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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To protect the safety of children on the internet.

IN THE HOUSE OF REPRESENTATIVES

Mr. BILIRAKIS introduced the following bill; which was referred to the
Committee on _____

A BILL

To protect the safety of children on the internet.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Kids Online Safety Act”.

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

Sec. 1. Short title; table of contents.

TITLE I—KIDS ONLINE SAFETY

- Sec. 101. Definitions.
- Sec. 102. Duty of care.
- Sec. 103. Safeguards for minors.

- Sec. 104. Disclosure.
- Sec. 105. Transparency.
- Sec. 106. Research on social media and minors.
- Sec. 107. Market research.
- Sec. 108. Age verification study and report.
- Sec. 109. Guidance.
- Sec. 110. Enforcement.
- Sec. 111. Kids Online Safety Council.
- Sec. 112. Effective date.
- Sec. 113. Rules of construction and other matters.
- Sec. 114. Severability.

TITLE II—FILTER BUBBLE TRANSPARENCY

- Sec. 201. Definitions.
- Sec. 202. Requirement to allow users to see unmanipulated content on internet platforms.
- Sec. 203. Severability.

TITLE III—RELATIONSHIP TO STATE LAWS

- Sec. 301. Relationship to State laws.

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 any response stimulated by exter-
8 nal factors that causes an individual to engage in re-
9 petitive behavior reasonably likely to cause a mental
10 health disorder.

11 (3) COVERED PLATFORM.—

12 (A) IN GENERAL.—The term “covered
13 platform” means an online platform, online
14 video game, messaging application, or video
15 streaming service that connects to the internet

1 and that is used, or is reasonably likely to be
2 used, by a minor.

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

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

7 (I) a common carrier service sub-
8 ject to the Communications Act of
9 1934 (47 U.S.C. 151 et seq.) and all
10 Acts amendatory thereof and supple-
11 mentary thereto;

12 (II) a broadband internet access
13 service (as such term is defined for
14 purposes of section 8.1(b) of title 47,
15 Code of Federal Regulations, or any
16 successor regulation);

17 (III) an email service;

18 (IV) a teleconferencing or video
19 conferencing service that allows recep-
20 tion and transmission of audio or
21 video signals for real-time communica-
22 tion, provided that—

23 (aa) the service is not an on-
24 line platform, including a social

1 media service or social network;
2 and

3 (bb) the real-time commu-
4 nication is initiated by using a
5 unique link or identifier to facili-
6 tate access; or

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

21 (ii) an organization not organized to
22 carry on business for its own profit or that
23 of its members;

24 (iii) any public or private preschool,
25 elementary, or secondary school, or any in-

1 stitution of vocational, professional, or
2 higher education;

3 (iv) a library (as defined in section
4 213(1) of the Library Services and Tech-
5 nology Act (20 U.S.C. 9122(1)));

6 (v) a news or sports news and cov-
7 erage website or app where—

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

13 (II) the website or app is not
14 otherwise an online platform;

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

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

24 (4) DESIGN FEATURE.—The term “design fea-
25 ture” means any feature or component of a covered

1 platform that will encourage or increase the fre-
2 quency, time spent, or activity of minors on the cov-
3 ered platform. Design features include, but are not
4 limited to—

5 (A) infinite scrolling or auto play;

6 (B) rewards for time spent on the plat-
7 form;

8 (C) notifications;

9 (D) push alerts that urge a user to spend
10 more time engaged with the platform when they
11 are not actively using it;

12 (E) badges or other visual award symbols
13 based on elevated levels of engagement with the
14 platform;

15 (F) personalized recommendation systems;

16 (G) in-game purchases; or

17 (H) appearance altering filters.

18 (5) HIGH IMPACT ONLINE COMPANY.—The
19 term “high impact online company” means an online
20 platform or online video game that provides any
21 internet-accessible platform where—

22 (A) such online platform or online video
23 game generates \$2,500,000,000 or more in an-
24 nual revenue, including the revenue generated
25 by any affiliate of such covered platform; or

1 (B) such online platform or online video
2 game has 150,000,000 or more global monthly
3 active users for not fewer than 3 of the pre-
4 ceding 12 months on the online product or serv-
5 ice of such covered platform; and

6 (C) such online platform or online video
7 game constitutes an online product or service
8 that is primarily used by users to access or
9 share, user-generated content.

