

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7757

---

## AN ACT

To protect children and teens online, empower parents and strengthen families, and for other purposes.

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

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.

**TITLE II—ONLINE PLATFORMS**

- Sec. 201. Definitions.

**Subtitle A—Kids Online Safety**

- Sec. 211. Short title.
- Sec. 212. Definitions.
- Sec. 213. Addressing harms to minors.
- Sec. 214. Safeguards for minors, parental tools, and teen messaging controls.
- 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. Rule of construction on age verification.
- Sec. 221. Rule of construction on encryption.

**Subtitle B—Stop Profiling Youth and Kids**

- Sec. 231. Short title.
- Sec. 232. Know; knows defined.
- Sec. 233. Market research.
- Sec. 234. Effective date.

**TITLE III—SOCIAL GAMING PLATFORMS**

- Sec. 301. Short title.
- Sec. 302. Definitions.
- Sec. 303. Safeguards requirements for online video game providers.

**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.

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—KIDS PRIVACY PROTECTIONS

Subtitle A—COPPA 2.0

- Sec. 601. Short title.
- Sec. 602. Online collection, use, disclosure, and deletion of personal information of children and teens.

- Sec. 603. Study and reports of mobile and online application oversight and enforcement.
- Sec. 604. GAO study.
- Sec. 605. Severability.

Subtitle B—Data Broker Disclosures

- Sec. 611. Definitions.
- Sec. 612. Registration requirement.
- Sec. 613. Rule of construction.

TITLE VII—GENERAL PROVISIONS

- Sec. 701. Enforcement.
- Sec. 702. Judicial review.
- Sec. 703. Rules of construction.
- Sec. 704. Relationship to State laws.
- Sec. 705. Severability.
- Sec. 706. 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) ALGORITHM.—The term “algorithm” means  
7 any computational process, model, or other auto-  
8 mated means of processing to rank, order, promote,  
9 recommend, amplify, or similarly alter the delivery  
10 or display of information (including any text, image,  
11 audio, or video post and any page, group, account,  
12 channel, or affiliation).

13 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-  
14 tificial intelligence” has the meaning given that term  
15 in section 5002 of the National Artificial Intelligence  
16 Initiative Act of 2020 (15 U.S.C. 9401).

1           (4) CHATBOT.—The term “chatbot” means an  
2           artificial intelligence system, marketed to and avail-  
3           able for use by consumers, that engages in inter-  
4           active, natural-language communication with a user  
5           and generates or selects content in response to user  
6           inputs (including text, voice, or other inputs) using  
7           a conversational context.

8           (5) COMMISSION.—The term “Commission”  
9           means the Federal Trade Commission.

10          (6) DESIGN FEATURE.—The term “design fea-  
11          ture”—

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

17                 (B) includes—

18                         (i) infinite scrolling or auto play;

19                         (ii) rewards or incentives based on  
20                         frequency of use or time spent;

21                         (iii) notifications and push alerts;

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

25                         (v) appearance altering filters; and

1 (vi) personalized recommendation sys-  
2 tems.

3 (7) FULLY AUTOMATED SYSTEM.—The term  
4 “fully automated system” means an algorithm the  
5 final outputs of which are, once computed, displayed  
6 directly to a covered user without review or alter-  
7 ation by a covered online platform.

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

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

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

19 (A) A natural parent.

20 (B) An adoptive parent.

21 (C) A legal guardian.

22 (D) An individual with legal custody over  
23 the minor.

24 (11) PERSONAL INFORMATION.—The term  
25 “personal information” has the meaning given that

1 term in section 1302 of the Children’s Online Pri-  
2 vacy Protection Act of 1998 (15 U.S.C. 6501) (as  
3 amended by section 602(a)(4) of this Act).

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

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

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

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

18 (A) Any offense, including coercion and en-  
19 ticement, described in section 2422 of title 18,  
20 United States Code.

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

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

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

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

8 (15) VERIFIABLE CONSENT.—The term  
9 “verifiable consent” has the meaning given that  
10 term in section 1302 of the Children’s Online Pri-  
11 vacy Protection Act of 1998 (15 U.S.C. 6501) (as  
12 amended by section 602(a)(5) of this Act).

## 13 **TITLE I—SHIELDING MINORS** 14 **FROM OBSCENITY**

### 15 **SEC. 101. SHORT TITLE.**

16 This title may be cited as the “Shielding Children’s  
17 Retinas from Egregious Exposure on the Net Act” or the  
18 “SCREEN Act”.

### 19 **SEC. 102. DEFINITIONS.**

20 In this title:

21 (1) COVERED PLATFORM.—The term “covered  
22 platform” means a website or other online plat-  
23 form—

24 (A) that is accessible by the public;

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

4 (C) with respect to which the provider of  
5 such platform knowingly makes available the  
6 sexual material harmful to minors described in  
7 subparagraph (B).

