

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7757
OFFERED BY MR. GUTHRIE OF KENTUCKY**

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 Internet and Digital Safety Act” or the “KIDS
4 Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SHIELDING MINORS FROM OBSCENITY

Sec. 101. Short title.
Sec. 102. Definitions.
Sec. 103. Technology verification measures.
Sec. 104. Consultation requirements.
Sec. 105. GAO report.
Sec. 106. Relationship to State laws.

TITLE II—ONLINE PLATFORMS

Sec. 201. Covered platform defined.

Subtitle A—Kids Online Safety

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Addressing harms to minors.
Sec. 214. Safeguards for minors and parental tools.
Sec. 215. Reporting mechanism.
Sec. 216. Disclosure.
Sec. 217. Advertising and marketing information and labels.
Sec. 218. Advertising of illegal products to minors.
Sec. 219. Audit; report.

- Sec. 220. Rules of construction.
- Sec. 221. Relationship to State laws.

Subtitle B—Safe Messaging for Kids

- Sec. 231. Short title.
- Sec. 232. Definitions.
- Sec. 233. Prohibition on ephemeral messaging features for minors.
- Sec. 234. Prohibition on direct messaging features for children.
- Sec. 235. Parental controls for direct messaging features for teens.
- Sec. 236. Rule of construction on encryption.
- Sec. 237. Relationship to State law.
- Sec. 238. Effective date.

Subtitle C—Stop Profiling Youth and Kids

- Sec. 241. Short title.
- Sec. 242. User defined.
- Sec. 243. Market research.
- Sec. 244. Relationship to State laws.
- Sec. 245. Effective date.

TITLE III—SOCIAL GAMING PLATFORMS

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Safeguards requirements for online video game providers.
- Sec. 304. Relationship to State laws.

TITLE IV—ARTIFICIAL INTELLIGENCE CHATBOTS

- Sec. 401. Short title.
- Sec. 402. Definitions.
- Sec. 403. Certain statements prohibited.
- Sec. 404. Disclosure required.
- Sec. 405. Policies required.
- Sec. 406. Rule of construction.
- Sec. 407. Relationship to State laws.

TITLE V—RESEARCH, EDUCATION, AND BEST PRACTICES FOR
PROTECTING MINORS ONLINE

Subtitle A—Research

- Sec. 501. Definitions.
- Sec. 502. Exemption.

PART 1—SAFE SOCIAL MEDIA ACT

- Sec. 511. Short title.
- Sec. 512. Report by Commission on social media use by minors.

PART 2—NO FENTANYL ON SOCIAL MEDIA ACT

- Sec. 513. Short title.
- Sec. 514. Report on the ability of minors to access fentanyl through social media platforms.

PART 3—ASSESSING SAFETY TOOLS FOR PARENTS AND MINORS ACT

- Sec. 515. Short title.
- Sec. 516. Industry review and report.

PART 4—STUDY ON CHATBOTS AND MENTAL HEALTH OF MINORS

- Sec. 517. Study required.
- Sec. 518. Consultation.
- Sec. 519. Report.

Subtitle B—Education

PART 1—PROMOTING A SAFE INTERNET FOR MINORS ACT

- Sec. 521. Short title.
- Sec. 522. Online safety education for minors.

PART 2—AI WARNINGS AND RESOURCES FOR EDUCATION (AWARE) ACT

- Sec. 523. Short title.
- Sec. 524. Safe chatbot use for minors.

Subtitle C—Partnerships and Best Practices

- Sec. 525. Short title.
- Sec. 526. Kids Internet Safety Partnership.

TITLE VI—GENERAL PROVISIONS

- Sec. 601. Enforcement.
- Sec. 602. Judicial review.
- Sec. 603. Rules of construction.
- Sec. 604. Severability.
- Sec. 605. Effective date.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “agency” has the
4 meaning given that term in section 551 of title 5,
5 United States Code.

6 (2) ARTIFICIAL INTELLIGENCE.—The term “ar-
7 tificial intelligence” has the meaning given that term
8 in section 5002 of the National Artificial Intelligence
9 Initiative Act of 2020 (15 U.S.C. 9401).

10 (3) CHATBOT.—The term “chatbot” means an
11 artificial intelligence system, marketed to and avail-

1 able for use by consumers, that engages in inter-
2 active, natural-language communication with a user
3 and generates or selects content in response to user
4 inputs (including text, voice, or other inputs) using
5 a conversational context.

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

8 (5) DESIGN FEATURE.—The term “design fea-
9 ture”—

10 (A) means any feature or component of a
11 covered platform that encourages an increase in
12 or increases the frequency of use or time spent
13 by a user who is a minor with respect to such
14 covered platform; and

15 (B) includes—

16 (i) infinite scrolling or auto play;

17 (ii) rewards or incentives based on
18 frequency of use or time spent;

19 (iii) notifications and push alerts;

20 (iv) badges or other visual award sym-
21 bols based on frequency of use or time
22 spent;

23 (v) appearance altering filters; and

24 (vi) personalized recommendation sys-
25 tems.

1 (6) FULLY AUTOMATED SYSTEM.—The term
2 “fully automated system” means an operation or set
3 of operations performed on data with minimal or no
4 direction, instruction, prompting, oversight, involve-
5 ment, or intervention by an individual.

6 (7) KNOW; KNOWS.—The term “know” or
7 “knows” means to have actual knowledge or to have
8 acted in willful disregard.

9 (8) MINOR.—Except as otherwise provided, the
10 term “minor” means an individual under the age of
11 17 years.

12 (9) NARCOTIC DRUG.—The term “narcotic
13 drug” has the meaning given that term in section
14 102 of the Controlled Substances Act (21 U.S.C.
15 802).

16 (10) PARENT.—The term “parent”, with re-
17 spect to a minor, means an adult with the legal right
18 to make decisions on behalf of the minor, includ-
19 ing—

20 (A) a natural parent;

21 (B) an adoptive parent;

22 (C) a legal guardian; and

23 (D) an individual with legal custody over
24 the minor.

1 (11) PERSONAL INFORMATION.—The term
2 “personal information” has the meaning given that
3 term in section 1302 of the Children’s Online Pri-
4 vacy Protection Act of 1998 (15 U.S.C. 6501).

5 (12) PERSONALIZED RECOMMENDATION SYS-
6 TEM.—The term “personalized recommendation sys-
7 tem”—

8 (A) means a fully automated system used
9 to suggest, promote, or rank content, including
10 other users, hashtags, and posts, based on the
11 personal information of a user; and

12 (B) does not include a fully automated sys-
13 tem that suggests, promotes, or ranks content
14 based solely on the language, city or town, or
15 age of a user.

16 (13) SEXUAL MATERIAL HARMFUL TO MI-
17 NORS.—The term “sexual material harmful to mi-
18 nors” means a picture, image, graphic image file,
19 film, videotape, or other visual depiction that—

20 (A)(i) taken as a whole and with respect to
21 minors, appeals to the prurient interest in nu-
22 dity, sex, or excretion;

23 (ii) depicts, describes, or represents,
24 in a patently offensive way with respect to
25 what is suitable for minors, an actual or

1 simulated sexual act or sexual contact, ac-
2 tual or simulated normal or perverted sex-
3 ual acts, or lewd exhibition of the genitals;
4 and

5 (iii) taken as a whole, lacks serious
6 literary, artistic, political, or scientific
7 value as to minors; or

8 (B) is child pornography.

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

14 (15) VERIFIABLE PARENTAL CONSENT.—The
15 term “verifiable parental consent” has the meaning
16 given that term in section 1302 of the Children’s
17 Online Privacy Protection Act of 1998 (15 U.S.C.
18 6501).

19 **TITLE I—SHIELDING MINORS** 20 **FROM OBSCENITY**

21 **SEC. 101. SHORT TITLE.**

22 This title may be cited as the “Shielding Children’s
23 Retinas from Egregious Exposure on the Net Act” or the
24 “SCREEN Act”.

1 **SEC. 102. DEFINITIONS.**

2 In this title:

3 (1) CHILD PORNOGRAPHY; MINOR.—The terms
4 “child pornography” and “minor” have the mean-
5 ings given those terms in section 2256 of title 18,
6 United States Code.

7 (2) COVERED PLATFORM.—The term “covered
8 platform” means a website or other online plat-
9 form—

10 (A) that is accessible by the public;

11 (B) with respect to which more than one-
12 third of the material made available thereon is
13 sexual material harmful to minors; and

14 (C) with respect to which the provider of
15 such platform knowingly makes available the
16 sexual material harmful to minors described in
17 subparagraph (B).

18 (3) SEXUAL ACT; SEXUAL CONTACT.—The
19 terms “sexual act” and “sexual contact” have the
20 meanings given those terms in section 2246 of title
21 18, United States Code.

22 (4) TECHNOLOGY VERIFICATION MEASURE.—
23 The term “technology verification measure” means
24 technology that employs a system or process to de-
25 termine whether it is more likely than not that a
26 user of a covered platform is a minor.

1 (5) TECHNOLOGY VERIFICATION MEASURE
2 DATA.—The term “technology verification measure
3 data” means data that—

4 (A) is collected or processed for the pur-
5 pose of fulfilling a request by an individual to
6 access a covered platform or material on a cov-
7 ered platform; and

8 (B) is collected or processed for the pur-
9 pose of utilizing or providing a technology
10 verification measure pursuant to this title.

11 **SEC. 103. TECHNOLOGY VERIFICATION MEASURES.**

12 (a) COVERED PLATFORM REQUIREMENTS.—Begin-
13 ning on the date that is 1 year after the date of the enact-
14 ment of this Act, a provider of a covered platform shall—

15 (1) adopt and utilize commercially available
16 technology verification measures, reasonably de-
17 signed to ensure accuracy, with respect to the cov-
18 ered platform of such provider to identify minors;
19 and

20 (2) prevent minors from accessing any sexual
21 material harmful to minors on the covered platform.

