conspicuous,
5 and easy-to-understand manner—

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

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

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

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

19 (2) how to access the safeguards and parental
20 tools required under section 103.

21 (d) RESOURCES IN ADDITIONAL LANGUAGES.—A
22 covered platform shall ensure, to the extent practicable,
23 that the disclosures required by this section are made
24 available in the same language, form, and manner as the

1 covered platform provides any product or service used by
2 minors and their parents.

3 **SEC. 105. TRANSPARENCY.**

4 (a) IN GENERAL.—Subject to subsection (b), not less
5 frequently than once a year, a covered platform shall issue
6 a public report that describes the reasonably foreseeable
7 risks of harms to minors and assesses the prevention and
8 mitigation measures taken to address such risks based on
9 an independent, third-party audit of the covered platform
10 with a reasonable level of assurance.

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

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

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

22 (c) CONTENT OF REPORTS.—

23 (1) TRANSPARENCY.—The public report re-
24 quired under subsection (a) shall include the fol-
25 lowing:

1 (A) An assessment of the extent to which
2 the covered platform is likely to be accessed by
3 minors.

4 (B) A description of the commercial inter-
5 ests of the covered platform being used by mi-
6 nors.

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

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

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

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

24 (D) An accounting of total reports received
25 (which can be based on scientifically valid sam-

1 pling methods available to the covered platform
2 in the normal course of business) through the
3 reporting mechanism described in section 103,
4 disaggregated by category and language, includ-
5 ing English and the top 5 non-English lan-
6 guages used by users accessing the platform
7 from the United States (as identified under
8 subparagraph (C)(iii)).

9 (E) A description of any material breach of
10 the requirement to provide safeguards or paren-
11 tal tools under section 103 and any other mat-
12 ter regarding non-compliance with this title.

13 (2) EVALUATION.—The public report required
14 under subsection (a) shall include the following:

15 (A) An assessment of harms to minors
16 based on aggregate data on the exercise of safe-
17 guards and parental tools described in section
18 103, and other competent and reliable empirical
19 evidence.

20 (B) A description of whether and how the
21 covered platform uses design features that in-
22 crease, sustain, or extend use of a product or
23 service by a minor, such as automatic playing
24 of media, rewards for time spent, and notifica-
25 tions.

1 (C) A description of whether, how, and for
2 what purpose the platform collects or processes
3 categories of personal data related to minors.

4 (D) An evaluation of the efficacy of safe-
5 guards for minors and parental tools under sec-
6 tion 103, and any issues in delivering such safe-
7 guards and parental tools.

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

13 (3) MITIGATION.—The public report required of
14 a covered platform under subsection (a) shall in-
15 clude, for English and the top 5 non-English lan-
16 guages used by users accessing the covered platform
17 from the United States (as identified under para-
18 graph (1)(C)(iii)), the following:

19 (A) A description of the safeguards and
20 parental tools available to minors and parents
21 on the covered platform.

22 (B) A description of the prevention and
23 mitigation measures a covered platform may
24 take, if any, in response to the assessments con-
25 ducted under paragraph (2), including steps

1 taken to provide the most protective level of
2 control over safety by default.

3 (C) A description of the processes used for
4 the creation and implementation of any design
5 feature that will be used by minors.

6 (D) The status of implementing prevention
7 and mitigation measures identified in prior as-
8 sessments.

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

13 (1) Take into consideration the function of per-
14 sonalized recommendation systems.

15 (2) Consult parents and youth experts, includ-
16 ing youth and families with relevant past or current
17 experience, public health and mental health non-
18 profit organizations, health and childhood develop-
19 ment organizations, and civil society with respect to
20 the prevention of harms to minors.

21 (3) Conduct research based on experiences of
22 minors that use the covered platform, including re-
23 ports under section 103(c) and information provided
24 by law enforcement.

1 (4) Take account of research, including re-
2 search regarding design features, marketing, or
3 product integrity, industry best practices, or outside
4 research.

5 (5) Take into consideration indicia or inferences
6 of age of users, in addition to any self-declared in-
7 formation about the age of users.