8 (2) MINOR.—The terms “minor” has the mean-  
9 ing given that term in section 2256 of title 18,  
10 United States Code.

11 (3) SEXUAL ACT; SEXUAL CONTACT.—The  
12 terms “sexual act” and “sexual contact” have the  
13 meanings given those terms in section 2246 of title  
14 18, United States Code.

15 (4) SEXUAL MATERIAL HARMFUL TO MINORS.—  
16 The term “sexual material harmful to minors”  
17 means a picture, image, graphic image file, film, vid-  
18 eotape, or other visual depiction that—

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

22 (ii) depicts, describes, or represents,  
23 in a patently offensive way with respect to  
24 what is suitable for minors, an actual or  
25 simulated sexual act or sexual contact, ac-

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

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

7 (B) is child pornography.

8 (5) TECHNOLOGY VERIFICATION MEASURE.—

9 The term “technology verification measure” means  
10 technology that employs a system or process to de-  
11 termine whether it is more likely than not that a  
12 user of a covered platform is a minor.

13 (6) TECHNOLOGY VERIFICATION MEASURE

14 DATA.—The term “technology verification measure  
15 data” means data that—

16 (A) is collected or processed for the pur-  
17 pose of fulfilling a request by an individual to  
18 access a covered platform or material on a cov-  
19 ered platform; and

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

1 **SEC. 103. TECHNOLOGY VERIFICATION MEASURES.**

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

5 (1) adopt and utilize commercially available  
6 technology verification measures with respect to the  
7 covered platform of such provider to identify minors;  
8 and

9 (2) prevent such minors from accessing any  
10 sexual material harmful to minors on the covered  
11 platform.

12 (b) ADDITIONAL REQUIREMENTS FOR COMPLI-  
13 ANCE.—In order to comply with subsection (a), a provider  
14 of a covered platform (or a third party contracted by a  
15 provider of a covered platform with respect to such covered  
16 platform) shall, with respect to a covered platform of the  
17 provider, carry out the following:

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

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

22 (3) Provide clear and conspicuous notice con-  
23 taining information on the technology verification  
24 measures and other policies and procedures related  
25 to the technology verification measure data used to  
26 comply with this title.

1           (4) Take reasonable measures to address cir-  
2           cumvention of technology verification measures.

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

7           (6) Not collect or use technology verification  
8           measure data for any purpose beyond what is strict-  
9           ly necessary to utilize a technology verification meas-  
10          ure pursuant to this title.

11         (c) USE OF THIRD PARTIES.—

12           (1) IN GENERAL.—A provider of a covered plat-  
13          form may contract with a third party to use tech-  
14          nology verification measures for purposes of com-  
15          plying with subsection (a).

16           (2) OBLIGATIONS; LIABILITY.—A provider of a  
17          covered platform who contracts with a third party as  
18          described in paragraph (1) is not relieved from any  
19          obligation or liability under this title.

20         (d) CHOICE OF VERIFICATION MEASURES.—A pro-  
21          vider of a covered platform may choose the specific tech-  
22          nology verification measures to utilize for purposes of com-  
23          plying with subsection (a), if such measures satisfy sub-  
24          section (b).

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

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

18 **SEC. 104. CONSULTATION REQUIREMENTS.**

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

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

- 1           (2) Individuals with experience in—
- 2                 (A) advocating for online child safety; or
- 3                 (B) providing services to minors who have
- 4           been victimized by online child exploitation.
- 5           (3) Individuals with experience in consumer
- 6           protection and online privacy.
- 7           (4) Individuals who supply technology
- 8           verification measure products or have expertise in
- 9           technology verification measures.
- 10          (5) Individuals with experience in data security
- 11          and cryptography.

12 **SEC. 105. GAO REPORT.**

13          Not later than 3 years after the date of the enact-

14          ment of this Act, the Comptroller General of the United

15          States shall submit to Congress a report that includes the

16          following:

- 17                 (1) An analysis of the effectiveness of the tech-
- 18                 nology verification measures required by section 103.
- 19                 (2) An analysis of the rate of compliance with
- 20                 such section by providers of covered platforms and
- 21                 third parties contracted by such providers with re-
- 22                 spect to such covered platforms.
- 23                 (3) An analysis of the data privacy and security
- 24                 measures used by covered platforms with respect to
- 25                 age verification processes.

1           (4) An analysis of the expression, speech, be-  
2           havioral, economic, psychological, and societal effects  
3           of the technology verification measures required by  
4           section 103.

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

## 7       **TITLE II—ONLINE PLATFORMS**

### 8       **SEC. 201. DEFINITIONS.**

9           In this title:

10           (1) COVERED PLATFORM.—The term “covered  
11           platform” means a platform that is a website, soft-  
12           ware, application, or electronic service connected to  
13           the internet that meets the following requirements:

14                   (A) Is publicly available for use by con-  
15                   sumers.