22 (b) ADDITIONAL REQUIREMENTS FOR COMPLI-
23 ANCE.—In order to comply with subsection (a), a provider
24 of a covered platform (or a third party contracted by a
25 provider of a covered platform with respect to such covered

1 platform) shall, with respect to a covered platform of the
2 provider, carry out the following:

3 (1) Use a technology verification measure in
4 order to verify the age of a user.

5 (2) Provide that a user confirming that the user
6 is not a minor is not sufficient to verify age.

7 (3) Provide clear and conspicuous notice con-
8 taining information on the technology verification
9 measures and other policies and procedures related
10 to the technology verification measure data used to
11 comply with this title.

12 (4) Take reasonable measures to address cir-
13 cumvention of technology verification measures.

14 (5) Not transfer, disclose, or retain any tech-
15 nology verification measure data beyond what is
16 strictly necessary to use a technology verification
17 measure pursuant to this title.

18 (c) USE OF THIRD PARTIES.—

19 (1) IN GENERAL.—A provider of a covered plat-
20 form may contract with a third party to use tech-
21 nology verification measures for purposes of com-
22 plying with subsection (a).

23 (2) OBLIGATIONS; LIABILITY.—A provider of a
24 covered platform who contracts with a third party as

1 described in paragraph (1) is not relieved from any
2 obligation or liability under this title.

3 (d) **TECHNOLOGY VERIFICATION MEASURE DATA**
4 **SECURITY.**—A provider of a covered platform (or a third
5 party contracted by a provider of a covered platform with
6 respect to such covered platform) shall establish, imple-
7 ment, and maintain reasonable administrative, technical,
8 and physical data security practices to protect the con-
9 fidentiality, integrity, and availability of technology
10 verification measure data collected with respect to the cov-
11 ered platform of such provider (including by a third party
12 contracted by such covered provider with respect to such
13 covered platform).

14 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
15 tion may be construed to require the submission of govern-
16 ment-issued identification of any individual to a covered
17 platform or a third party contracted by a provider of a
18 covered platform to use a technology verification measure.

19 **SEC. 104. CONSULTATION REQUIREMENTS.**

20 In carrying out this title, the Commission shall con-
21 sult with the following individuals, including with respect
22 to the applicable standards and metrics for making a de-
23 termination on whether a user of a covered platform is
24 or is not a minor:

1 (1) Individuals with experience in computer
2 science and software engineering.

3 (2) Individuals with experience in—

4 (A) advocating for online child safety; or

5 (B) providing services to minors who have
6 been victimized by online child exploitation.

7 (3) Individuals with experience in consumer
8 protection and online privacy.

9 (4) Individuals who supply technology
10 verification measure products or have expertise in
11 technology verification measures.

12 (5) Individuals with experience in data security
13 and cryptography.

14 **SEC. 105. GAO REPORT.**

15 Not later than 3 years after the date of the enact-
16 ment of this Act, the Comptroller General of the United
17 States shall submit to Congress a report that includes the
18 following:

19 (1) An analysis of the effectiveness of the tech-
20 nology verification measures required under section
21 103.

22 (2) An analysis of the rate of compliance with
23 such section by providers of covered platforms and
24 third parties contracted by such providers with re-
25 spect to such covered platforms.

1 (3) An analysis of the data privacy and security
2 measures used by covered platforms with respect to
3 age verification processes.

4 (4) An analysis of the expression, speech, be-
5 havioral, economic, psychological, and societal effects
6 of requiring technology verification measures under
7 section 103.

8 (5) Recommendations, if any, to the Commis-
9 sion on improving the enforcement of this title.

10 **SEC. 106. RELATIONSHIP TO STATE LAWS.**

11 (a) IN GENERAL.—No State, or political subdivision
12 of a State, may prescribe, maintain, enforce, or continue
13 in effect any law, rule, regulation, requirement, standard,
14 or other provision having the force and effect of law to
15 the extent that such law, rule, regulation, requirement,
16 standard, or other provision requires a provider of a cov-
17 ered platform to use technology verification measures to
18 prevent minors from accessing any sexual material harm-
19 ful to minors on a covered platform of such provider.

20 (b) RULE OF CONSTRUCTION.—Nothing in sub-
21 section (a) may be construed to preempt the applicability
22 of any of the following:

23 (1) Any law of a State with respect to trespass,
24 contract, tort, or product liability.

1 (2) Any statutory law that creates a remedy or
2 penalty for criminal conduct.

3 (3) Any law of general applicability of a State
4 with respect to consumer protection.

5 **TITLE II—ONLINE PLATFORMS**

6 **SEC. 201. COVERED PLATFORM DEFINED.**

7 In this title, the term “covered platform” means a
8 platform that is a website, software, application, or elec-
9 tronic service connected to the internet that meets the fol-
10 lowing requirements:

11 (1) Is publicly available for use by consumers.

12 (2) Enables the creation of a username or user
13 identifier—

14 (A) that is searchable on the platform by
15 other users through a function made available
16 by the platform; and

17 (B) that can be followed by or is similarly
18 accessible to other users of the platform.

19 (3) As the primary purpose of the platform, fa-
20 cilitates the sharing and access to user-generated
21 content through text, images, video, audio, or any
22 other interactive medium.

23 (4) Uses a design feature to promote user en-
24 gagement on the platform.

1 (5) Uses the personal information of the user to
2 advertise, market, or make content recommenda-
3 tions.

4 **Subtitle A—Kids Online Safety**

5 **SEC. 211. SHORT TITLE.**

6 This subtitle may be cited as the “Kids Online Safety
7 Act”.

8 **SEC. 212. DEFINITIONS.**

9 In this subtitle:

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

12 (2) **COMPULSIVE USAGE.**—The term “compul-
13 sive usage” means a persistent and repetitive use of
14 a covered platform that substantially limits one or
15 more major life activities of an individual (as de-
16 scribed in section 3 of the Americans with Disabil-
17 ities Act of 1990 (42 U.S.C. 12102)).

18 (3) **GEOLOCATION INFORMATION.**—The term
19 “geolocation information” means information suffi-
20 cient to identify a street name and name of a city
21 or town.

22 (4) **PROCESSOR.**—The term “processor” means
23 a person who—

24 (A) processes personal information on be-
25 half of a covered platform; and

1 (B) does not determine the purpose and
2 means of processing such personal information

3 (5) SEXUAL EXPLOITATION AND ABUSE.—The
4 term “sexual exploitation and abuse” means any of
5 the following:

6 (A) Any offense, including coercion and en-
7 tice, described in section 2422 of title 18,
8 United States Code.

9 (B) Child pornography (as defined in sec-
10 tion 2256 of title 18, United States Code).

11 (C) Trafficking for the production of im-
12 ages (as described in section 2251 of title 18,
13 United States Code).

14 (D) Any offense described in section 1591
15 of title 18, United States Code.

16 (6) USER.—The term “user”, with respect to a
17 covered platform, means an individual who registers
18 an account or creates a profile on the covered plat-
19 form.

20 **SEC. 213. ADDRESSING HARMS TO MINORS.**

21 (a) IN GENERAL.—A provider of a covered platform
22 shall establish, implement, maintain, and enforce reason-
23 able policies, practices, and procedures that address the
24 following harms to minors:

1 (1) Threats of physical violence so severe, per-
2 vasive, or objectively offensive that such threats im-
3 pact a major life activity of a minor.

4 (2) Sexual exploitation and abuse.

5 (3) Distribution, sale, or use of narcotic drugs,
6 tobacco products, cannabis products, gambling, or
7 alcohol.

8 (4) Any financial harm caused by deceptive
9 practices.

10 (b) CONSIDERATIONS.—The policies, practices, and
11 procedures required by subsection (a) shall be appropriate
12 to each of the following:

13 (1) The size and complexity of the covered plat-
14 form.

15 (2) The technical feasibility of addressing the
16 harms described in subsection (a).

17 (c) RULES OF CONSTRUCTION.—Nothing in sub-
18 section (a) may be construed to—

19 (1) require a provider of a covered platform to
20 prevent or preclude any minor from—

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

23 (B) accessing resources and information
24 regarding the prevention or mitigation of the
25 harms described in subsection (a); or

1 (2) impose a duty of care on a provider of a
2 covered platform.

3 **SEC. 214. SAFEGUARDS FOR MINORS AND PARENTAL**
4 **TOOLS.**

5 (a) SAFEGUARDS FOR MINORS.—

6 (1) SAFEGUARDS.—A provider of a covered
7 platform shall provide a user of or visitor to the cov-
8 ered platform who the provider knows is a minor
9 with readily accessible and easy-to-use safeguards to
10 do each of the following, as applicable:

11 (A) Limit the ability of other users or visi-
12 tors to communicate with such user or visitor.

13 (B) Prevent the profile or personal infor-
14 mation of such user or visitor from being rec-
15 ommended or suggested to another user or vis-
16 itor who is not a minor.

17 (C) Limit design features that result in
18 compulsive usage of the covered platform by
19 such user or visitor.

20 (D) Restrict the sharing of geolocation in-
21 formation of such user or visitor to a third
22 party that is not a processor and provide notice
23 to such user or visitor and the parent of such
24 user or visitor that geolocation information is
25 collected.

1 (E) Control any personalized recommenda-
2 tion system on such covered platform, including
3 with respect to the ability for such user or vis-
4 itor to have—

5 (i) a prominently displayed option to
6 opt out of any such personalized rec-
7 ommendation system, and

8 (ii) a prominently displayed option to
9 limit types or categories of recommenda-
10 tions from any such personalized rec-
11 ommendation system.

12 (2) DEFAULT SAFEGUARD SETTINGS FOR MI-
13 NORS.—A provider of a covered platform shall en-
14 sure that, in the case of a user of or visitor to the
15 covered platform who the provider knows is a minor,
16 the default setting of any safeguard described in
17 paragraph (1) is the option available on the covered
18 platform that provides the most protective level of
19 control with respect to privacy and safety for such
20 user or visitor.