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

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

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

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

23 (3) disclose all relevant facts to the independent
24 third-party conducting the audit, and not misrepre-

1 sent in any manner, expressly or by implication, any
2 relevant fact.

3 (f) PRIVACY SAFEGUARDS.—

4 (1) IN GENERAL.—In issuing the public report
5 required under subsection (a), a covered platform
6 shall take steps to safeguard the privacy of the users
7 of the platform, including ensuring that data is pre-
8 sented in a de-identified, aggregated format such
9 that the data is not reasonably linkable to any user.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 section shall be construed to require covered plat-
12 forms to disclose information that—

13 (A) will lead to material vulnerabilities
14 for—

15 (i) the privacy of users;

16 (ii) the trade secrets or other pro-
17 tected intellectual property, including any
18 privileged, proprietary, or confidential com-
19 mercial information, of a covered platform;
20 or

21 (iii) the security of the service of a
22 covered platform; or

23 (B) will create a significant risk of the vio-
24 lation of Federal or State law.

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

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

10 **SEC. 106. MARKET RESEARCH.**

11 An online platform may not, in the case of a user
12 or visitor that the online platform knows is a minor, con-
13 duct market and product-focused research on such minor
14 unless the online platform obtains verifiable parental con-
15 sent (as defined in section 1302 of the Children’s Online
16 Privacy Protection Act of 1998 (15 U.S.C. 6501)) prior
17 to conducting such research on such minor.

18 **SEC. 107. AGE VERIFICATION REPORT.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Secretary of Commerce, in coordination
21 with the Federal Communications Commission and Fed-
22 eral Trade Commission, shall a report to the Committee
23 on Commerce, Science, and Transportation of the Senate
24 and the Committee on Energy and Commerce of the
25 House of Representatives a report that evaluates the most

1 technologically feasible methods and options for developing
2 systems to verify age at the device or operating system
3 level the considers the following:

4 (1) The benefits of creating a device or oper-
5 ating system level age verification system.

6 (2) What information may need to be collected
7 to create this type of age verification system.

8 (3) The accuracy of such systems and their im-
9 pact or steps to improve accessibility, including for
10 individuals with disabilities.

11 (4) How such a system or systems could verify
12 age while mitigating risks to user privacy and data
13 security and safeguarding minors' personal data,
14 emphasizing minimizing the amount of data col-
15 lected and processed by covered platforms and age
16 verification providers for such a system.

17 (5) The technical feasibility, including the need
18 for potential hardware and software changes, includ-
19 ing for devices currently in commerce and owned by
20 consumers.

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

1 **SEC. 108. GUIDANCE.**

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

5 (1) provide information and examples for cov-
6 ered platforms and auditors regarding, with consid-
7 eration given to differences across English and non-
8 English languages—

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

12 (B) best practices in providing minors and
13 parents the most protective level of control over
14 safety;

15 (C) using indicia or inferences of age of
16 users for assessing use of the covered platform
17 by minors;

18 (D) methods for evaluating the efficacy of
19 safeguards set forth in this title; and

20 (E) providing additional parental tool op-
21 tions that allow parents to address the harms
22 described in section 102(a); and

23 (2) outline conduct that does not have the pur-
24 pose or substantial effect of subverting or impairing
25 user autonomy, decision-making, or choice, or of

1 causing, increasing, or encouraging compulsive usage
2 for a minor, such as—

3 (A) de minimis user interface changes de-
4 rived from testing consumer preferences, includ-
5 ing different styles, layouts, or text, where such
6 changes are not done with the purpose of weak-
7 ening or disabling safeguards or parental tools;
8 and

9 (B) establishing default settings that pro-
10 vide enhanced protection to users or otherwise
11 enhance their autonomy and decision-making
12 ability.

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

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

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

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

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

1 the Federal Trade Commission or a State attorney
2 general, as applicable—

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

5 (B) may not base such enforcement action
6 on, or, as applicable, execute a consent order
7 based on, practices that are alleged to be incon-
8 sistent with guidance issued by the Federal
9 Trade Commission with respect to this title, un-
10 less the practices allegedly violate a provision of
11 this title.