16                   (B) Enables the creation of a username or  
17                   user identifier—

18                           (i) that is searchable on the platform  
19                           by other users through a function made  
20                           available by the platform; and

21                           (ii) that can be followed by or is simi-  
22                           larly accessible to other users of the plat-  
23                           form.

24                   (C) As the primary purpose of the plat-  
25                   form, facilitates the sharing and access to user-

1 generated content through text, images, video,  
2 audio, or any other interactive medium.

3 (D) Uses a design feature to promote user  
4 engagement on the platform.

5 (E) Uses the personal information of the  
6 user to advertise, market, or make content rec-  
7 ommendations.

8 (2) USER.—The term “user”, with respect to a  
9 covered platform, means an individual who registers  
10 an account or creates a profile on the covered plat-  
11 form.

## 12 **Subtitle A—Kids Online Safety**

### 13 **SEC. 211. SHORT TITLE.**

14 This subtitle may be cited as the “Kids Online Safety  
15 Act”.

### 16 **SEC. 212. DEFINITIONS.**

17 In this subtitle:

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

20 (2) COMPULSIVE USAGE.—The term “compul-  
21 sive usage” means a persistent and repetitive use of  
22 a covered platform that substantially limits 1 or  
23 more major life activities of an individual (as de-  
24 scribed in section 3 of the Americans with Disabil-  
25 ities Act of 1990 (42 U.S.C. 12102)).

1 (3) DIRECT MESSAGING FEATURE.—

2 (A) IN GENERAL.—The term “direct mes-  
3 saging feature” means a function of a covered  
4 platform that enables a user to send a message,  
5 image, video, audio, or other communication di-  
6 rectly to another user or a specific group of  
7 users of the covered platform.

8 (B) EXCLUSION.—The term “direct mes-  
9 saging feature” does not include a function of  
10 a covered platform that enables a user to post  
11 content on the covered platform to—

- 12 (i) a public or semi-public profile; or  
13 (ii) a feed accessible to a broader  
14 group of users.

15 (4) EPHEMERAL MESSAGING FEATURE.—

16 (A) IN GENERAL.—The term “ephemeral  
17 messaging feature” means a function of a cov-  
18 ered platform that permanently deletes or ren-  
19 ders inaccessible a message, image, video,  
20 audio, or other communication sent between  
21 users of the covered platform (such that neither  
22 the sender nor any recipient of such commu-  
23 nication, nor the covered platform, may readily  
24 retrieve or review the communication in the  
25 original form through the covered platform)—

- 1 (i) after a predetermined period;  
2 (ii) once viewed by such a recipient; or  
3 (iii) upon exiting the specific chat or  
4 messaging interface.

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

7 (i) a function of a covered platform  
8 that allows a user of the covered platform  
9 to manually delete a message, image,  
10 video, audio, or other communication sent  
11 by such user after the transmission of the  
12 communication;

13 (ii) standard data volatility in transit  
14 or temporary caching for necessary func-  
15 tional and performance reasons;

16 (iii) the implementation of a time lim-  
17 ited data retention schedule based on in-  
18 dustry best practices as part of the explicit  
19 security policies of a covered platform or  
20 as needed to comply with applicable law or  
21 regulation; or

22 (iv) a standard process by which a  
23 user may request deletion of an account on  
24 a covered platform to include user content.

1           (5) GEOLOCATION INFORMATION.—The term  
2 “geolocation information” means information suffi-  
3 cient to identify a street name and name of a city  
4 or town.

5           (6) KNOW; KNOWS.—The term “know” or  
6 “knows” means to know or should have known.

7           (7) MESSAGING CONTROLS.—The term “mes-  
8 saging controls” means a set of tools or settings that  
9 a provider of a covered platform provides to a user  
10 of the covered platform that allows the user to man-  
11 age the use of a direct messaging feature or an  
12 ephemeral messaging feature by such user.

13           (8) TEEN.—The term “teen” means an indi-  
14 vidual who has attained the age of 13 years and is  
15 under the age of 17 years.

16           (9) UNAPPROVED CONTACT.—The term “unap-  
17 proved contact” means a user of a covered platform  
18 with respect to whom another user of the covered  
19 platform has not initiated a direct message conversa-  
20 tion.

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

22           (a) IN GENERAL.—A provider of a covered platform  
23 shall establish, implement, maintain, and enforce reason-  
24 able policies, practices, and procedures that address the  
25 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 the size and complexity of the covered platform.

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

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

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

19                         (B) accessing resources and information  
20                         regarding the prevention or mitigation of the  
21                         harms described in subsection (a); or

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

1 **SEC. 214. SAFEGUARDS FOR MINORS, PARENTAL TOOLS,**  
2 **AND TEEN MESSAGING CONTROLS.**

3 (a) SAFEGUARDS FOR MINORS.—

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

9 (A) Limit the ability of other users to com-  
10 municate with such user or visitor, including  
11 through direct messages or ephemeral mes-  
12 sages.

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 the provider knows is not a minor.