21 (b) PARENTAL TOOLS.—

22 (1) TOOLS.—A provider of a covered platform
23 shall provide readily accessible and easy-to-use pa-
24 rental tools that meet the requirements described in

1 paragraph (2) for a parent of a user of the covered
2 platform who the provider knows is a minor.

3 (2) REQUIREMENTS.—The parental tools de-
4 scribed in paragraph (1) shall allow a parent of a
5 user of the covered platform who the provider knows
6 is a minor to do any of the following:

7 (A) Manage the privacy and account set-
8 tings of such user, including by using any safe-
9 guard established under subsection (a)(1), in a
10 manner that allows the parent to—

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

13 (ii) change and control the privacy
14 and account settings.

15 (B) The ability to restrict purchases and
16 financial transactions by such user, if applica-
17 ble.

18 (C) The ability to view metrics of total
19 time spent on the covered platform and restrict
20 time spent on the covered platform by such
21 user.

22 (3) NOTICE TO MINORS.—A provider of a cov-
23 ered platform shall provide clear and conspicuous
24 notice to a user of the covered platform who the pro-
25 vider knows is a minor when any parental tool de-

1 scribed in paragraph (1) is in effect and any setting
2 or control that has been applied.

3 (4) DEFAULT TOOLS FOR CHILDREN.—A pro-
4 vider of a covered platform shall ensure that, in the
5 case of a user of or visitor to the covered platform
6 who the provider knows is a child, the default set-
7 ting for any parental tool described in paragraph (1)
8 is the option available on the covered platform that
9 provides the most protective level of control with re-
10 spect to privacy and safety for such user or visitor.

11 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
12 before the effective date of this subtitle, a provider
13 of a covered platform provides a parent of a user of
14 the covered platform who the provider knows is a
15 child with notice and the ability to enable a parental
16 tool described in paragraph (1) in a manner that
17 would otherwise comply with this subsection and the
18 parent opts out of enabling any such parental tool,
19 the covered platform is not required to enable any
20 such tool with respect to such user by default on or
21 after such effective date.

22 (c) RULES OF APPLICATION.—

23 (1) ACCESSIBILITY.—With respect to any safe-
24 guard described in subsection (a)(1) and any paren-
25 tal tool described in subsection (b)(1), a provider of

1 a covered platform shall provide each of the fol-
2 lowing:

3 (A) Information and control options in a
4 clear and conspicuous manner that takes into
5 consideration the differing ages, capacities, and
6 developmental needs of a user of the covered
7 platform who the provider knows is a minor
8 most likely to access the covered platform and
9 does not encourage such a user or a parent of
10 such a user to weaken or disable any such safe-
11 guard, option, or parental tool.

12 (B) Readily accessible and easy-to-use con-
13 trols to enable or disable any such safeguard or
14 parental tool, as appropriate.

15 (C) Information and control options in the
16 same language, form, and manner as the pro-
17 vider provides the product or service used by
18 such a user or a parent of such a user.

19 (2) TIMING CONSIDERATIONS; APPLICATION OF
20 CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If
21 the device of a user or user account does not have
22 access to the internet at the time of a change to a
23 parental tool described in subsection (b)(1), the pro-
24 vider of the relevant covered platform shall apply

1 changes the next time the device or user is con-
2 nected to the internet.

3 (3) PROHIBITION.—A provider of a covered
4 platform may not knowingly use a user interface
5 with the purpose or substantial effect of impairing
6 the use by a user of the covered platform who the
7 provider knows is a minor or a parent of such a user
8 of any safeguard described in subsection (a)(1) or
9 any parental tool described in subsection (b)(1).

10 (d) RULES OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to do any of the following:

12 (1) Prevent a provider of a covered platform
13 from taking reasonable measures to block, detect, or
14 prevent the distribution of unlawful, obscene, or
15 other harmful material to minors or any other
16 harms to minors described in section 213(a).

17 (2) Prevent a provider of a covered platform
18 from entering into an agreement with a third party
19 with a primary or exclusive function of providing
20 any safeguard described in subsection (a)(1) or any
21 parental tool described in subsection (b)(1) or other-
22 wise assisting with meeting the requirements de-
23 scribed in subsections (a) and (b).

24 (3) Prevent a parent or user from authorizing
25 a third party described in paragraph (2) to imple-

1 ment any safeguard described in subsection (a)(1) or
2 any parental tool described in subsection (b)(1) .

3 **SEC. 215. REPORTING MECHANISM.**

4 (a) REPORTING TOOLS.—A provider of a covered
5 platform shall provide each of the following:

6 (1) A readily accessible and easy-to-use means
7 for a user of or visitor to the covered platform to
8 submit a report to the covered platform of any harm
9 to a minor related to the use of the covered plat-
10 form.

11 (2) An electronic point of contact specific to
12 matters involving harms to a minor.

13 (3) Confirmation of the receipt of any such re-
14 port and, within the applicable time period described
15 in subsection (b), a substantive response to the user
16 or visitor who submitted the report.

17 (b) TIMING.—A covered platform shall establish an
18 internal process to receive and substantively respond to
19 a report submitted subsection (a)(1) in a reasonable and
20 timely manner, but in no case later than—

21 (1) 10 days after the date on which the report
22 is received; or

23 (2) if the report involves an imminent threat to
24 the safety of a minor, the date that is as prompt as
25 needed to address the reported threat to safety.

1 **SEC. 216. DISCLOSURE.**

2 (a) NOTICE.—

3 (1) REGISTRATION OR PURCHASE.—Before any
4 registration or purchase on a covered platform by a
5 user of or visitor to the covered platform who the
6 provider knows is a minor, the provider shall provide
7 clear, conspicuous, and easy-to-understand notice
8 with respect to each of the following:

9 (A) The policies and practices of the cov-
10 ered platform with respect to safeguards for mi-
11 nors.

12 (B) Information about how to access any
13 safeguard described in section 214(a)(1) or any
14 parental tool described in section 214(b)(1).

15 (2) NOTIFICATION.—

16 (A) NOTICE AND ACKNOWLEDGMENT.—In
17 the case of a user of or visitor to a covered plat-
18 form who the provider of the covered platform
19 knows is a minor, the provider shall provide in-
20 formation about any safeguard described in sec-
21 tion 214(a)(1) or any parental tool described in
22 section 214(b)(1) to a parent of such user or
23 visitor and obtain verifiable parental consent
24 with respect to any such safeguard or parental
25 tool.

1 (B) REASONABLE EFFORT.—A covered
2 platform shall be deemed to have satisfied the
3 requirement described in subparagraph (A) if
4 the provider of the covered platform is in com-
5 pliance with the requirements of the Children’s
6 Online Privacy Protection Act of 1998 (15
7 U.S.C. 6501 et seq.) to use reasonable efforts
8 (taking into consideration commercially avail-
9 able technology) to provide a parent with the
10 information required by paragraph (1)(B) and
11 to obtain the verifiable parental consent de-
12 scribed in subparagraph (A) of this paragraph.

13 (b) CONSOLIDATED NOTICES.—For purposes of this
14 section, a provider of a covered platform may consolidate
15 the process for providing information and obtaining
16 verifiable parental consent required by this section with
17 the obligations of the provider to provide relevant notice
18 and obtain verifiable parental consent under the Chil-
19 dren’s Online Privacy Protection Act of 1998.

20 **SEC. 217. ADVERTISING AND MARKETING INFORMATION**
21 **AND LABELS.**

22 A provider of a covered platform shall provide clear,
23 conspicuous, and easy-to-understand labels and informa-
24 tion, which may be provided through a link to another web
25 page or disclosure, to a user of or visitor to the covered

1 platform who the provider knows is a minor on advertise-
2 ments regarding the disclosure of endorsements of prod-
3 ucts, services, or brands made for commercial consider-
4 ation by other users of the covered platform.

5 **SEC. 218. ADVERTISING OF ILLEGAL PRODUCTS TO MI-**
6 **NORS.**

7 A provider of a covered platform may not facilitate
8 the advertising of narcotic drugs, cannabis products, to-
9 bacco products, gambling, or alcohol to a user of or visitor
10 to the covered platform who the provider knows is a minor.

11 **SEC. 219. AUDIT; REPORT.**

12 (a) **AUDIT REQUIRED.**—Not later than 18 months
13 after the date of the enactment of this subtitle, and annu-
14 ally thereafter, a provider of a covered platform shall en-
15 sure that an independent, third-party auditor conducts an
16 independent, third-party audit of the covered platform.

17 (b) **AUDIT SPECIFICATIONS.**—

18 (1) **CRITERIA.**—In conducting an audit required
19 by subsection (a), an independent, third-party audi-
20 tor shall do the following:

21 (A) Consider widely accepted or evidence-
22 based approaches, best practices, frameworks,
23 and methods related to any safeguard described
24 in section 214(a)(1) or any parental tool de-
25 scribed in section 214(b)(1).

1 (B) Consider widely accepted or evidence-
2 based approaches, best practices, frameworks,
3 and methods related to identifying, preventing,
4 and mitigating the harms to minors described
5 in section 213(a).

6 (C) Consult with parents (including par-
7 ents with relevant experience), public health
8 and mental health nonprofit organizations,
9 health and development organizations, and ex-
10 perts in freedom of expression about methods to
11 identify, prevent, and mitigate such harms.

12 (2) CONTENTS.—An audit required by sub-
13 section (a) shall include the following:

14 (A) An assessment of the extent to which
15 the relevant covered platform is likely to be
16 accessed by minors, including with respect to
17 any difference between children and teens.

18 (B) An accounting of the following:

19 (i) The number of users using such
20 covered platform who the provider of such
21 covered platform knows to be minors lo-
22 cated in the United States.