10 (6) KNOW; KNOWS.—The term “know” or
11 “knows” means—

12 (A) with respect to a high impact online
13 company, the platform knew or should have
14 known the individual was a child or minor;

15 (B) with respect to a covered platform that
16 had an annual gross revenue of \$200,000,000
17 or more, collects the personal information of
18 200,000 individuals or more, and does not meet
19 the qualifications of subparagraph (A), that
20 covered platform knew or acted in willful dis-
21 regard of the fact that the individual was a
22 child or minor; and

23 (C) with respect to a covered platform that
24 does not meet the requirements of subpara-
25 graph (A) or (B), actual knowledge.

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

6 (8) MICROTRANSACTION.—

7 (A) IN GENERAL.—The term “microtrans-
8 action” means a purchase made in an online
9 video game (including a purchase made using a
10 virtual currency that is purchasable or redeem-
11 able using cash or credit or that is included as
12 part of a paid subscription service).

13 (B) INCLUSIONS.—Such term includes a
14 purchase involving surprise mechanics, new
15 characters, or in-game items.

16 (C) EXCLUSIONS.—Such term does not in-
17 clude—

18 (i) a purchase made in an online video
19 game using a virtual currency that is
20 earned through gameplay and is not other-
21 wise purchasable or redeemable using cash
22 or credit or included as part of a paid sub-
23 scription service; or

1 (ii) a purchase of additional levels
2 within the game or an overall expansion of
3 the game.

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

6 (10) ONLINE PLATFORM.—

7 (A) IN GENERAL.—The term “online plat-
8 form” means any public-facing website, online
9 service, online application, or mobile application
10 that predominantly provides a community
11 forum for user-generated content.

12 (B) INCLUSIONS.—Such term includes
13 sharing videos, images, games, audio files, or
14 other content, including a social media service,
15 social network, or virtual reality environment.

16 (C) EXCLUSIONS.—Such term does not in-
17 clude chats, comments, or other interactive
18 functionalities of the community forum that is
19 incidental to the predominant purpose of the
20 website, online service, online application, or
21 mobile application.

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

1 (A) create and upload content other than
2 content that is incidental to gameplay, such as
3 character or level designs created by the user,
4 preselected phrases, or short interactions with
5 other users;

6 (B) engage in microtransactions within the
7 game; or

8 (C) communicate with other users.

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

13 (13) PERSONAL DATA.—The term “personal
14 data” has the same meaning as the term “personal
15 information” as defined in section 1302 of the Chil-
16 dren’s Online Privacy Protection Act (15 U.S.C.
17 6501).

18 (14) PERSONALIZED RECOMMENDATION SYS-
19 TEM.—

20 (A) IN GENERAL.—The term “personalized
21 recommendation system” means a fully or par-
22 tially automated system used to suggest, pro-
23 mote, rank, or recommend content, including
24 other users, hashtags, or posts, based on the
25 personal data of users.

1 (B) EXCLUSIONS.—The term “personal-
2 ized recommendation system” does not in-
3 clude—

4 (i) systems that suggests, promotes,
5 or ranks content based solely on the user’s
6 language, city or town, or age;

7 (ii) technical means that do not fully
8 automate or replace human decision-mak-
9 ing processes;

10 (iii) technical means that are designed
11 to block, detect, identify, or prevent a user
12 from accessing inappropriate, unlawful, or
13 harmful content; or

14 (iv) technical means designed to pre-
15 vent or detect fraud, malicious conduct or
16 other illegal activity, or preserve the integ-
17 rity or security of systems, products, or
18 services.

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

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

1 (B) Child sexual abuse material, as de-
2 scribed in sections 2251, 2252, 2252A, and
3 2260 of title 18, United States Code.

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

7 (D) Sex trafficking of children, as de-
8 scribed in section 1591 of title 18, United
9 States Code.

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

14 **SEC. 102. DUTY OF CARE.**

15 (a) PREVENTION OF HARM TO MINORS.—A high im-
16 pact online company shall exercise reasonable care in the
17 creation and implementation of any design feature to pre-
18 vent and mitigate the following harms to minors:

19 (1) Consistent with evidence-informed medical
20 information, the following mental health disorders:
21 anxiety, depression, eating disorders, substance use
22 disorders, and suicidal behaviors.

23 (2) Patterns of use that indicate or encourage
24 compulsive usage by minors.

1 (3) Physical violence (as defined in 18 U.S.C.
2 16), cyberbullying and discriminatory harassment of
3 a minor.

4 (4) Sexual exploitation and abuse of minors.