17 (C) Prevent other users or visitors from  
18 seeing the current online or offline status of  
19 such user.

20 (D) Limit design features that encourage  
21 compulsive usage of the covered platform by  
22 such user or visitor.

23 (E) Restrict the sharing of geolocation in-  
24 formation of such user or visitor to a third  
25 party that is not a processor and provide notice  
26 to such user or visitor and the parent of such

1 user or visitor that geolocation information is  
2 collected.

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

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

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

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

19 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-  
20 NORS.—A provider of a covered platform shall en-  
21 sure that, in the case of a user of or visitor to the  
22 covered platform who the provider knows is a minor,  
23 the default setting of any safeguard described in  
24 paragraph (1) is the option available on the covered  
25 platform that provides the most protective level of

1 control with respect to privacy and safety for such  
2 user or visitor.

3 (b) PARENTAL TOOLS.—

4 (1) TOOLS.—A provider of a covered platform  
5 shall provide readily accessible and easy-to-use pa-  
6 rental tools that meet the requirements described in  
7 paragraph (2) for a parent of a user of the covered  
8 platform who the provider knows is a minor.

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

13 (A) View the privacy and account settings  
14 of such user, including the teen messaging con-  
15 trols described in subsection (c)(2).

16 (B) In the case of a user that the covered  
17 platform knows is a child, manage, change, and  
18 control the privacy and account settings of such  
19 user.

20 (C) The ability to restrict purchases and  
21 financial transactions by such user, if applica-  
22 ble.

23 (D) The ability to view metrics of total  
24 time spent on the covered platform and restrict  
25 time spent on the covered platform by such

1 user, if such time restrictions do not amount to  
2 full exclusion of access of such user to the cov-  
3 ered platform.

4 (E) Receive a notification when such user  
5 receives a request from another user who seeks  
6 to initiate direct messaging or ephemeral mes-  
7 saging with such user for the first time.

8 (F) In the case of a user that the covered  
9 platform knows is a child, disable any ephem-  
10 eral messaging features or direct messaging  
11 features.

12 (3) NOTICE TO PARENTS OF MINORS.—A pro-  
13 vider of a covered platform shall provide clear and  
14 conspicuous notice to a parent of a user of the cov-  
15 ered platform who the provider knows is a minor  
16 about the availability of the parental tools described  
17 in paragraph (1).

18 (4) NOTICE TO MINORS.—A provider of a cov-  
19 ered platform shall provide clear and conspicuous  
20 notice to a user of the covered platform who the pro-  
21 vider knows is a minor when any parental tool de-  
22 scribed in paragraph (1) is in effect and any setting  
23 or control that has been applied.

24 (5) DEFAULT TOOLS FOR CHILDREN.—A pro-  
25 vider of a covered platform shall ensure that, in the

1 case of a user of or visitor to the covered platform  
2 who the provider knows is a child, the default set-  
3 ting for any parental tool described in paragraph (1)  
4 is the option available on the covered platform that  
5 provides the most protective level of control with re-  
6 spect to privacy and safety for such user or visitor.

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

18 (c) ADDITIONAL MESSAGING CONTROLS FOR  
19 TEENS.—

20 (1) IN GENERAL.—A provider of a covered plat-  
21 form that offers, provides, or enables any direct  
22 messaging feature or ephemeral messaging feature  
23 of such covered platform to any user of the covered  
24 platform who the provider knows is a teen shall pro-  
25 vide easily accessible and usable messaging controls

1 described in paragraph (2) to such user that the  
2 user may activate and manage.

3 (2) TEEN MESSAGING CONTROLS.—The teen  
4 messaging controls described in this paragraph shall  
5 allow a user of the covered platform to do any of the  
6 following:

7 (A) Receive a timely notification that—

8 (i) alerts the user about a request  
9 from an unapproved contact who seeks to  
10 use a direct messaging feature or an  
11 ephemeral messaging feature of the cov-  
12 ered platform with respect to the user; and

13 (ii) allows the user to approve or deny  
14 the request before the unapproved contact  
15 and the user engage in any direct mes-  
16 saging or ephemeral messaging through  
17 any such direct messaging feature or  
18 ephemeral messaging feature.

19 (B) View and manage a list of any con-  
20 tacts approved for engaging in direct messaging  
21 or ephemeral messaging with the user through  
22 any direct messaging feature or any ephemeral  
23 messaging feature of the covered platform.

24 (C) Disable any direct messaging feature  
25 or ephemeral messaging feature.

1           (D) Prevent any specific user, any specific  
2           group of users, or other user in general from  
3           initiating or continuing to engage in direct mes-  
4           saging or ephemeral messaging with the user  
5           through any direct messaging feature or any  
6           ephemeral messaging feature of the covered  
7           platform.

8           (E) Enable the user to set a profile of the  
9           user on the covered platform as hidden.