12 **SEC. 109. ENFORCEMENT.**

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

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

21 (2) POWERS OF THE COMMISSION.—

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

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

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

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

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

16 (1) IN GENERAL.—

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

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

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

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

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

11 (B) NOTICE.—

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

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

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

20 (ii) EXEMPTION.—

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

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

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

10 (2) INTERVENTION.—

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

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

19 (i) to remove the action to the appro-
20 priate United States district court;

21 (ii) to be heard with respect to any
22 matter that arises in that action; and

23 (iii) to file a petition for appeal.

24 (3) CONSTRUCTION.—For purposes of bringing
25 any civil action under paragraph (1), nothing in this

1 title shall be construed to prevent an attorney gen-
2 eral of a State from exercising the powers conferred
3 on the attorney general by the laws of that State
4 to—

5 (A) conduct investigations;

6 (B) administer oaths or affirmations; or

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

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

18 (5) VENUE; SERVICE OF PROCESS.—

19 (A) VENUE.—Any action brought under
20 paragraph (1) may be brought in—

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

1 (ii) a State court of competent juris-
2 diction.

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

7 (i) is an inhabitant; or

8 (ii) may be found.

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

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

14 (a) ESTABLISHMENT.—There is established a Kids
15 Online Safety Council (in this section referred to as the
16 “Council”).

17 (b) DUTIES.—The duties of the Council shall be to
18 provide reports to Congress with recommendations and
19 advice on matters related to the safety of minors online.
20 The matters to be addressed by the Council shall in-
21 clude—

22 (1) identifying emerging or current harms to
23 minors online;

24 (2) recommending policies for assessing, pre-
25 venting, and mitigating harms to minors online;

1 (3) recommending best practices to promote the
2 health and safety of minors online;

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

6 (5) recommending best practices and standards
7 for transparency reports required under this title to
8 promote overall accountability.

9 (c) NUMBER AND APPOINTMENT OF MEMBERS.—

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

11 (1) 3 members shall be appointed by the Presi-
12 dent, including—

13 (A) the Secretary of Commerce or a des-
14 ignee of the Secretary; and

15 (B) the Secretary of Health and Human
16 Services or a designee of the Secretary;

17 (2) 2 members shall be appointed by the Speak-
18 er of the House of Representatives;

19 (3) 2 members shall be appointed by the Minor-
20 ity Leader of the House of Representatives;

21 (4) 2 members shall be appointed by the Major-
22 ity Leader of the Senate; and

23 (5) 2 members shall be appointed by the Minor-
24 ity Leader of the Senate.

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

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

8 (f) CHAIRPERSON; VICE CHAIRPERSON.—Not later
9 than 30 days after the date on which the final member
10 of the Council is appointed—

11 (1) the Chairperson shall be designated by the
12 Speaker of the House of Representatives; and

13 (2) the Vice Chairperson shall be designated by
14 the leader of the party within the Senate that is dif-
15 ferent from the party of the Speaker of the House
16 of Representatives.

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

19 (1) Academic experts with specific expertise in
20 the prevention of online harms to minors.

21 (2) Researchers with specific expertise in social
22 media studies.

23 (3) Parents with demonstrated experience in
24 child online safety.

1 (4) Youth representatives with demonstrated
2 experience in child online safety.

3 (5) Educators with demonstrated experience in
4 child online safety.

5 (6) Representatives of covered platforms.

6 (7) Representatives of high impact online com-
7 panies.

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

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

13 (h) REPORTS.—

14 (1) INTERIM REPORT.—Not later than 1 year
15 after the date of the initial meeting of the Council,
16 the Council shall submit to Congress an interim re-
17 port that includes a detailed summary of the work
18 of the Council and any preliminary findings of the
19 Council.

20 (2) FINAL REPORT.—Not later than 3 years
21 after the date of the initial meeting of the Council,
22 the Council shall submit to Congress a final report
23 that includes—

24 (A) a detailed statement of the findings
25 and conclusions of the Council;

1 (B) dissenting opinions of any member of
2 the Council who does not support the findings
3 and conclusions referred to in subparagraph
4 (A); and

5 (C) any recommendations for legislative
6 and administrative actions to address online
7 safety for children and prevent harms to mi-
8 nors.