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

9 (b) LIMITATION.—Nothing in subsection (a) shall be
10 construed to require a high impact online company to pre-
11 vent or preclude—

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

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

20 **SEC. 103. SAFEGUARDS FOR MINORS.**

21 (a) SAFEGUARDS FOR MINORS.—

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

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

3 (B) limit design features that encourage or
4 increase the frequency, time spent, or activity of
5 minors on the covered platform, such as infinite
6 scrolling, auto playing, rewards for time spent
7 on the platform, notifications, badges, push
8 alerts, and other interactive elements that re-
9 sult in compulsive usage of the covered platform
10 by the minor; and

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

14 (i) the option of opting out of such
15 personalized recommendation systems,
16 while still allowing the display of content
17 based on a chronological format;

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

21 (iii) both such options.

22 (2) OPTIONS.—A covered platform shall provide
23 a user that the covered platform knows is a minor
24 with readily-accessible and easy-to-use options to

1 limit the amount of time spent by the minor on the
2 covered platform.

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

12 (b) PARENTAL TOOLS.—

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

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

19 (A) the ability to manage a minor’s ac-
20 count settings, including the safeguards and op-
21 tions established under subsection (a), in a
22 manner that allows parents to—

23 (i) view the account settings; and

1 (ii) in the case of a user that the plat-
2 form knows is a child, change and control
3 the account settings;

4 (B) the ability to restrict purchases and fi-
5 nancial transactions by the minor, where appli-
6 cable; and

7 (C) the ability to view metrics of total time
8 spent on the covered platform and restrict time
9 spent on the covered platform by the minor.

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

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

18 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
19 prior to the effective date of this subsection, a cov-
20 ered platform provided a parent of a user that the
21 platform knows is a child with notice and the ability
22 to enable the parental tools described under this
23 subsection in a manner that would otherwise comply
24 with this subsection, and the parent opted out of en-
25 abling such tools, the covered platform is not re-

1 quired to enable such tools with respect to such user
2 by default when this subsection takes effect.

3 (c) REPORTING MECHANISM.—

4 (1) REPORTS SUBMITTED BY PARENTS, MI-
5 NORS, AND SCHOOLS.—A covered platform shall pro-
6 vide—

7 (A) a readily-accessible and easy-to-use
8 means to submit reports to the covered plat-
9 form of harms to a minor;

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

12 (C) confirmation of the receipt of such a
13 report and, within the applicable time period
14 described in paragraph (2), a substantive re-
15 sponse to the individual that submitted the re-
16 port.

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

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

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

6 (C) notwithstanding subparagraphs (A)
7 and (B), if the report involves an imminent
8 threat to the safety of a minor, as promptly as
9 needed to address the reported threat to safety.

10 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-
11 ered platform shall not facilitate the advertising of nar-
12 cotic drugs (as defined in section 102 of the Controlled
13 Substances Act (21 U.S.C. 802)), tobacco products, gam-
14 bling, or alcohol to an individual that the covered platform
15 knows is a minor.

16 (e) RULES OF APPLICATION.—

17 (1) ACCESSIBILITY.—With respect to safe-
18 guards and parental tools described under sub-
19 sections (a) and (b), a covered platform shall pro-
20 vide—

21 (A) information and control options in a
22 clear and conspicuous manner that takes into
23 consideration the differing ages, capacities, and
24 developmental needs of the minors most likely
25 to access the covered platform and does not en-

1 courage minors or parents to weaken or disable
2 safeguards or parental tools;

3 (B) readily-accessible and easy-to-use con-
4 trols to enable or disable safeguards or parental
5 tools, as appropriate; and

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

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

17 (3) TIMING CONSIDERATIONS.—

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

23 (B) APPLICATION OF CHANGES TO OFF-
24 LINE DEVICES OR ACCOUNTS.—If a user’s de-
25 vice or user account does not have access to the

1 internet at the time of a change to parental
2 tools, a covered platform shall apply changes
3 the next time the device or user is connected to
4 the internet.

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

7 (A) prevent a covered platform from taking
8 reasonable measures to—

9 (i) block, detect, or prevent the dis-
10 tribution of unlawful, obscene, or other
11 harmful material to minors as described in
12 section 102(a); or

13 (ii) block or filter spam, prevent
14 criminal activity, or protect the security of
15 a platform or service;

16 (B) require the disclosure of a minor's
17 browsing behavior, search history, messages,
18 contact list, or other content or metadata of
19 their communications;

20 (C) prevent a covered platform from using
21 a personalized recommendation system to dis-
22 play content to a minor if the system only uses
23 information on—

24 (i) the language spoken by the minor;

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

1 (iii) the minor's age; or

2 (D) prevent an online video game from dis-
3 closing a username or other user identification
4 for the purpose of competitive gameplay or to
5 allow for the reporting of users.