10       (d) RULES OF APPLICATION.—

11           (1) ACCESSIBILITY.—With respect to any safe-  
12           guard described in subsection (a)(1), any parental  
13           tool described in subsection (b)(1), and any teen  
14           messaging control described in subsection (c)(2), a  
15           provider of a covered platform shall provide each of  
16           the following:

17           (A) Information and control options in a  
18           clear and conspicuous manner that takes into  
19           consideration the differing ages, capacities, and  
20           developmental needs of a user of the covered  
21           platform who the provider knows is a minor  
22           most likely to access the covered platform and  
23           does not encourage such a user or a parent of  
24           such a user to weaken or disable any such safe-  
25           guard, parental tool, or teen messaging control.

1           (B) Readily accessible and easy-to-use con-  
2           trols to enable or disable any such safeguard,  
3           parental tool, or teen messaging control, as ap-  
4           propriate.

5           (C) Information and control options in the  
6           same language, form, and manner as the pro-  
7           vider provides the product or service used by  
8           such a user or a parent of such a user.

9           (2) TIMING CONSIDERATIONS; APPLICATION OF  
10          CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If  
11          the device of a user or user account does not have  
12          access to the internet at the time of a change to a  
13          parental tool described in subsection (b)(1), the pro-  
14          vider of the relevant covered platform shall apply  
15          changes the next time the device or user is con-  
16          nected to the internet.

17          (3) PROHIBITION.—A provider of a covered  
18          platform may not knowingly use a user interface  
19          with the purpose or substantial effect of obscuring,  
20          subverting, or impairing the use by a user of the  
21          covered platform who the provider knows is a minor  
22          or a parent of such a user of any safeguard de-  
23          scribed in subsection (a)(1), any parental tool de-  
24          scribed in subsection (b)(1), or any teen messaging  
25          control described in subsection (c)(2).

1 (e) RULES OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed to do any of the following:

3 (1) Prevent a provider of a covered platform  
4 from taking reasonable measures to block, detect, or  
5 prevent the distribution of unlawful, obscene, or  
6 other harmful material to minors or any other  
7 harms to minors described in section 213(a).

8 (2) Prevent a provider of a covered platform  
9 from entering into an agreement with a third party  
10 with a primary or exclusive function of—

11 (A) providing—

12 (i) any safeguard described in sub-  
13 section (a)(1);

14 (ii) any parental tool described in sub-  
15 section (b)(1); or

16 (iii) any teen messaging control de-  
17 scribed in subsection (c)(2); or

18 (B) otherwise assisting with meeting the  
19 requirements described in subsections (a), (b),  
20 and (c).

21 (3) Prevent a parent or user from authorizing  
22 a third party described in paragraph (2) to imple-  
23 ment—

24 (A) any safeguard described in subsection  
25 (a)(1);

1 (B) any parental tool described in sub-  
2 section (b)(1); or

3 (C) any teen messaging control described  
4 in subsection (c)(2).

5 **SEC. 215. REPORTING MECHANISM.**

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

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

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

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

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

23 (1) 10 days after the date on which the report  
24 is received; or

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

4 **SEC. 216. DISCLOSURE.**

5           (a) NOTICE.—

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

12                   (A) The policies and practices of the cov-  
13                   ered platform with respect to safeguards for mi-  
14                   nors.

15                   (B) Information about how to access any  
16                   safeguard described in section 214(a)(1), any  
17                   parental tool described in section 214(b)(1),  
18                   and any teen messaging control described in  
19                   section 214(c)(2).

20          (2) NOTIFICATION.—

21                   (A) NOTICE AND ACKNOWLEDGMENT.—In  
22                   the case of a user of or visitor to a covered plat-  
23                   form who the provider of the covered platform  
24                   knows is a minor, the provider shall provide in-  
25                   formation about any safeguard described in sec-

1           tion 214(a)(1) and any parental tool described  
2           in section 214(b)(1) to a parent of such user or  
3           visitor.

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

14          (b) CONSOLIDATED NOTICES.—For purposes of this  
15          section, a provider of a covered platform may consolidate  
16          the process for providing information required by this sec-  
17          tion with the obligations of the provider to provide relevant  
18          notice and obtain verifiable consent under the Children’s  
19          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), any parental tool de-

1           scribed in section 214(b)(1), and any teen mes-  
2           saging control described in section 214(c)(2).

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

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

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

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

20               (B) An accounting of the following:

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

1           (ii) The median and mean amounts of  
2 time spent on such covered platform by  
3 such users during the year in which such  
4 audit is conducted.

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

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

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

17           (vi) The number of times that any  
18 teen messaging control described in section  
19 214(c)(2) has been exercised during the  
20 year in which such audit is conducted.

21           (vii) The number of reports, cat-  
22 egorized by types of harms to a minor, re-  
23 ceived by such covered platform through  
24 the reporting mechanism described in sec-

1                   tion 215(a)(1) during the year in which  
2                   such audit is conducted.