23 (ii) The median and mean amounts of
24 time spent on such covered platform by

1 such users during the year in which such
2 audit is conducted.

3 (iii) A description of the policies,
4 practices, and procedures implemented to
5 address the harms to minors described in
6 section 213(a).

7 (iv) The number of times that any
8 safeguard described in section 214(a)(1)
9 has been exercised during the year in
10 which such audit is conducted.

11 (v) The number of times that any pa-
12 rental tool described in section 214(b)(1)
13 has been exercised during the year in
14 which such audit is conducted.

15 (vi) The number of reports, cat-
16 egorized by types of harms to a minor, re-
17 ceived by such covered platform through
18 the reporting mechanism described in sec-
19 tion 215(a)(1) during the year in which
20 such audit is conducted.

21 (C) A description of such safeguards for
22 minors and parental tools that are available to
23 minors and parents on such covered platform.

24 (D) A description of how such covered
25 platform handles reports received through such

1 reporting mechanism, including the rate of re-
2 sponse to such a report and the timeliness and
3 substantiveness of any such response.

4 (E) A description of whether, how, and for
5 what purpose such covered platform collects or
6 processes categories of personal information of
7 minors.

8 (F) If the covered platform has a process
9 used to create, implement, or evaluate the im-
10 pact of a design feature of the covered platform
11 used by minors, a description of such process.

12 (3) COOPERATION BY COVERED PLATFORM.—A
13 provider of a covered platform shall facilitate an
14 audit of the covered platform required by subsection
15 (a) by doing the following:

16 (A) Providing or otherwise making avail-
17 able to the independent, third-party auditor
18 that conducts such audit any information or
19 material in the possession, custody, or control
20 of such covered platform relevant to such audit.

21 (B) Providing or otherwise making avail-
22 able to such auditor access to any network, sys-
23 tem, or asset relevant to such audit.

1 (C) Disclosing any material fact to such
2 auditor and not misrepresenting any material
3 fact.

4 (c) REPORT TO COMMISSION.—Not later than 30
5 days after the date on which an audit required by sub-
6 section (a) is completed, the provider of the relevant cov-
7 ered platform shall submit to the Commission the results
8 of the audit.

9 (d) PUBLIC REPORT.—Not later than 45 days after
10 the date on which an audit required by subsection (a) is
11 completed, the provider of the relevant covered platform
12 shall issue a public report that—

13 (1) includes the information in clauses (i), (ii),
14 (iv), (v), and (vi) of subsection (b)(2)(B); and

15 (2) notwithstanding paragraph (1), may include
16 any other information required by this section.

17 **SEC. 220. RULES OF CONSTRUCTION.**

18 Nothing in this subtitle may be construed to require
19 the provider of a covered platform to implement an age
20 gating or age verification functionality on the covered plat-
21 form.

22 **SEC. 221. RELATIONSHIP TO STATE LAWS.**

23 (a) IN GENERAL.—No State, or political subdivision
24 of a State, may prescribe, maintain, enforce, or continue
25 in effect any law, rule, regulation, requirement, standard,

1 or other provision having the force and effect of law if
2 such law, rule, regulation, requirement, standard, or other
3 provision conflicts with the provisions of this subtitle.

4 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
5 section (a) may be construed to preempt the applicability
6 of any of the following: —

7 (1) Any law of a State with respect to trespass,
8 contract, tort, or product liability.

9 (2) Any statutory law that creates a remedy or
10 penalty for criminal conduct.

11 (3) Any law of general applicability of a State
12 with respect to consumer protection.

13 **Subtitle B—Safe Messaging for** 14 **Kids**

15 **SEC. 231. SHORT TITLE.**

16 This subtitle may be cited as the “Safe Messaging
17 for Kids Act” or the “SMK Act”.

18 **SEC. 232. DEFINITIONS.**

19 In this subtitle:

20 (1) **APP.**—The term “app” means a software
21 application that may be run or directed by a user on
22 a computer, mobile device, or any other general pur-
23 pose computing device.

24 (2) **APP STORE.**—The term “app store” means
25 a publicly available software application that distrib-

1 utes and facilitates the download onto a mobile de-
2 vice of an app from a third-party developer by a user
3 of a computer, mobile device, or any other general
4 purpose computing device.

5 (3) COVERED USER.—The term “covered user”
6 means a user of a covered platform if the provider
7 of such covered platform knows that such user is a
8 minor.

9 (4) DIRECT MESSAGING FEATURE.—

10 (A) IN GENERAL.—The term “direct mes-
11 saging feature” means a function of a covered
12 platform that enables a user to send a message,
13 image, video, audio, or other communication di-
14 rectly to another user or a specific group of
15 users of the covered platform.

16 (B) EXCLUSION.—The term “direct mes-
17 saging feature” does not include a function of
18 a covered platform that enables a user to post
19 content on the covered platform to—

20 (i) a public or semi-public profile; or

21 (ii) a feed accessible to a broader

22 group of users.

23 (5) EPHEMERAL MESSAGING FEATURE.—

24 (A) IN GENERAL.—The term “ephemeral
25 messaging feature” means a function of a cov-

1 ered platform that permanently deletes or ren-
2 ders inaccessible a message, image, video,
3 audio, or other communication sent between
4 users of the covered platform (such that neither
5 the sender nor any recipient of such commu-
6 nication may readily retrieve or review the com-
7 munication in the original form through the
8 covered platform)—

- 9 (i) after a predetermined period;
10 (ii) once viewed by such a recipient; or
11 (iii) upon exiting the specific chat or
12 messaging interface.

13 (B) EXCEPTIONS.—The term “ephemeral
14 messaging feature” does not include—

- 15 (i) a function of a covered platform
16 that allows a user of the covered platform
17 to manually delete a message, image,
18 video, audio, or other communication sent
19 by such user after the transmission of the
20 communication (if such deletion does not
21 automatically occur for each recipient of
22 the communication or by the default design
23 of such function); or
24 (ii) standard data volatility in transit
25 or temporary caching not designed to make

1 such a communication permanently inac-
2 cessible after viewing or a short, predeter-
3 mined time.

4 (6) MOBILE DEVICE.—The term “mobile de-
5 vice” means a phone or general-purpose tablet that
6 provides cellular or wireless connectivity, is capable
7 of connecting to the internet, and is capable of run-
8 ning an app.

9 (7) PARENTAL DIRECT MESSAGING CON-
10 TROLS.—The term “parental direct messaging con-
11 trols” means a set of tools or settings that a pro-
12 vider of a covered platform provides to a parent of
13 a covered user of the covered platform that allows
14 the parent to manage the use of a direct messaging
15 feature by such covered user.

16 (8) TEEN COVERED USER.—The term “teen
17 covered user” means a covered user who has at-
18 tained the age of 13.

19 (9) UNAPPROVED CONTACT.—The term “unap-
20 proved contact”, with respect to a covered user for
21 whom parental direct messaging controls have been
22 activated, means a user of a covered platform with
23 respect to whom the teen covered user may not use
24 a direct messaging feature unless a parent of such

1 teen covered user has provided verifiable parental
2 consent under this subtitle.

3 (10) VERIFIABLE PARENTAL CONSENT.—The
4 term “verifiable parental consent”—

5 (A) has the meaning given that term in
6 section 2 of this Act; and

7 (B) includes ongoing mechanisms for par-
8 ents to activate and manage parental direct
9 messaging controls provided under this subtitle.

10 **SEC. 233. PROHIBITION ON EPHEMERAL MESSAGING FEAT-**
11 **TURES FOR MINORS.**

12 A provider of a covered platform may not offer, pro-
13 vide, or enable any ephemeral messaging feature of such
14 covered platform to any covered user of the covered plat-
15 form.

16 **SEC. 234. PROHIBITION ON DIRECT MESSAGING FEATURES**
17 **FOR CHILDREN.**

18 A provider of a covered platform may not offer, pro-
19 vide, or enable any direct messaging feature of such cov-
20 ered platform to any covered user of the covered platform
21 under the age of 13 years.

22 **SEC. 235. PARENTAL CONTROLS FOR DIRECT MESSAGING**
23 **FEATURES FOR TEENS.**

24 (a) REQUIREMENT.—A provider of a covered plat-
25 form that offers, provides, or enables any direct messaging

1 feature of such covered platform to any teen covered user
2 of the covered platform shall provide easily accessible and
3 usable parental direct messaging controls to a parent of
4 such teen covered user that the parent may activate and
5 manage by providing verifiable parental consent.

6 (b) ACCESSIBILITY; USABILITY; AWARENESS.—The
7 parental direct messaging controls described in subsection
8 (a) shall meet the following requirements:

9 (1) Be clearly and conspicuously accessible to a
10 parent of a teen covered user through—

11 (A) the settings of a profile of the teen
12 covered user; and

13 (B) any parental portal or interface offered
14 by the covered platform.

15 (2) Be designed to be user-friendly with clear
16 explanations of the manner in which the parental di-
17 rect messaging controls operate.

18 (c) FUNCTIONALITY OF CONTROLS.—As a default
19 setting on a covered platform, the parental direct mes-
20 saging controls described in subsection (a) shall allow a
21 parent of a teen covered user of the covered platform to
22 do the following (unless the parent adjusts the default set-
23 ting with respect to any of the following by providing
24 verifiable parental consent):

25 (1) Receive a timely notification that—

1 (A) alerts the parent about a request from
2 an unapproved contact who seeks to use a di-
3 rect messaging feature of the covered platform
4 with respect to the teen covered user; and

5 (B) allows the parent to approve or deny
6 the request before the unapproved contact and
7 the teen covered user engage in any direct mes-
8 saging through any such direct messaging fea-
9 ture.

10 (2) View and manage a list of any contacts ap-
11 proved for engaging in direct messaging with the
12 teen covered user through any direct messaging fea-
13 ture of the covered platform.