6 (f) DEVICE OR CONSOLE CONTROLS.—

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

15 (A) the controls or tools meet such require-
16 ments; and

17 (B) the minor or parent is provided suffi-
18 cient notice of the integration and use of the
19 parental tools.

20 (2) PRESERVATION OF PROTECTIONS.—In the
21 event of a conflict between the controls or tools of
22 a third-party system, including operating systems or
23 gaming consoles, and a covered platform, the cov-
24 ered platform is not required to override the controls
25 or tools of a third-party system if it would under-

1 mine the protections for minors from the safeguards
2 or parental tools imposed under subsections (a) and
3 (b).

4 **SEC. 104. DISCLOSURE.**

5 (a) NOTICE.—

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

11 (A) notice of the policies and practices of
12 the covered platform with respect to safeguards
13 for minors;

14 (B) information about how to access the
15 safeguards and parental tools required under
16 section 103; and

17 (C) notice about whether the covered plat-
18 form uses or makes available to minors a prod-
19 uct, service, or design feature, including any
20 personalized recommendation system, that
21 poses any heightened risk of harm to minors.

22 (2) NOTIFICATION.—

23 (A) NOTICE AND ACKNOWLEDGMENT.—In
24 the case of an individual that a covered plat-
25 form knows is a child, the platform shall addi-

1 tionally provide information about the parental
2 tools and safeguards required under section 103
3 to a parent of the child and obtain verifiable
4 parental consent (as defined in section 1302(9)
5 of the Children’s Online Privacy Protection Act
6 (15 U.S.C. 6501(9))) from the parent prior to
7 the initial use of the covered platform by the
8 child.

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

20 (3) CONSOLIDATED NOTICES.—For purposes of
21 this Act, a covered platform may consolidate the
22 process for providing information under this sub-
23 section and obtaining verifiable parental consent or
24 the consent of the minor involved (as applicable) as
25 required under this subsection with its obligations to

1 provide relevant notice and obtain verifiable consent
2 under the Children’s Online Privacy Protection Act
3 (15 U.S.C. 6501 et seq.).

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

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

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

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

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

24 (1) its policies and practices with respect to
25 safeguards for minors; and

1 (2) how to access the safeguards and tools re-
2 quired under section 103.

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

9 **SEC. 105. TRANSPARENCY.**

10 (a) **IN GENERAL.**—Subject to subsection (b), not less
11 frequently than once a year, a covered platform shall issue
12 a public report describing the reasonably foreseeable risks
13 of harms to minors and assessing the prevention and miti-
14 gation measures taken to address such risk based on an
15 independent, third-party audit conducted through reason-
16 able inspection of the covered platform.

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

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

22 (2) the platform predominantly provides a com-
23 munity forum for user-generated content and discus-
24 sion, including sharing videos, images, games, audio
25 files, discussion in a virtual setting, or other content,

1 such as acting as a social media platform, virtual re-
2 ality environment, or a social network service.

3 (c) CONTENT.—

4 (1) TRANSPARENCY.—The public reports re-
5 quired of a covered platform under this section shall
6 include—

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

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

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

13 (i) the number of users using the cov-
14 ered platform that the platform knows to
15 be minors in the United States;

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

22 (iii) the amount of content being
23 accessed by users that the platform knows
24 to be minors in the United States that is
25 in English, and the top 5 non-English lan-

1 guages used by users accessing the plat-
2 form in the United States;

3 (D) an accounting of total reports received
4 regarding, and the prevalence (which can be
5 based on scientifically valid sampling methods
6 using the content available to the covered plat-
7 form in the normal course of business) of con-
8 tent related to, the harms described in section
9 102(a), disaggregated by category of harm and
10 language, including English and the top 5 non-
11 English languages used by users accessing the
12 platform from the United States (as identified
13 under subparagraph (C)(iii)); and

14 (E) a description of any material breaches
15 of parental tools or assurances regarding mi-
16 nors, and other matters regarding non-compli-
17 ance with this Act.