3                   (C) A description of such safeguards for  
4                   minors and parental tools that are available to  
5                   minors and parents on such covered platform.

6                   (D) A description of how such covered  
7                   platform handles reports received through such  
8                   reporting mechanism, including the rate of re-  
9                   sponse to such a report and the timeliness and  
10                  substantiveness of any such response.

11                  (E) A description of whether, how, and for  
12                  what purpose such covered platform collects or  
13                  processes categories of personal information of  
14                  minors.

15                  (F) If the covered platform has a process  
16                  used to create, implement, or evaluate the im-  
17                  pact of a design feature of the covered platform  
18                  used by minors, a description of such process.

19                  (3) COOPERATION BY COVERED PLATFORM.—A  
20                  provider of a covered platform shall facilitate an  
21                  audit of the covered platform required by subsection  
22                  (a) by doing the following:

23                         (A) Providing or otherwise making avail-  
24                         able to the independent, third-party auditor  
25                         that conducts such audit any information or

1 material in the possession, custody, or control  
2 of such covered platform relevant to such audit.

3 (B) Providing or otherwise making avail-  
4 able to such auditor access to any network, sys-  
5 tem, or asset relevant to such audit.

6 (C) Disclosing any material fact to such  
7 auditor and not misrepresenting any material  
8 fact.

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

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

18 (1) includes the information required by clauses  
19 (i), (ii), (iv), (v), and (vi) of subsection (b)(2)(B);  
20 and

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

23 **SEC. 220. RULE OF CONSTRUCTION ON AGE VERIFICATION.**

24 Nothing in this subtitle may be construed to require  
25 the provider of a covered platform to implement an age

1 gating or age verification functionality on the covered plat-  
2 form.

3 **SEC. 221. RULE OF CONSTRUCTION ON ENCRYPTION.**

4 No requirement under this subtitle to restrict any  
5 feature for a user of a covered platform or to provide mes-  
6 saging controls for a direct messaging feature or ephem-  
7 eral messaging feature of a covered platform may be con-  
8 strued to override any protection for an encrypted commu-  
9 nication described in this subtitle and a provider of a cov-  
10 ered platform shall adhere to any such requirement, to the  
11 maximum extent technically feasible, through means that  
12 do not compromise the integrity of strong encryption of-  
13 fered to any user of the covered platform.

14 **Subtitle B—Stop Profiling Youth**  
15 **and Kids**

16 **SEC. 231. SHORT TITLE.**

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

19 **SEC. 232. KNOW; KNOWS DEFINED.**

20 The term “know” or “knows” means to have actual  
21 knowledge or to have acted in willful disregard.

22 **SEC. 233. MARKET RESEARCH.**

23 (a) PROHIBITION OF RESEARCH ON MINORS.—A  
24 provider of a covered platform may not, in the case of a  
25 user or visitor of the covered platform who the provider

1 knows is a minor, conduct market or product-focused re-  
2 search on such user or visitor unless any such research  
3 is—

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

9 (2) necessary for compliance with a Federal or  
10 State law.

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

16 **SEC. 234. EFFECTIVE DATE.**

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

19 **TITLE III—SOCIAL GAMING**  
20 **PLATFORMS**

21 **SEC. 301. SHORT TITLE.**

22 This title may be cited as the “Safer Guarding of  
23 Adolescents from Malicious Interactions on Network  
24 Games Act” or the “Safer GAMING Act”.

1 **SEC. 302. DEFINITIONS.**

2 (a) DEFINITIONS.—In this title:

3 (1) COVERED COMMUNICATION TOOL.—The  
4 term “covered communication tool” means a capa-  
5 bility available to a user of an interactive online  
6 video game that allows for the exchange of verbal,  
7 written, or visual messages between such user and  
8 any other user of such interactive online video game.

9 (2) COVERED USER.—The term “covered user”  
10 means a user of an interactive online video game if  
11 the online video game provider of such interactive  
12 online video game knows that such user is a minor.

13 (3) INTERACTIVE ONLINE VIDEO GAME.—The  
14 term “interactive online video game” means a video  
15 game that—

16 (A) connects to the internet; and

17 (B) allows a user of such video game to  
18 communicate with other users of such video  
19 game.

20 (4) KNOW; KNOWS.—The term “know” or  
21 “knows” means know or should have known.

22 (5) MINOR.—The term “minor” means an indi-  
23 vidual under the age of 17 years.

24 (6) ONLINE VIDEO GAME PROVIDER.—The term  
25 “online video game provider” means a person en-  
26 gaged in the business of providing directly to a con-

1       sumer over the internet or other online means a dig-  
2       ital storefront, console network, mobile or cloud  
3       gaming platform, or similar means of digital dis-  
4       tribution that offers access to an interactive online  
5       video game for use by the consumer.