14 (3) Be informed if the teen covered user
15 changes the age listed on a profile of the teen cov-
16 ered user on the covered platform (if any such
17 change affects the applicability of such parental di-
18 rect messaging controls).

19 (4) Disable any direct messaging feature of any
20 such profile.

21 (5) Prevent any specific user, any specific group
22 of users, or other users in general, from initiating or
23 continuing to engage in direct messaging with the
24 teen covered user through any direct messaging fea-
25 ture of the covered platform.

1 (6) Enable the teen covered user to set a profile
2 of the teen covered user on the covered platform as
3 hidden on any search such that—

4 (A) other users are prevented from search-
5 ing for and finding such profile;

6 (B) other users are prevented from seeing
7 the current online or offline status of the teen
8 covered user; and

9 (C) other users are prevented from initi-
10 ating or continuing to engage in direct mes-
11 saging with the teen covered user through any
12 direct messaging feature of the covered plat-
13 form.

14 (d) NO DEGRADATION OF OTHER FEATURES OR
15 SERVICES.—A provider of a covered platform may not de-
16 grade the functionality or availability of any other feature
17 or service of the covered platform for a teen covered user
18 of the covered platform based on the activation or manage-
19 ment of parental direct messaging controls by a parent
20 of the teen covered user under this section (except as nec-
21 essary to implement any such parental direct messaging
22 controls).

23 (e) NO CIRCUMVENTION.—A provider of a covered
24 platform shall take reasonable measures to prevent a teen
25 covered user of the covered platform from easily circum-

1 venting parental direct messaging controls activated and
2 managed by a parent of the teen covered user under this
3 section.

4 **SEC. 236. RULE OF CONSTRUCTION ON ENCRYPTION.**

5 No requirement under this subtitle to restrict any
6 feature for a covered user or to provide parental direct
7 messaging controls for a direct messaging feature of a cov-
8 ered platform may be construed to override any protection
9 for an encrypted communication described in this subtitle
10 and a provider of a covered platform shall adhere to any
11 such requirement, to the maximum extent technically fea-
12 sible, through means that do not compromise the integrity
13 of strong encryption offered to any user of the covered
14 platform.

15 **SEC. 237. RELATIONSHIP TO STATE LAW.**

16 (a) IN GENERAL.—No State, or political subdivision
17 of a State, may prescribe, maintain, enforce, or continue
18 in effect any law, rule, regulation, requirement, standard,
19 or other provision having the force and effect of law to
20 the extent that such law, rule, regulation, requirement,
21 standard, or other provision—

22 (1) directly prohibits ephemeral or direct mes-
23 saging on a covered platform for users under 13; or

24 (2) regulates parental direct messaging controls
25 on covered platforms for teen covered users.

1 (b) RULE OF CONSTRUCTION.—Nothing in sub-
2 section (a) may be construed to preempt the applicability
3 of any of the following:

4 (1) Any law of a State with respect to trespass,
5 contract, tort, or product liability.

6 (2) Any statutory law that creates a remedy or
7 penalty for criminal conduct.

8 (3) Any law of general applicability of a State
9 with respect to consumer protection.

10 **SEC. 238. EFFECTIVE DATE.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), this subtitle shall take effect on the date that is 180
13 days after the date of the enactment of this Act.

14 (b) EXCEPTION.—The effective date described in sub-
15 section (a) does not apply with respect to section 235.

16 **Subtitle C—Stop Profiling Youth**
17 **and Kids**

18 **SEC. 241. SHORT TITLE.**

19 This subtitle may be cited as the “Stop Profiling
20 Youth and Kids Act” or the “SPY Kids Act”.

21 **SEC. 242. USER DEFINED.**

22 In this subtitle, the term “user”, with respect to a
23 covered platform, means an individual who registers an
24 account or creates a profile on the covered platform.

1 **SEC. 243. MARKET RESEARCH.**

2 (a) PROHIBITION OF RESEARCH ON MINORS.—A
3 provider of a covered platform may not, in the case of a
4 user or visitor of the covered platform who the provider
5 knows is a minor, conduct market or product-focused re-
6 search on such user or visitor unless any such research
7 is—

8 (1) used solely to improve the privacy, security,
9 transparency, or safety of the covered platform, in-
10 cluding with respect to a design feature or any safe-
11 guard, setting, or tool offered to such user or visitor
12 or a parent of such user or visitor; or

13 (2) necessary for compliance with a Federal or
14 State law.

15 (b) RULE OF CONSTRUCTION.—Nothing in this sub-
16 title may be construed to limit the processing of personal
17 information solely for measuring or reporting advertising
18 or content performance, reach, or frequency, including
19 through an independent measurement.

20 **SEC. 244. RELATIONSHIP TO STATE LAWS.**

21 (a) IN GENERAL.—No State, or political subdivision
22 of a State, may prescribe, maintain, enforce, or continue
23 in effect any law, rule, regulation, requirement, standard,
24 or other provision having the force and effect of law to
25 the extent that such law, rule, regulation, requirement,
26 standard, or other provision regulates the ability of a cov-

1 ered platform to conduct market or product-focused re-
2 search on a minor.

3 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
4 section (a) may be construed to preempt the applicability
5 of any of the following:

6 (1) Any law of a State with respect to trespass,
7 contract, tort, or product liability.

8 (2) Any statutory law that creates a remedy or
9 penalty for criminal conduct.

10 (3) Any law of general applicability of a State
11 with respect to consumer protection.

12 **SEC. 245. EFFECTIVE DATE.**

13 This subtitle shall take effect on the date that is 90
14 days after the date of the enactment of this Act.

15 **TITLE III—SOCIAL GAMING**
16 **PLATFORMS**

17 **SEC. 301. SHORT TITLE.**

18 This title may be cited as the “Safer Guarding of
19 Adolescents from Malicious Interactions on Network
20 Games Act” or the “Safer GAMING Act”.

21 **SEC. 302. DEFINITIONS.**

22 (a) **DEFINITIONS.**—In this title:

23 (1) **COVERED COMMUNICATION TOOL.**—The
24 term “covered communication tool” means a capa-
25 bility available to a user of an interactive online

1 video game that allows for the exchange of verbal,
2 written, or visual messages between such user and
3 any other user of such interactive online video game.

4 (2) COVERED USER.—The term “covered user”
5 means a user of an interactive online video game if
6 the online video game provider of such interactive
7 online video game knows that such user is a minor.

8 (3) INTERACTIVE ONLINE VIDEO GAME.—The
9 term “interactive online video game” means a video
10 game that—

11 (A) connects to the internet; and

12 (B) allows a user of such video game to
13 communicate with other users of such video
14 game.

15 (4) ONLINE VIDEO GAME PROVIDER.—The term
16 “online video game provider” means a person en-
17 gaged in the business of providing directly to a con-
18 sumer over the internet or other online means a dig-
19 ital storefront, console network, mobile or cloud
20 gaming platform, or similar means of digital dis-
21 tribution that offers access to an interactive online
22 video game for use by the consumer.

23 (5) VIDEO GAME.—The term “video game”
24 means a software program that—

1 (A) receives and stores data or instructions
2 generated by the user of such software pro-
3 gram; and

4 (B) processes such data or instructions to
5 create an interactive game for such user to play
6 on a computer, gaming system, console, mobile
7 device, or other technological means.

8 **SEC. 303. SAFEGUARDS REQUIREMENTS FOR ONLINE**
9 **VIDEO GAME PROVIDERS.**

10 (a) COMMUNICATION SAFEGUARDS.—An online video
11 game provider shall provide safeguards to a parent of a
12 covered user of an interactive online video game of such
13 online video game provider that allow the parent to limit
14 communication between such covered user and any other
15 user of such interactive online video game.

16 (b) FEATURES.—

17 (1) IN GENERAL.—An online video game pro-
18 vider shall ensure that the safeguards required by
19 subsection (a) meet the following requirements:

20 (A) Be accessible and easy to use.

21 (B) Be enabled by default on an account
22 of a covered user of the interactive online video
23 game of such online video game provider.

24 (C) Be set to the most protective level of
25 control by default on any such account.

1 (2) PROTECTIVE LEVEL OF CONTROL.—For
2 purposes of paragraph (1)(C), the most protective
3 level of control means the relevant safeguards—

4 (A) are set to the most restrictive setting
5 by default; and

6 (B) may be set to a less restrictive setting
7 only by a parent of a covered user.

8 (3) OTHER SAFEGUARDS REQUIRED.—An on-
9 line video game provider shall provide to a covered
10 user and a parent of a covered user of an interactive
11 online video game of the online video game provider
12 readily accessible and easy-to-use safeguards to do
13 the following:

14 (A) Prevent a profile of such covered user
15 or personal information connected to such cov-
16 ered user from being recommended or sug-
17 gested to any other user of such interactive on-
18 line video game who is not a minor.

19 (B) Restrict purchases and financial trans-
20 actions by such covered user.

21 (C) Limit the amount of time spent by
22 such covered user on such interactive online
23 video game.

24 (c) DEVICE CONTROLS.—Nothing in this section may
25 be construed to prohibit an online video game provider

1 from making available to the parent of a covered user of
2 an interactive online video game of the online video game
3 provider a single user interface that permits such parent
4 to do the following:

5 (1) Set the level or scope of any covered com-
6 munication tool with respect to multiple other users
7 or categories of users or set the level or scope of
8 multiple covered communication tools.

9 (2) Control the safeguards required by this sec-
10 tion.

11 (d) NOTICE TO COVERED USERS.—An online video
12 game provider shall provide clear and conspicuous notice
13 to a covered user of an interactive online video game of
14 the online video game provider when the safeguards re-
15 quired by this section are in effect that describes the set-
16 tings or safeguards that have been applied.