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

21 (A) an assessment of the reasonably fore-
22 seeable risk of harms to minors posed by the
23 covered platform, specifically identifying those
24 physical, mental, developmental, or financial
25 harms described in section 102(a);

1 (B) a description of whether and how the
2 covered platform uses design features that en-
3 courage or increase the frequency, time spent,
4 or activity of minors on the covered platform,
5 such as infinite scrolling, auto playing, rewards
6 for time spent on the platform, notifications,
7 and other design features that result in compul-
8 sive usage of the covered platform by the minor;

9 (C) a description of whether, how, and for
10 what purpose the platform collects or processes
11 categories of personal data that may cause rea-
12 sonably foreseeable risk of harms to minors;

13 (D) an evaluation of the efficacy of safe-
14 guards for minors and parental tools under sec-
15 tion 103, and any issues in delivering such safe-
16 guards and the associated parental tools;

17 (E) an evaluation of any other relevant
18 matters of public concern over risk of harms to
19 minors associated with the use of the covered
20 platform; and

21 (F) an assessment of differences in risk of
22 harm to minors across different English and
23 non-English languages and efficacy of safe-
24 guards in those languages.

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

7 (A) a description of the safeguards and pa-
8 rental tools available to minors and parents on
9 the covered platform;

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

13 (C) a description of the prevention and
14 mitigation measures intended to be taken in re-
15 sponse to the known and emerging risks identi-
16 fied in its assessment of reasonably foreseeable
17 risks of harms to minors, including steps taken
18 to—

19 (i) prevent harms to minors, including
20 adapting or removing design features or
21 addressing through parental tools;

22 (ii) provide the most protective level of
23 control over safety by default; and

24 (iii) adapt recommendation systems to
25 mitigate reasonably foreseeable risk of

1 harms to minors, as described in section
2 102(a);

3 (D) a description of internal processes for
4 handling reports and automated detection
5 mechanisms for harms to minors, including the
6 rate, timeliness, and effectiveness of responses
7 under the requirement of section 103(c);

8 (E) the status of implementing prevention
9 and mitigation measures identified in prior as-
10 sessments; and

11 (F) a description of the additional meas-
12 ures to be taken by the covered platform to ad-
13 dress the circumvention of safeguards for mi-
14 nors and parental tools.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (f) PRIVACY SAFEGUARDS.—

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

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

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

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

4 **SEC. 106. RESEARCH ON SOCIAL MEDIA AND MINORS.**

5 (a) DEFINITIONS.—In this section:

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

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

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

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

20 (c) MATTERS TO BE ADDRESSED.—In contracting
21 with the National Academy, the Commission, in consulta-
22 tion with the Secretary, shall seek to commission separate
23 studies and reports, using the Commission’s authority
24 under section 6(b) of the Federal Trade Commission Act
25 (15 U.S.C. 46(b)), on the relationship between social

1 media and other online platforms as defined in this Act
2 on the following matters:

3 (1) Anxiety, depression, eating disorders, and
4 suicidal behaviors.

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

8 (3) Sexual exploitation and abuse.

9 (4) Addiction-like use of social media and de-
10 sign factors that lead to unhealthy and harmful
11 overuse of social media.

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

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

1 (f) ACTIVE STUDIES.—If the National Academy is
2 engaged in any active studies on the matters described in
3 subsection (c) at the time that it enters into a contract
4 with the Commission to conduct a study under this sec-
5 tion, it may base the study to be conducted under this
6 section on the active study, so long as it otherwise incor-
7 porates the requirements of this section.

8 (g) COLLABORATION.—In designing and conducting
9 the studies under this section, the Commission, the Sec-
10 retary, and the National Academy shall consult with the
11 Surgeon General and the Kids Online Safety Council.

12 (h) ACCESS TO DATA.—

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

19 (2) SCOPE.—In exercising its authority under
20 paragraph (1), the Commission may issue orders to
21 no more than 5 covered platforms per study under
22 this section.

23 (3) CONFIDENTIAL ACCESS.—Notwithstanding
24 section 6(f) or 21 of the Federal Trade Commission
25 Act (15 U.S.C. 46, 57b–2), the Commission shall

1 enter in agreements with the National Academy to
2 share appropriate information received from a cov-
3 ered platform pursuant to an order under such sub-
4 section (b) for a comprehensive study under this sec-
5 tion in a confidential and secure manner, and to
6 prohibit the disclosure or sharing of such informa-
7 tion by the National Academy. Nothing in this para-
8 graph shall be construed to preclude the disclosure
9 of any such information if authorized or required by
10 any other law.

11 **SEC. 107. MARKET RESEARCH.**

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

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

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

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

4 (b) **TIMING.**—The Federal Trade Commission shall
5 issue such guidance not later than 18 months after the
6 date of enactment of this Act. In doing so, they shall seek
7 input from members of the public and the representatives
8 of the Kids Online Safety Council established under sec-
9 tion 111.