6               (7) VIDEO GAME.—The term “video game”  
7       means a software program that—

8                       (A) receives and stores data or instructions  
9                       generated by the user of such software pro-  
10                      gram; and

11                     (B) processes such data or instructions to  
12                     create an interactive game for such user to play  
13                     on a computer, gaming system, console, mobile  
14                     device, or other technological means.

15 **SEC. 303. SAFEGUARDS REQUIREMENTS FOR ONLINE**  
16 **VIDEO GAME PROVIDERS.**

17       (a) COMMUNICATION SAFEGUARDS.—An online video  
18       game provider shall provide safeguards to a parent of a  
19       covered user of an interactive online video game of such  
20       online video game provider that allow the parent to limit  
21       communication between such covered user and any other  
22       user of such interactive online video game.

23       (b) FEATURES.—

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

4                   (A) Be accessible and easy to use.

5                   (B) Be enabled by default on an account  
6 of a covered user of the interactive online video  
7 game of such online video game provider.

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

10           (2) PROTECTIVE LEVEL OF CONTROL.—For  
11 purposes of paragraph (1)(C), the term “most pro-  
12 tective level of control” means the relevant safe-  
13 guards—

14                   (A) are set to the most restrictive setting  
15 by default; and

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

18           (3) OTHER SAFEGUARDS REQUIRED.—An on-  
19 line video game provider shall provide to a covered  
20 user and a parent of a covered user of an interactive  
21 online video game of the online video game provider  
22 readily accessible and easy-to-use safeguards to do  
23 the following:

24                   (A) Prevent a profile of such covered user  
25 or personal information connected to such cov-

1           ered user from being recommended or sug-  
2           gested to any other user of such interactive on-  
3           line video game who is not a minor.

4                   (B) Restrict purchases and financial trans-  
5           actions by such covered user.

6                   (C) Limit the amount of time spent by  
7           such covered user on such interactive online  
8           video game.

9           (e) DEVICE CONTROLS.—Nothing in this section may  
10          be construed to prohibit an online video game provider  
11          from making available to the parent of a covered user of  
12          an interactive online video game of the online video game  
13          provider a single user interface that permits such parent  
14          to do the following:

15                   (1) Set the level or scope of any covered com-  
16          munication tool with respect to multiple other users  
17          or categories of users or set the level or scope of  
18          multiple covered communication tools.

19                   (2) Control the safeguards required by this sec-  
20          tion.

21          (d) NOTICE TO COVERED USERS.—An online video  
22          game provider shall provide clear and conspicuous notice  
23          to a covered user of an interactive online video game of  
24          the online video game provider when the safeguards re-

1 quired by this section are in effect that describes the set-  
2 tings or safeguards that have been applied.

3 **TITLE IV—ARTIFICIAL**  
4 **INTELLIGENCE CHATBOTS**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Safeguarding Adoles-  
7 cents From Exploitative BOTs Act” or the “SAFE BOTs  
8 Act”.

9 **SEC. 402. DEFINITIONS.**

10 In this title:

11 (1) CHATBOT PROVIDER.—

12 (A) IN GENERAL.—The term “chatbot pro-  
13 vider” means a person engaged in the business  
14 of providing a chatbot directly to a consumer  
15 for the use of the consumer, including through  
16 a website, mobile application, or other online  
17 means.

18 (B) LIMITATION.—A person that provides  
19 a website, mobile application, or other online  
20 service that includes a chat function incidental  
21 to the primary purpose of such website, applica-  
22 tion, or service may not be treated as a chatbot  
23 provider solely on the basis of such incidental  
24 chat function.

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

4           (3) KNOW; KNOWS.—The term “know” or  
5 “knows” means know or should have known.

6 **SEC. 403. CERTAIN STATEMENTS PROHIBITED.**

7           A chatbot provider may not provide to a covered user  
8 a chatbot that states to the covered user that the chatbot  
9 is a licensed professional (unless such statement is true).

10 **SEC. 404. DISCLOSURE REQUIRED.**

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

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

16           (2) Resources for contacting a suicide and crisis  
17 intervention hotline.

18           (b) TIMING.—

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

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

23           (B) at any point at which, during an inter-  
24 action between a covered user and a chatbot,  
25 the covered user prompts the chatbot about

1           whether the chatbot is an artificial intelligence  
2           system.

3           (2) CRISIS RESOURCES DISCLOSURE.—A disclo-  
4           sure required by subsection (a)(2) shall be made at  
5           any point at which, during an interaction between a  
6           covered user and a chatbot, the covered user  
7           prompts the chatbot about suicide or suicidal idea-  
8           tion.

9           (c) USE OF PLAIN LANGUAGE.—Any disclosure re-  
10          quired by subsection (a) shall be made in a manner that  
11          is clear and age-appropriate using plain language such  
12          that the disclosure is reasonably understandable by a  
13          minor.