9 (i) **TERMINATION.**—The Council shall terminate not
10 later than 30 days after the submission of the final report
11 required under subsection (h)(2).

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

16 **SEC. 111. EFFECTIVE DATE.**

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

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

21 (a) **RELATIONSHIP TO OTHER LAWS.**—Nothing in
22 this title 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 any other Federal or State
2 law 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; or

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)).

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

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

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

17 (c) COMPLIANCE.—Nothing in this title shall be con-
18 strued to restrict the ability of a covered platform to do
19 the following:

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 law, rule, or regulation.

1 (2) Comply with a lawful civil, criminal, or reg-
2 ulatory inquiry, subpoena, or summons by Federal,
3 State, local, or other government authority.

4 (3) Prevent, detect, protect against, or respond
5 to any security incident, identity theft, fraud, har-
6 assment, malicious or deceptive activity, or any ille-
7 gal activity.

8 (4) Investigate, report, or prosecute those re-
9 sponsible for any action described in paragraph (3).

10 (5) Investigate, establish, exercise, respond to,
11 or defend against any legal claim.

12 (6) Preserve the integrity or security of the
13 platform's systems.

14 (d) APPLICATION TO VIDEO STREAMING SERV-
15 ICES.—A video streaming service shall be deemed to be
16 in compliance with this title if—

17 (1) the service predominantly consists of news,
18 sports, entertainment, or other video programming
19 content that is preselected by the provider and that
20 is not user-generated;

21 (2) any chat, comment, or interactive
22 functionality is provided incidental to, directly re-
23 lated to, or dependent on provision of such content;
24 and

1 (3) in the case of a video streaming service that
2 requires account owner registration and is not pre-
3 dominantly news or sports, the service includes the
4 capability—

5 (A) to limit the access of a minor to the
6 service, which may use a system of age-rating;

7 (B) to limit the automatic playing of on-
8 demand content selected by a personalized rec-
9 ommendation system for an individual that the
10 service knows is a minor;

11 (C) to provide an individual that the serv-
12 ice knows is a minor with readily accessible and
13 easy-to-use options to delete an account held by
14 the minor on the service, or, in the case of a
15 service that allows a parent to create a profile
16 for a minor, to allow a parent to delete the pro-
17 file of the minor;

18 (D) for a parent to manage the account
19 settings of a minor, and restrict purchases and
20 financial transactions by a minor, where appli-
21 cable;

22 (E) to provide an electronic point of con-
23 tact specific to matters described in this para-
24 graph;

1 (F) to provide a clear, conspicuous, and
2 easy-to-understand notice of the policies and
3 practices of the service with respect to the capa-
4 bilities described in this paragraph; and

5 (G) when providing on-demand content, to
6 employ measures that safeguard against serving
7 advertising for narcotic drugs, tobacco prod-
8 ucts, gambling, or alcohol directly to the ac-
9 count or profile of an individual that the service
10 knows is a minor.

11 **SEC. 113. SEVERABILITY.**

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

16 **TITLE II—FILTER BUBBLE**
17 **TRANSPARENCY**

18 **SEC. 201. DEFINITIONS.**

19 In this title:

20 (1) **ALGORITHMIC RANKING SYSTEM.**—The
21 term “algorithmic ranking system” means a com-
22 putational process, including one derived from algo-
23 rithmic decision-making, machine learning, statis-
24 tical analysis, or other data processing or artificial
25 intelligence techniques, used to determine the selec-

1 tion, order, relative prioritization, or relative promi-
2 nence of content from a set of information that is
3 provided to a user on an online platform, including
4 the ranking of search results, the provision of con-
5 tent recommendations, the display of social media
6 posts, or any other method of automated content se-
7 lection.

8 (2) APPROXIMATE GEOLOCATION INFORMA-
9 TION.—The term “approximate geolocation informa-
10 tion” means information that identifies the location
11 of an individual, but with a precision of less than 5
12 miles.