17 **SEC. 304. RELATIONSHIP TO STATE LAWS.**

18 (a) IN GENERAL.—No State, or political subdivision
19 of a State, may prescribe, maintain, enforce, or continue
20 in effect any law, rule, regulation, requirement, standard,
21 or other provision having the force and effect of law to
22 the extent that such law, rule, regulation, requirement,
23 standard, or other provision regulates the provision of a
24 covered communication tool or other safeguard by an on-
25 line video game provider under this title.

1 (b) RULE OF CONSTRUCTION.—Nothing in sub-
2 section (a) may be construed to preempt the applicability
3 of any of the following:

4 (1) Any law of a State with respect to trespass,
5 contract, tort, or product liability.

6 (2) Any statutory law that creates a remedy or
7 penalty for criminal conduct.

8 (3) Any law of general applicability of a State
9 with respect to consumer protection.

10 **TITLE IV—ARTIFICIAL** 11 **INTELLIGENCE CHATBOTS**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Safeguarding Adoles-
14 cents From Exploitative BOTs Act” or the “SAFE BOTs
15 Act”.

16 **SEC. 402. DEFINITIONS.**

17 In this title:

18 (1) CHATBOT PROVIDER.—

19 (A) IN GENERAL.—The term “chatbot pro-
20 vider” means a person engaged in the business
21 of providing a chatbot directly to a consumer
22 for the use of the consumer, including through
23 a website, mobile application, or other online
24 means.

1 (B) LIMITATION.—A person that provides
2 a website, mobile application, or other online
3 service that includes a chat function incidental
4 to the primary purpose of such website, applica-
5 tion, or service may not be treated as a chatbot
6 provider solely on the basis of such incidental
7 chat function.

8 (2) COVERED USER.—The term “covered user”
9 means a user of a chatbot if the provider of such
10 chatbot knows that such user is a minor.

11 **SEC. 403. CERTAIN STATEMENTS PROHIBITED.**

12 A chatbot provider may not provide to a covered user
13 of a relevant chatbot that states to the covered user that
14 the chatbot is a licensed professional (unless such state-
15 ment is true).

16 **SEC. 404. DISCLOSURE REQUIRED.**

17 (a) IN GENERAL.—A chatbot provider shall clearly
18 and conspicuously disclose to each covered user of a
19 chatbot of such chat provider a disclosure of the following:

20 (1) The chatbot is an artificial intelligence sys-
21 tem and not a natural person.

22 (2) Resources for contacting a suicide and crisis
23 intervention hotline.

24 (b) TIMING.—

1 (1) AI SYSTEM DISCLOSURE.—A disclosure re-
2 quired by subsection (a)(1) shall be made—

3 (A) at the initiation of the first interaction
4 of a covered user with a chatbot; and

5 (B) at any point at which, during an inter-
6 action between a covered user and a chatbot,
7 the covered user prompts the chatbot about
8 whether the chatbot is an artificial intelligence
9 system.

10 (2) CRISIS RESOURCES DISCLOSURE.—A disclo-
11 sure required by subsection (a)(2) shall be made at
12 any point at which, during an interaction between a
13 covered user and a chatbot, the covered user
14 prompts the chatbot about suicide or suicidal idea-
15 tion.

16 (c) USE OF PLAIN LANGUAGE.—Any disclosure re-
17 quired by subsection (a) shall be made in a manner that
18 is clear and age-appropriate using plain language such
19 that the disclosure is reasonably understandable by a
20 minor.

21 **SEC. 405. POLICIES REQUIRED.**

22 A chatbot provider shall establish, implement, and
23 maintain reasonable policies, practices, and procedures—

24 (1) to ensure that a chatbot of the chatbot pro-
25 vider advises a covered user of the chatbot to take

1 a break from the chatbot at the point at which a
2 continuous and uninterrupted interaction of such
3 covered user with such chatbot has lasted for 3
4 hours; and

5 (2) to address, with respect to covered users—

6 (A) any access to sexual material harmful
7 to minors;

8 (B) the promotion of gambling that is re-
9 stricted from or prohibited for minors by law;
10 and

11 (C) the promotion of the distribution, sale,
12 or use of narcotic drugs, tobacco products, or
13 alcohol that are restricted from or prohibited
14 for minors by law.

15 **SEC. 406. RULE OF CONSTRUCTION.**

16 Nothing in this title may be construed to require a
17 chatbot provider to prevent or preclude any covered user
18 of a chatbot of the chatbot provider from accessing re-
19 sources and information regarding the prevention or miti-
20 gation of the harms described in section 405(2).

21 **SEC. 407. RELATIONSHIP TO STATE LAWS.**

22 (a) IN GENERAL.—No State, or political subdivision
23 of a State, may prescribe, maintain, enforce, or continue
24 in effect any law, rule, regulation, requirement, standard,
25 or other provision having the force and effect of law, if

1 such law, rule, regulation, requirement, standard, or other
2 provision conflicts with this title.

3 (b) RULE OF CONSTRUCTION.—Nothing in sub-
4 section (a) may be construed to preempt the applicability
5 of any of the following:

6 (1) Any law of a State with respect to trespass,
7 contract, tort, or product liability.

8 (2) Any statutory law that creates a remedy or
9 penalty for criminal conduct.

10 (3) Any law of general applicability of a State
11 with respect to consumer protection.

12 **TITLE V—RESEARCH, EDU-**
13 **CATION, AND BEST PRAC-**
14 **TICES FOR PROTECTING MI-**
15 **NORS ONLINE**

16 **Subtitle A—Research**

17 **SEC. 501. DEFINITIONS.**

18 In this subtitle:

19 (1) FENTANYL.—The term “fentanyl” includes
20 any fentanyl analogue and fentanyl-related sub-
21 stance.

22 (2) FENTANYL-RELATED SUBSTANCE.—The
23 term “fentanyl-related substance” has the meaning
24 given that term in subsection (e) of schedule I of

1 section 202(c) of the Controlled Substances Act (21
2 U.S.C. 812(c)).

3 (3) RELEVANT CONGRESSIONAL COMMIT-
4 TEES.—The term “relevant congressional commit-
5 tees” means the Committee on Energy and Com-
6 merce of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate.

9 (4) SOCIAL MEDIA PLATFORM.—The term “so-
10 cial media platform”—

11 (A) means a public-facing website, internet
12 application, or mobile internet application, in-
13 cluding a social network or video sharing serv-
14 ice—

15 (i) that serves the public; and

16 (ii) that primarily provides a forum
17 for user-generated content, including mes-
18 sages, videos, images, games, and audio
19 files; and

20 (B) does not include—

21 (i) a provider of broadband internet
22 access service (as described in section
23 8.1(b) of title 47, Code of Federal Regula-
24 tions, or any successor regulation); or

25 (ii) electronic mail.

1 **SEC. 502. EXEMPTION.**

2 Subchapter I of chapter 35 of title 44, United States
3 Code (commonly known as the “Paperwork Reduction
4 Act”) does not apply to this subtitle.

5 **PART 1—SAFE SOCIAL MEDIA ACT**

6 **SEC. 511. SHORT TITLE.**

7 This part may be cited as the “Safe Social Media
8 Act”.

9 **SEC. 512. REPORT BY COMMISSION ON SOCIAL MEDIA USE**
10 **BY MINORS.**

11 The Commission, in coordination with the Secretary
12 of Health and Human Services (acting through the Assist-
13 ant Secretary for Mental Health and Substance Use),
14 shall—

15 (1) conduct a study on social media platform
16 use by minors, including with respect to—

17 (A) what personal information is collected
18 by social media platforms with respect to mi-
19 nors;

20 (B) how such personal information is used
21 by the algorithms of the social media platforms;

22 (C) how such personal information is used
23 with respect to targeted advertising;

24 (D) how often minors use social media
25 platforms daily;

1 (E) differences in use of social media plat-
2 forms related to the age ranges of minors;

3 (F) mental health effects on minors linked
4 to the use of social media platforms; and

5 (G) potential harmful effects and benefits
6 for minors from extended social media platform
7 use; and

8 (2) not later than 3 years after the date of the
9 enactment of this Act, submit to Congress a report
10 on the findings of the study conducted under para-
11 graph (1), including any recommended policy
12 changes based on such findings.

13 **PART 2—NO FENTANYL ON SOCIAL MEDIA ACT**

14 **SEC. 513. SHORT TITLE.**

15 This part may be cited as the “No Fentanyl on Social
16 Media Act”.

17 **SEC. 514. REPORT ON THE ABILITY OF MINORS TO ACCESS** 18 **FENTANYL THROUGH SOCIAL MEDIA PLAT-** 19 **FORMS.**

20 (a) REPORT REQUIRED.—Not later than 1 year after
21 the date of the enactment of this Act, the Commission,
22 in coordination with the Secretary of Health and Human
23 Services, acting through the Commissioner of Food and
24 Drugs and the Administrator of the Drug Enforcement
25 Administration, shall submit to the relevant congressional

1 committees and publish on the website of the Commission
2 a report on the ability of minors to access fentanyl, includ-
3 ing through pressed pills, on social media platforms and
4 that includes the following:

5 (1) The prevalence and ability for minors to ac-
6 cess fentanyl from drug sellers on social media plat-
7 forms.

8 (2) The impact of such prevalence and access
9 on minors, including with respect to health risks and
10 risks to physical safety.

11 (3) How drug sellers use social media platforms
12 to market, sell, deliver, distribute, dispense, and en-
13 gage in other transactions related to the provision of
14 fentanyl to minors.

15 (4) How design features and other characteris-
16 tics of social media platforms affect the ability of
17 minors to access fentanyl.

18 (5) Other measures taken by law enforcement,
19 the medical community, and others to address the
20 issues described in paragraphs (1) through (4).

21 (6) Practices, policies, and other measures
22 taken by social media platforms to address the abil-
23 ity of drug sellers to use social media platforms and
24 the effectiveness of such practices, policies, and
25 measures.

1 (7) Recommendations for Congress to eliminate
2 the prevalence and ability for minors to access
3 fentanyl on social media platforms.