10 **SEC. 108. AGE VERIFICATION STUDY AND REPORT.**

11 (a) **STUDY.**—The Secretary of Commerce, in coordi-
12 nation with the Federal Communications Commission and
13 Federal Trade Commission, shall conduct a study evalu-
14 ating the most technologically feasible methods and op-
15 tions for developing systems to verify age at the device
16 or operating system level.

17 (b) **CONTENTS.**—Such study shall consider—

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

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

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

1 (4) how such a system or systems could verify
2 age while mitigating risks to user privacy and data
3 security and safeguarding minors' personal data,
4 emphasizing minimizing the amount of data col-
5 lected and processed by covered platforms and age
6 verification providers for such a system;

7 (5) the technical feasibility, including the need
8 for potential hardware and software changes, includ-
9 ing for devices currently in commerce and owned by
10 consumers; and

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

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

22 **SEC. 109. GUIDANCE.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, the Federal Trade Com-

1 mission, in consultation with the Kids Online Safety Coun-
2 cil established under section 111, shall issue guidance to—

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

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

10 (B) safeguarding minors against the pos-
11 sible misuse of parental tools;

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

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

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

20 (F) 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) GUIDANCE TO SCHOOLS.—Not later than 18
14 months after the date of enactment of this Act, the Sec-
15 retary of Education, in consultation with the Federal
16 Trade Commission and the Kids Online Safety Council es-
17 tablished under section 111, shall issue guidance to assist
18 elementary and secondary schools in using the notice, safe-
19 guards and tools provided under this Act and providing
20 information on online safety for students and teachers.

21 (c) LIMITATION ON FEDERAL TRADE COMMISSION
22 GUIDANCE.—

23 (1) EFFECT OF GUIDANCE.—No guidance
24 issued by the Federal Trade Commission with re-
25 spect to this Act shall—

1 (A) confer any rights on any person, State,
2 or locality; or

3 (B) operate to bind the Federal Trade
4 Commission or any court, person, State, or lo-
5 cality to the approach recommended in such
6 guidance.

7 (2) USE IN ENFORCEMENT ACTIONS.—In any
8 enforcement action brought pursuant to this Act, the
9 Federal Trade Commission or a State attorney gen-
10 eral, as applicable—

11 (A) shall allege a violation of a provision of
12 this Act; and

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

20 **SEC. 110. ENFORCEMENT.**

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

23 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
24 TICES.—A violation of this Act shall be treated as
25 a violation of a rule defining an unfair or deceptive

1 act or practice prescribed under section 18(a)(1)(B)
2 of the Federal Trade Commission Act (15 U.S.C.
3 57a(a)(1)(B)).

4 (2) POWERS OF THE COMMISSION.—

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

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

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

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

24 (1) IN GENERAL.—

1 (A) CIVIL ACTIONS.—In any case in which
2 the attorney general of a State has reason to
3 believe that a covered platform has violated or
4 is violating section 103, 104, or 105, the State,
5 as *parens patriae*, may bring a civil action on
6 behalf of the residents of the State in a district
7 court of the United States or a State court of
8 appropriate jurisdiction to—

9 (i) enjoin any practice that violates
10 section 103, 104, or 105;

11 (ii) enforce compliance with section
12 103, 104, or 105;

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

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

19 (B) NOTICE.—

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

24 (I) written notice of that action;

25 and

1 (II) a copy of the complaint for
2 that action.

3 (ii) EXEMPTION.—

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

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

18 (2) INTERVENTION.—

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

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

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

3 (ii) to file a petition for appeal.

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

10 (A) conduct investigations;

11 (B) administer oaths or affirmations; or

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

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

23 (5) VENUE; SERVICE OF PROCESS.—

24 (A) VENUE.—Any action brought under
25 paragraph (1) may be brought in—

1 (i) the district court of the United
2 States that meets applicable requirements
3 relating to venue under section 1391 of
4 title 28, United States Code; or

5 (ii) a State court of competent juris-
6 diction.

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

11 (i) is an inhabitant; or

12 (ii) may be found.

13 (6) LIMITATION.—A violation of section 102
14 shall not form the basis of liability in any action
15 brought by the attorney general of a State under a
16 State law.