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

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

17 (A) is capable of connecting to the inter-
18 net, either directly or indirectly through a net-
19 work, to communicate information at the direc-
20 tion of an individual;

21 (B) has computer processing capabilities
22 for collecting, sending, receiving, or analyzing
23 data; and

24 (C) is primarily designed for or marketed
25 to consumers.

1 (5) INPUT-TRANSPARENT ALGORITHM.—

2 (A) IN GENERAL.—The term “input-trans-
3 parent algorithm” means an algorithmic rank-
4 ing system that does not use the user-specific
5 data of a user to determine the selection, order,
6 relative prioritization, or relative prominence of
7 information that is furnished to such user on
8 an online platform, unless the user-specific data
9 is expressly provided to the platform by the
10 user for such purpose.

11 (B) DATA EXPRESSLY PROVIDED TO THE
12 PLATFORM.—For purposes of subparagraph
13 (A), user-specific data that is provided by a
14 user for the express purpose of determining the
15 selection, order, relative prioritization, or rel-
16 ative prominence of information that is fur-
17 nished to such user on an online platform—

18 (i) includes user-supplied search
19 terms, filters, speech patterns (if provided
20 for the purpose of enabling the platform to
21 accept spoken input or selecting the lan-
22 guage in which the user interacts with the
23 platform), saved preferences, the resump-
24 tion of a previous search, and the current

1 precise geolocation information that is sup-
2 plied by the user;

3 (ii) includes the current approximate
4 geolocation information of the user;

5 (iii) includes data submitted to the
6 platform by the user that expresses the de-
7 sire of the user to receive particular infor-
8 mation, such as the social media profiles
9 the user follows, the video channels the
10 user subscribes to, or other content or
11 sources of content on the platform the user
12 has selected;

13 (iv) does not include the history of the
14 connected device of the user, including the
15 history of web searches and browsing, pre-
16 vious geographical locations, physical activ-
17 ity, device interaction, and financial trans-
18 actions of the user; and

19 (v) does not include inferences about
20 the user or the connected device of the
21 user, without regard to whether such infer-
22 ences are based on data described in clause
23 (i) or (iii).

24 (6) ONLINE PLATFORM.—The term “online
25 platform”—

1 (A) means any public-facing website, online
2 service, online application, or mobile application
3 that predominantly provides a community
4 forum for user-generated content;

5 (B) includes any such website, service, or
6 application that shares videos, images, games,
7 audio files, or other content, including a social
8 media service, social network, or virtual reality
9 environment; and

10 (C) does not include—

11 (i) chats, comments, or other inter-
12 active functionalities of the community
13 forum that is incidental to the predomi-
14 nant purpose of the website, online service,
15 online application, or mobile application; or

16 (ii) a product or service that primarily
17 serves to facilitate the sale or provision of
18 commercial products or professional serv-
19 ices.

20 (7) OPAQUE ALGORITHM.—The term “opaque
21 algorithm”

22 (A) means an algorithmic ranking system
23 that determines the selection, order, relative
24 prioritization, or relative prominence of infor-
25 mation that is furnished to such user on an on-

1 line platform based, in whole or part, on user-
2 specific data that was not expressly provided by
3 the user to the platform for such purpose; and

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

6 (i) the only user-specific data (includ-
7 ing inferences about the user) that the sys-
8 tem uses is information relating to the age
9 of the user; and

10 (ii) such information is only used to
11 restrict the access of a user to content on
12 the basis that the individual is not old
13 enough to access such content.