4 (b) CONSULTATION REQUIRED.—In developing the
5 report required by subsection (a), the Commission shall
6 consult with stakeholders, including parents, social media
7 platforms, law enforcement, medical professionals, and
8 other relevant experts.

9 (c) REDACTION PERMITTED.—In publishing the re-
10 port required by subsection (a), the Commission, in con-
11 sultation with the Attorney General, may redact any infor-
12 mation relating to paragraphs (3) and (5) of such sub-
13 section that may compromise any law enforcement tactic,
14 strategy, or technique.

15 **PART 3—ASSESSING SAFETY TOOLS FOR**
16 **PARENTS AND MINORS ACT**

17 **SEC. 515. SHORT TITLE.**

18 This part may be cited as the “Assessing Safety
19 Tools for Parents and Minors Act”.

20 **SEC. 516. INDUSTRY REVIEW AND REPORT.**

21 (a) REVIEW.—Not later than 6 months after the date
22 of the enactment of this Act, the Commission, in consulta-
23 tion with industry, parents, individuals with expertise in
24 communications technologies, parental controls, privacy,

1 and mental health, and any other appropriate entities as
2 determined by the Commission, shall—

3 (1) initiate a review of industry efforts to pro-
4 mote online safety for minors through education, pa-
5 rental and child safety tools, age-appropriate labels
6 for content, privacy and other safety settings, or
7 other relevant technologies or initiatives; and

8 (2) examine the effectiveness of industry efforts
9 identified under paragraph (1) to mitigate online
10 harms for minors and provide recommendations for
11 industry, Congress, and agencies to improve online
12 safety for minors.

13 (b) SUBMISSION OF REPORT.—Not later than 3 years
14 after the date of the enactment of this Act, the Commis-
15 sion shall submit to the Committee on Commerce, Science,
16 and Transportation of the Senate and the Committee on
17 Energy and Commerce of the House of Representatives
18 a report with the findings and recommendations resulting
19 from the review described in subsection (a).

20 (c) EXEMPTION.—Subchapter I of chapter 35 of title
21 44, United States Code (commonly known as the “Paper-
22 work Reduction Act”) does not apply to this section.

1 **PART 4—STUDY ON CHATBOTS AND MENTAL**
2 **HEALTH OF MINORS**

3 **SEC. 517. STUDY REQUIRED.**

4 The Secretary of Health and Human Services, acting
5 through the Director of the National Institutes of Health,
6 shall conduct a 4-year longitudinal study to evaluate the
7 risks and benefits of chatbots with respect to the mental
8 health of minors, including with respect to loneliness, anx-
9 iety, social skill building, social isolation, depression, self-
10 harm, and suicidal ideation.

11 **SEC. 518. CONSULTATION.**

12 In conducting the study required by section 517, the
13 Secretary, acting through the Director, shall consult with
14 the following:

- 15 (1) The Director of the National Institute of
16 Mental Health.
- 17 (2) Pediatric mental health experts.
- 18 (3) Technologists.
- 19 (4) Ethicists.
- 20 (5) Educators.

21 **SEC. 519. REPORT.**

22 Not later than 4 years after the date of the enact-
23 ment of this Act, the Secretary, acting through the Direc-
24 tor, shall submit to the Committee on Energy and Com-
25 merce of the House of Representatives and the Commit-
26 tees on Commerce, Science, and Transportation and

1 Health, Education, Labor, and Pensions of the Senate a
2 report on the results of the study required by section 517
3 and any related recommendations.

4 **Subtitle B—Education**

5 **PART 1—PROMOTING A SAFE INTERNET FOR** 6 **MINORS ACT**

7 **SEC. 521. SHORT TITLE.**

8 This part may be cited as the “Promoting a Safe
9 Internet for Minors Act”.

10 **SEC. 522. ONLINE SAFETY EDUCATION FOR MINORS.**

11 (a) AMENDMENT.—Subtitle A of the Protecting Chil-
12 dren in the 21st Century Act (15 U.S.C. 6551 et seq.)
13 is amended by striking sections 211 through 214 and 216
14 and inserting the following:

15 **“SEC. 211. PUBLIC AWARENESS AND EDUCATIONAL CAM-** 16 **PAIGN.**

17 “Not later than 180 days after the date of the enact-
18 ment of this section, the Commission, in partnership with
19 the heads of other relevant agencies, State and local gov-
20 ernments, nonprofit organizations, schools, industry, law
21 enforcement, medical professionals, and other appropriate
22 entities, shall carry out a program throughout the United
23 States to promote the safe use of the internet by minors,
24 that includes the following:

1 “(1) The identification, promotion, and encour-
2 agement of best practices for educators, online plat-
3 forms, minors, and parents and guardians to protect
4 minors online.

5 “(2) The establishment and implementation of
6 an outreach and education campaign throughout the
7 United States that promotes online safety for mi-
8 nors.

9 “(3) The facilitation of access to, and the ex-
10 change of, information regarding online safety for
11 minors to promote up-to-date knowledge regarding
12 harms and risks negatively impacting or benefits
13 positively impacting minors online.

14 “(4) The facilitation of access to publicly acces-
15 sible online safety education and public awareness
16 efforts by other relevant agencies, State and local
17 governments, nonprofit organizations, schools, indus-
18 try, and other appropriate entities.

19 **“SEC. 212. ANNUAL REPORT.**

20 “Not later than 1 year after the date of the enact-
21 ment of this section, and annually thereafter for 10 years,
22 the Commission shall submit to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Energy and Commerce of the House of

1 Representatives a report that describes the activities car-
2 ried out under section 211.

3 **“SEC. 213. DEFINITIONS.**

4 “In this subtitle:

5 “(1) AGENCY.—The term ‘agency’ has the
6 meaning given that term in section 551 of title 5,
7 United States Code.

8 “(2) COMMISSION.—The term ‘Commission’
9 means the Federal Trade Commission.

10 “(3) MINOR.—The term ‘minor’ means an indi-
11 vidual under the age of 17.

12 “(4) NONPROFIT ORGANIZATION.—The term
13 ‘nonprofit organization’ means an organization that
14 is described in section 501(c)(3) of the Internal Rev-
15 enue Code of 1986 and exempt from taxation under
16 section 501(a) of such Code.

17 “(5) ONLINE SAFETY.—The term ‘online safety’
18 includes issues regarding the use of the internet in
19 a manner that promotes safe online activity for mi-
20 nors through the following:

21 “(A) Protecting minors from cybercrimes,
22 access to narcotics, tobacco products, gambling,
23 alcohol, and other adult content.

1 “(B) Preventing compulsive behavior on-
2 line and other adverse impacts on the physical
3 and mental health of minors.

4 “(C) Facilitating the effective use of safe-
5 guards, parental controls, and other tools to
6 empower parents, guardians, and minors to pro-
7 tect minors online.

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

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
13 The table of contents for subtitle A of the Protecting Chil-
14 dren in the 21st Century Act (15 U.S.C. 6551 et seq.)
15 is amended—

16 (1) by striking the items related to sections 211
17 through 214 and 216; and

18 (2) inserting before section 215 the following:

 “Sec. 211. Public awareness and educational campaign.

 “Sec. 212. Annual report.

 “Sec. 213. Definitions.”.

19 **PART 2—AI WARNINGS AND RESOURCES FOR**
20 **EDUCATION (AWARE) ACT**

21 **SEC. 523. SHORT TITLE.**

22 This part may be cited as the “AI Warnings And Re-
23 sources for Education Act” or the “AWARE Act”.

1 **SEC. 524. SAFE CHATBOT USE FOR MINORS.**

2 (a) EDUCATIONAL RESOURCES.—Not later than 1
3 year after the date of the enactment of this Act, the Com-
4 mission, in consultation with relevant agencies, shall de-
5 velop and make available to the public educational re-
6 sources for parents, educators, and minors with respect
7 to the safe and responsible use of chatbots by minors.

8 (b) CONTENTS.—The educational resources devel-
9 oped and made available under subsection (a) shall include
10 resources on—

- 11 (1) the risks and benefits of chatbot use;
12 (2) privacy and data collection practices; and
13 (3) best practices for parents supporting the
14 safe use of chatbots by minors.

15 (c) YOVILLE.—The Commission shall, in a manner
16 appropriate for minors, model the educational resources
17 developed and made available under subsection (a) on the
18 Youville program of the Commission.

19 **Subtitle C—Partnerships and Best**
20 **Practices**

21 **SEC. 525. SHORT TITLE.**

22 This subtitle may be cited as the “Kids Internet Safe-
23 ty Partnership Act”.

1 **SEC. 526. KIDS INTERNET SAFETY PARTNERSHIP.**

2 (a) ESTABLISHMENT.—Not later than 1 year after
3 the date of the enactment of this Act, the Secretary shall
4 establish the Kids Internet Safety Partnership.

5 (b) DIRECTOR.—The Secretary shall appoint a Direc-
6 tor to be the head of the Partnership.

7 (c) DUTIES.—The duties of the Partnership shall be
8 the following:

9 (1) Coordinate with relevant agencies, including
10 the Commission, and stakeholders to identify—

11 (A) the risks for minors with respect to the
12 use of websites, online services, online applica-
13 tions, and mobile applications;

14 (B) the benefits for minors with respect to
15 the use of websites, online services, online appli-
16 cations, and mobile applications; and

17 (C) widely accepted or evidence-based best
18 practices that account for minors of different
19 ages and—

20 (i) address the risks identified under
21 subparagraph (A); and

22 (ii) preserve and enhance the benefits
23 identified under subparagraph (B).

24 (2) Not later than 1 year after the date on
25 which the Partnership is established, and every 2

1 years thereafter, publish on a publicly available
2 website a report that details—

3 (A) the identifications made under para-
4 graph (1); and

5 (B) the efficacy and adoption by websites,
6 online services, online applications, and mobile
7 applications of—

8 (i) safeguards for minors; and

9 (ii) parental tools.