17 **SEC. 111. KIDS ONLINE SAFETY COUNCIL.**

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

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

1 (1) academic experts, health professionals, and
2 members of civil society with expertise in mental
3 health, substance use disorders, and the prevention
4 of harms to minors;

5 (2) representatives in academia and civil society
6 with specific expertise in privacy and civil liberties;

7 (3) parents and youth representation;

8 (4) representatives of covered platforms;

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

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

17 (7) educators; and

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

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

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

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

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

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

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

16 **SEC. 112. 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. 113. 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 other Federal or State laws
2 governing student privacy;

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

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

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

1 (3) prevent, detect, protect against, or respond
2 to security incidents, identity theft, fraud, harass-
3 ment, malicious or deceptive activities, or any illegal
4 activity; preserve the integrity or security of sys-
5 tems; or investigate, report, or prosecute those re-
6 sponsible for any such action; or

7 (4) investigate, establish, exercise, respond to,
8 or defend against legal claims.

9 (d) APPLICATION TO VIDEO STREAMING SERV-
10 ICES.—A video streaming service shall be deemed to be
11 in compliance with this Act if it predominantly consists
12 of news, sports, entertainment, or other video program-
13 ming content that is preselected by the provider and not
14 user-generated, and—

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

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

21 (A) to limit a minor’s access to the service,
22 which may utilize a system of age-rating;

23 (B) to limit the automatic playing of on-
24 demand content selected by a personalized rec-

1 ommendation system for an individual that the
2 service knows is a minor;

3 (C) to provide an individual that the serv-
4 ice knows is a minor with readily-accessible and
5 easy-to-use options to delete an account held by
6 the minor on the service, or, in the case of a
7 service that allows a parent to create a profile
8 for a minor, to allow a parent to delete the mi-
9 nor's profile;

10 (D) for a parent to manage a minor's ac-
11 count settings, and restrict purchases and fi-
12 nancial transactions by a minor, where applica-
13 ble;

14 (E) to provide an electronic point of con-
15 tact specific to matters described in this para-
16 graph;

17 (F) to offer a clear, conspicuous, and easy-
18 to-understand notice of its policies and prac-
19 tices with respect the capabilities described in
20 this paragraph; and

21 (G) when providing on-demand content, to
22 employ measures that safeguard against serving
23 advertising for narcotic drugs (as defined in
24 section 102 of the Controlled Substances Act
25 (21 U.S.C. 802)), tobacco products, gambling,

1 or alcohol directly to the account or profile of
2 an individual that the service knows is a minor.

3 **SEC. 114. SEVERABILITY.**

4 If any provision of this title, or an amendment made
5 by this title, is determined to be unenforceable or invalid,
6 the remaining provisions of this title and the amendments
7 made by this title shall not be affected.

8 **TITLE II—FILTER BUBBLE**
9 **TRANSPARENCY**

10 **SEC. 201. DEFINITIONS.**

11 In this title:

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

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

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

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

10 (A) is capable of connecting to the inter-
11 net, either directly or indirectly through a net-
12 work, to communicate information at the direc-
13 tion of an individual;

14 (B) has computer processing capabilities
15 for collecting, sending, receiving, or analyzing
16 data; and

17 (C) is primarily designed for or marketed
18 to consumers.

19 (5) INPUT-TRANSPARENT ALGORITHM.—

20 (A) IN GENERAL.—The term “input-trans-
21 parent algorithm” means an algorithmic rank-
22 ing system that does not use the user-specific
23 data of a user to determine the selection, order,
24 relative prioritization, or relative prominence of
25 information that is furnished to such user on

1 an online platform, unless the user-specific data
2 is expressly provided to the platform by the
3 user for such purpose.

4 (B) DATA EXPRESSLY PROVIDED TO THE
5 PLATFORM.—For purposes of subparagraph
6 (A), user-specific data that is provided by a
7 user for the express purpose of determining the
8 selection, order, relative prioritization, or rel-
9 ative prominence of information that is fur-
10 nished to such user on an online platform—

11 (i) shall include user-supplied search
12 terms, filters, speech patterns (if provided
13 for the purpose of enabling the platform to
14 accept spoken input or selecting the lan-
15 guage in which the user interacts with the
16 platform), saved preferences, the resump-
17 tion of a previous search, and the current
18 precise geolocation information that is sup-
19 plied by the user;

20 (ii) shall include the user's current ap-
21 proximate geolocation information;

22 (iii) shall include data submitted to
23 the platform by the user that expresses the
24 user's desire to receive particular informa-
25 tion, such as the social media profiles the

1 user follows, the video channels the user
2 subscribes to, or other content or sources
3 of content on the platform the user has se-
4 lected;

5 (iv) shall not include the history of
6 the user's connected device, including the
7 user's history of web searches and brows-
8 ing, previous geographical locations, phys-
9 ical activity, device interaction, and finan-
10 cial transactions; and

11 (v) shall not include inferences about
12 the user or the user's connected device,
13 without regard to whether such inferences
14 are based on data described in clause (i) or
15 (iii).