14 (8) **PRECISE GEOLOCATION INFORMATION.**—

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

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

1 **SEC. 202. REQUIREMENT TO ALLOW USERS TO SEE**
2 **UNMANIPULATED CONTENT ON INTERNET**
3 **PLATFORMS.**

4 (a) IN GENERAL.—Beginning on the date that is 1
5 year after the date of enactment of this Act, it shall be
6 unlawful for any online platform that uses an opaque algo-
7 rithm that does not meet the following requirements:

8 (1) NOTICE REQUIRED.—Except as provided in
9 paragraph (4), the online platform provides notice to
10 users of the platform—

11 (A) that the platform uses an opaque algo-
12 rithm that uses user-specific data to select the
13 content the user sees, presented in a clear and
14 conspicuous manner on the platform whenever
15 the user interacts with an opaque algorithm for
16 the first time, and may be a one-time notice
17 that can be dismissed by the user; and

18 (B) in the terms and conditions of the on-
19 line platform, in a clear, accessible, and easily
20 comprehensible manner that is updated when-
21 ever the online platform makes a material
22 change to—

23 (i) the most salient features, inputs,
24 and parameters used by the opaque algo-
25 rithm;

1 (ii) how any user-specific data used by
2 the opaque algorithm is collected or in-
3 ferred about a user of the platform, and
4 the categories of such data;

5 (iii) any options that the online plat-
6 form makes available for a user of the
7 platform to opt out or exercise options
8 under paragraph (2), modify the profile of
9 the user or to influence the features, in-
10 puts, or parameters used by the opaque al-
11 gorithm; and

12 (iv) any quantities, such as time spent
13 using a product or specific measures of en-
14 gagement or social interaction, that the
15 opaque algorithm is designed to optimize,
16 as well as a general description of the rel-
17 ative importance of each quantity for such
18 ranking.

19 (2) OPT-OUT.—Except as provided in para-
20 graph (4), the online platform enables users to easily
21 switch between the opaque algorithm and an input-
22 transparent algorithm in their use of the platform.

23 (3) PROHIBITION ON DIFFERENTIAL PRIC-
24 ING.—The online platform does not deny, charge dif-
25 ferent prices or rates for, or condition the provision

1 of a service or product to a user based on the elec-
2 tion by a user to use an input-transparent algorithm
3 in their use of the platform, as described under
4 paragraph (2).

5 (4) EXCEPTION.—Notwithstanding paragraphs
6 (1) and (2), the online platform shall provide the no-
7 tice and opt-out described in paragraphs (1) and (2)
8 to the educational agency or institution (as defined
9 in section 444(a)(3) of the General Education Provi-
10 sions Act (20 U.S.C. 1232g(a)(3)), rather than to
11 the user, when the online platform is acting on be-
12 half of an educational agency or institution (as so
13 defined), subject to a written contract that complies
14 with the requirements of the Children’s Online Pri-
15 vacy Protection Act of 1998 (15 U.S.C. 6501 et
16 seq.) and section 444 of the General Education Pro-
17 visions Act (20 U.S.C. 1232g) (commonly known as
18 the “Family Educational Rights and Privacy Act of
19 1974”).

20 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
21 section shall be construed to require an online platform
22 to disclose any information, including data or algo-
23 rithms—

24 (1) relating to a trade secret or other protected
25 intellectual property; or

1 (2) that is privileged, proprietary, or confiden-
2 tial commercial information.

3 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
4 SION.—

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

11 (2) POWERS OF COMMISSION.—

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

20 (B) PRIVILEGES AND IMMUNITIES.—Any
21 online platform that violates this title shall be
22 subject to the penalties and entitled to the
23 privileges and immunities provided in the Fed-
24 eral Trade Commission Act (15 U.S.C. 41 et
25 seq.).

1 (C) AUTHORITY PRESERVED.—Nothing in
2 this section shall be construed to limit the au-
3 thority of the Commission under any other pro-
4 vision of law.

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

12 **SEC. 203. SEVERABILITY.**

13 If any provision of this title, or an amendment made
14 by this title, is determined to be unenforceable or invalid,
15 the remaining provisions of this title and the amendments
16 made by this title shall not be affected.

17 **TITLE III—RELATIONSHIP TO**
18 **STATE LAWS**

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

20 The provisions of this Act shall preempt any State
21 law, rule, or regulation only to the extent that such State
22 law, rule, or regulation conflicts with a provision of this
23 Act. Nothing in this Act shall be construed to prohibit a
24 State from enacting a law, rule, or regulation that pro-

- 1 vides greater protection to minors than the protection pro-
- 2 vided by the provisions of this Act.