10 (3) Not later than 2 years after the date on
11 which the Partnership is established, publish on a
12 publicly available website a playbook for providers
13 and developers of websites, online services, online
14 applications, and mobile applications to facilitate the
15 implementation of widely accepted or evidence-based
16 best practices that account for minors of different
17 ages and address the risks identified under para-
18 graph (1)(A) and preserve and enhance the benefits
19 identified under paragraph (1)(B), including best
20 practices with respect to—

21 (A) age verification, assurance, and esti-
22 mation techniques;

23 (B) design features;

24 (C) parental tools;

25 (D) default privacy and account settings;

- 1 (E) reporting systems and tools;
- 2 (F) third-party safety software services;
- 3 and
- 4 (G) limitations and opt-outs related to per-
- 5 sonalized recommendation systems and
- 6 chatbots.

7 (d) STAKEHOLDERS.—In coordinating with stake-

8 holders under subsection (c)(1), the Partnership shall co-

9 ordinate with the following:

- 10 (1) Academic experts with specific expertise
- 11 with respect to the prevention of risks for minors on-
- 12 line.
- 13 (2) Researchers with specific expertise with re-
- 14 spect to social media.
- 15 (3) Parents and minors with demonstrated ex-
- 16 perience with respect to the safety of minors online.
- 17 (4) Educators with demonstrated experience
- 18 with respect to the safety of minors online.
- 19 (5) Online platforms.
- 20 (6) Experts in academia and civil society with
- 21 specific expertise with respect to constitutional law,
- 22 privacy, free expression, access to information, and
- 23 civil liberties.
- 24 (7) State attorneys general (or designees there-
- 25 of who work in State or local government).

1 (e) SUNSET.—The Partnership shall terminate on the
2 date that is 5 years after the date on which the Partner-
3 ship is established.

4 (f) DEFINITIONS.—In this section:

5 (1) PARENTAL TOOL.—The term “parental
6 tool”—

7 (A) means a tool that—

8 (i) a website, online service, online ap-
9 plication, or mobile application provides to
10 a parent of a user who the service or appli-
11 cation knows is a minor; and

12 (ii) the parent uses to support such
13 user with respect to the use of the website,
14 service, or application; and

15 (B) includes a tool that allows a parent of
16 a user who the website, service, or application
17 knows is a minor to—

18 (i) view or change the privacy and ac-
19 count settings of such user;

20 (ii) grant or withdraw verifiable pa-
21 rental consent;

22 (iii) restrict the purchases and finan-
23 cial transactions of such user;

1 (iv) view metrics of the total time
2 spent on such website, service, or applica-
3 tion by such user;

4 (v) restrict time spent on such
5 website, service, or application by such
6 user;

7 (vi) report illegal or harmful conduct
8 on such website, service, or application
9 with respect to which such user may be a
10 victim; and

11 (vii) limit or opt-out of personalized
12 recommendation systems or chatbots.

13 (2) PARTNERSHIP.—The term “Partnership”
14 means the Kids Internet Safety Partnership estab-
15 lished under subsection (a).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce.

18 **TITLE VI—GENERAL** 19 **PROVISIONS**

20 **SEC. 601. ENFORCEMENT.**

21 (a) ENFORCEMENT BY COMMISSION.—

22 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of this Act shall be treated as
24 a violation of a regulation under section 18(a)(1)(B)
25 of the Federal Trade Commission Act (15 U.S.C.

1 57a(a)(1)(B)) regarding unfair or deceptive acts or
2 practices.

3 (2) POWERS OF COMMISSION.—The Commis-
4 sion shall enforce this Act in the same manner, by
5 the same means, and with the same jurisdiction,
6 powers, and duties as though all applicable terms
7 and provisions of the Federal Trade Commission Act
8 (15 U.S.C. 41 et seq.) were incorporated into and
9 made a part of this Act, and any person who violates
10 this Act shall be subject to the penalties and entitled
11 to the privileges and immunities provided in the
12 Federal Trade Commission Act.

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

16 (b) ACTIONS BY STATES.—

17 (1) IN GENERAL.—In any case in which the at-
18 torney general of a State, or an official or agency of
19 a State, has reason to believe that an interest of the
20 residents of such State has been or is threatened or
21 adversely affected by an act or practice in violation
22 of this Act, the State, as *parens patriae*, may bring
23 a civil action on behalf of the residents of the State
24 in an appropriate district court of the United States
25 to—

1 (A) enjoin such act or practice;

2 (B) enforce compliance with this Act;

3 (C) obtain damages, restitution, or other
4 compensation on behalf of residents of the
5 State; or

6 (D) obtain such other legal and equitable
7 relief as the court may consider to be appro-
8 priate.

9 (2) NOTICE.—Before filing an action under this
10 subsection, the attorney general, official, or agency
11 of the State involved shall provide to the Commis-
12 sion a written notice of such action and a copy of
13 the complaint for such action. If the attorney gen-
14 eral, official, or agency determines that it is not fea-
15 sible to provide the notice described in this para-
16 graph before the filing of the action, the attorney
17 general, official, or agency shall provide written no-
18 tice of the action and a copy of the complaint to the
19 Commission immediately upon the filing of the ac-
20 tion.

21 (3) AUTHORITY OF COMMISSION.—

22 (A) IN GENERAL.—On receiving notice
23 under paragraph (2) of an action under this
24 subsection, the Commission shall have the
25 right—

1 (i) to intervene in the action;

2 (ii) upon so intervening—

3 (I) to be heard on all matters
4 arising therein; and

5 (II) to file petitions for appeal.

6 (B) LIMITATION ON STATE ACTION WHILE
7 FEDERAL ACTION IS PENDING.—If the Commis-
8 sion or the Attorney General of the United
9 States has instituted a civil action for violation
10 of this Act (referred to in this subparagraph as
11 the “Federal action”), no State attorney gen-
12 eral, official, or agency may bring an action
13 under this subsection during the pendency of
14 the Federal action against any defendant
15 named in the complaint in the Federal action
16 for any violation of this Act alleged in such
17 complaint.

18 (4) RULE OF CONSTRUCTION.—For purposes of
19 bringing a civil action under this subsection, nothing
20 in this Act may be construed to prevent an attorney
21 general, official, or agency of a State from exercising
22 the powers conferred on the attorney general, offi-
23 cial, or agency by the laws of such State to conduct
24 investigations, administer oaths and affirmations, or

1 compel the attendance of witnesses or the production
2 of documentary and other evidence.

3 **SEC. 602. JUDICIAL REVIEW.**

4 (a) **EXCLUSIVE JURISDICTION.**—The United States
5 District Court for the District of Columbia shall have ex-
6 clusive jurisdiction over any challenge to the constitu-
7 tionality of this Act or the constitutionality of any action,
8 finding, or determination under this Act.

9 (b) **STATUTE OF LIMITATIONS.**—A challenge to this
10 Act may only be brought—

11 (1) in the case of a challenge to the constitu-
12 tionality of this Act, not later than 60 days after the
13 date of the enactment of this Act; and

14 (2) in the case of a challenge to the constitu-
15 tionality of any action, finding, or determination
16 under this Act, not later than 120 days after the
17 date of such action, finding, or determination.

18 **SEC. 603. RULES OF CONSTRUCTION.**

19 Nothing in this Act may be construed to do any of
20 the following:

21 (1) Allow a governmental entity to enforce this
22 Act based on a viewpoint expressed by or through
23 any speech, expression, or information protected by
24 the First Amendment to the Constitution of the
25 United States.

1 (2) Prevent the taking of reasonable measures
2 to block or filter spam, prevent criminal activity, or
3 protect the security of a platform or service.

4 (3) 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 (4) Limit or impair the Children’s Online Pri-
9 vacy Protection Act of 1998 (15 U.S.C. 6501 et
10 seq.) or any rule or regulation promulgated under
11 such Act.

12 (5) Expand, limit the scope of, or alter the
13 meaning of section 230 of the Communications Act
14 of 1934 (47 U.S.C. 230).

15 (6) Restrict the ability to—

16 (A) cooperate with a law enforcement
17 agency regarding activity reasonably and in
18 good faith believed to violate a Federal, State,
19 or local law, rule, or regulation;

20 (B) comply with a lawful civil, criminal, or
21 regulatory inquiry, subpoena, or summons from
22 a Federal, State, local, or other governmental
23 authority;

24 (C) investigate, establish, exercise, respond
25 to, or defend against a legal claim;

1 (D) prevent, detect, or respond to a secu-
2 rity incident, identity theft, fraud, harassment,
3 or any other malicious, deceptive, or illegal ac-
4 tivity; or

5 (E) investigate or report a person respon-
6 sible for an activity described in subparagraph
7 (D).

8 (7) Decrypt or ensure an ability to decrypt an
9 encrypted communication of a user.

10 (8) Preclude the use of any form of encryption,
11 including end-to-end encryption, for any communica-
12 tion of a user.

13 (9) Design, build, or implement any feature,
14 function, software, hardware, or other capability for
15 the purpose of weakening, undermining, circum-
16 venting, or overcoming any security control, includ-
17 ing encryption, that is used to protect the privacy or
18 security of any communication or data of a user.

19 (10) Require indefinite retention of data of a
20 user.

21 (11) Require the affirmative collection of any
22 personal information with respect to age that is not
23 collected already in the normal course of business.

1 **SEC. 604. SEVERABILITY.**

2 If any provision of this Act or the application of this
3 Act to any person or circumstance is held to be unconstitu-
4 tional, the remaining provisions of this Act and the appli-
5 cation of this Act to other persons or circumstances shall
6 not be affected.

7 **SEC. 605. EFFECTIVE DATE.**

8 Except as otherwise provided in this Act, this Act
9 shall take effect on the date that is 1 year after the date
10 of the enactment of this Act.