16 (6) ONLINE PLATFORM.—

17 (A) IN GENERAL.—The term “online plat-
18 form” means any public-facing website, online
19 service, online application, or mobile application
20 that predominantly provides a community
21 forum for user-generated content.

22 (B) INCLUSIONS.—Such term includes
23 sharing videos, images, games, audio files, or
24 other content, including a social media service,
25 social network, or virtual reality environment.

1 (C) EXCLUSIONS.—Such term does not in-
2 clude chats, comments, or other interactive
3 functionalities of the community forum that is
4 incidental to the predominant purpose of the
5 website, online service, online application, or
6 mobile application.

7 (7) OPAQUE ALGORITHM.—

8 (A) IN GENERAL.—The term “opaque al-
9 gorithm” means an algorithmic ranking system
10 that determines the selection, order, relative
11 prioritization, or relative prominence of infor-
12 mation that is furnished to such user on an on-
13 line platform based, in whole or part, on user-
14 specific data that was not expressly provided by
15 the user to the platform for such purpose.

16 (B) EXCEPTION FOR AGE-APPROPRIATE
17 CONTENT FILTERS.—Such term shall not in-
18 clude an algorithmic ranking system used by an
19 online platform if—

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

24 (ii) such information is only used to
25 restrict a user’s access to content on the

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

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

4 The term “precise geolocation information” means
5 geolocation information that identifies an individ-
6 ual’s location to within a range of 5 miles or less.

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

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

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

19 (b) **OPAQUE ALGORITHM REQUIREMENTS.**—

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

24 (A) The person provides notice to users of
25 the platform—

1 (i) that the platform uses an opaque
2 algorithm that uses user-specific data to
3 select the content the user sees. Such no-
4 tice shall be presented in a clear and con-
5 spicuous manner on the platform whenever
6 the user interacts with an opaque algo-
7 rithm for the first time, and may be a one-
8 time notice that can be dismissed by the
9 user; and

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

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

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

22 (III) any options that the online
23 platform makes available for a user of
24 the platform to opt out or exercise op-
25 tions under subparagraph (B), modify

1 the profile of the user or to influence
2 the features, inputs, or parameters
3 used by the algorithm; and

4 (IV) any quantities, such as time
5 spent using a product or specific
6 measures of engagement or social
7 interaction, that the algorithm is de-
8 signed to optimize, as well as a gen-
9 eral description of the relative impor-
10 tance of each quantity for such rank-
11 ing.

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

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

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

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

24 (C) that is privileged.

1 (3) PROHIBITION ON DIFFERENTIAL PRIC-
2 ING.—An online platform shall not deny, charge dif-
3 ferent prices or rates for, or condition the provision
4 of a service or product to a user based on the user’s
5 election to use an input-transparent algorithm in
6 their use of the platform, as provided under para-
7 graph (1)(B).

8 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
9 SION.—

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

16 (2) POWERS OF COMMISSION.—

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

1 (B) PRIVILEGES AND IMMUNITIES.—Ex-
2 cept as provided in subparagraph (C), any per-
3 son who violates this Act shall be subject to the
4 penalties and entitled to the privileges and im-
5 munities provided in the Federal Trade Com-
6 mission Act (15 U.S.C. 41 et seq.).

7 (C) AUTHORITY PRESERVED.—Nothing in
8 this section shall be construed to limit the au-
9 thority of the Commission under any other pro-
10 vision of law.

11 (d) RULE OF CONSTRUCTION TO PRESERVE PERSON-
12 ALIZED BLOCKS.—Nothing in this section shall be con-
13 strued to limit or prohibit an online platform’s ability to,
14 at the direction of an individual user or group of users,
15 restrict another user from searching for, finding, access-
16 ing, or interacting with such user’s or group’s account,
17 content, data, or online community.

18 **SEC. 203. SEVERABILITY.**

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

1 **TITLE III—RELATIONSHIP TO**
2 **STATE LAWS**

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

4 The provisions of this Act shall preempt any State
5 law, rule, or regulation only to the extent that such State
6 law, rule, or regulation conflicts with a provision of this
7 Act. Nothing in this Act shall be construed to prohibit a
8 State from enacting a law, rule, or regulation that pro-
9 vides greater protection to minors than the protection pro-
10 vided by the provisions of this Act.