14       **SEC. 405. POLICIES REQUIRED.**

15          A chatbot provider shall establish, implement, and  
16          maintain reasonable policies, practices, and procedures—

17               (1) to ensure that a chatbot of the chatbot pro-  
18          vider advises a covered user of the chatbot to take  
19          a break from the chatbot at the point at which a  
20          continuous and uninterrupted interaction of such  
21          covered user with such chatbot has lasted for 3  
22          hours; and

23               (2) to address, with respect to covered users—  
24                       (A) sexual exploitation and abuse;

1 (B) the promotion of gambling that is re-  
2 stricted from or prohibited for minors by law;  
3 and

4 (C) the promotion of the distribution, sale,  
5 or use of narcotic drugs, tobacco products, or  
6 alcohol that are restricted from or prohibited  
7 for minors by law.

8 **SEC. 406. RULE OF CONSTRUCTION.**

9 Nothing in this title may be construed to require a  
10 chatbot provider to prevent or preclude any covered user  
11 of a chatbot of the chatbot provider from accessing re-  
12 sources and information regarding the prevention or miti-  
13 gation of the harms described in section 405(2).

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

18 **Subtitle A—Research**

19 **SEC. 501. DEFINITIONS.**

20 In this subtitle:

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

24 (2) FENTANYL-RELATED SUBSTANCE.—The  
25 term “fentanyl-related substance” has the meaning

1 given that term in subsection (e) of schedule I of  
2 section 202(c) of the Controlled Substances Act (21  
3 U.S.C. 812(e)).

4 (3) RELEVANT CONGRESSIONAL COMMIT-  
5 TEES.—The term “relevant congressional commit-  
6 tees” means—

7 (A) the Committee on Energy and Com-  
8 merce of the House of Representatives; and

9 (B) the Committee on Commerce, Science,  
10 and Transportation of the Senate.

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

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

17 (i) that serves the public; and

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

22 (B) does not include—

23 (i) a provider of broadband internet  
24 access service (as described in section

1                   8.1(b) of title 47, Code of Federal Regula-  
2                   tions, or any successor regulation); or  
3                   (ii) electronic mail.

4 **SEC. 502. EXEMPTION.**

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

8                   **PART 1—SAFE SOCIAL MEDIA ACT**

9 **SEC. 511. SHORT TITLE.**

10           This part may be cited as the “Safe Social Media  
11 Act”.

12 **SEC. 512. REPORT BY COMMISSION ON SOCIAL MEDIA USE**  
13                   **BY MINORS.**

14           The Commission, in coordination with the Secretary  
15 of Health and Human Services (acting through the Assist-  
16 ant Secretary for Mental Health and Substance Use),  
17 shall do the following:

18                   (1) Conduct a study on social media platform  
19                   use by minors, including with respect to the fol-  
20                   lowing:

21                           (A) What personal information is collected  
22                           by social media platforms with respect to mi-  
23                           nors.

24                           (B) How such personal information is used  
25                           by the algorithms of the social media platforms.

1 (C) How such personal information is used  
2 with respect to targeted advertising.

3 (D) How often minors use social media  
4 platforms daily.

5 (E) Differences in use of social media plat-  
6 forms related to the age ranges of minors.

7 (F) Mental health effects on minors linked  
8 to the use of social media platforms.

9 (G) Potential harmful effects and benefits  
10 for minors from extended social media platform  
11 use.

12 (2) Not later than 3 years after the date of the  
13 enactment of this Act, submit to the relevant con-  
14 gressional committees a report on the findings of the  
15 study conducted under paragraph (1), including any  
16 recommended policy changes based on such findings.

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

18 **SEC. 513. SHORT TITLE.**

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

21 **SEC. 514. REPORT ON THE ABILITY OF MINORS TO ACCESS**  
22 **FENTANYL THROUGH SOCIAL MEDIA PLAT-**  
23 **FORMS.**

24 (a) REPORT REQUIRED.—Not later than 1 year after  
25 the date of the enactment of this Act, the Commission,

1 in coordination with the Secretary of Health and Human  
2 Services (acting through the Commissioner of Food and  
3 Drugs), shall submit to the relevant congressional commit-  
4 tees and publish on a website of the Commission a report  
5 on the ability of minors to access fentanyl, including  
6 through pressed pills, through social media platforms and  
7 that includes the following:

8           (1) The prevalence and ability for minors to ac-  
9           cess fentanyl from drug sellers on social media plat-  
10          forms.

11          (2) The impact of such prevalence and access  
12          on minors, including with respect to health risks and  
13          risks to physical safety.

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

18          (4) How design features and other characteris-  
19          tics of social media platforms affect the ability of  
20          minors to access fentanyl.

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

24          (6) Practices, policies, and other measures  
25          taken by social media platforms to address the abil-

1       ity of drug sellers to use social media platforms and  
2       the effectiveness of such practices, policies, and  
3       measures.

4           (7) Recommendations for Congress to eliminate  
5       the prevalence and ability for minors to access  
6       fentanyl through social media platforms.

7       (b) CONSULTATION REQUIRED.—In developing the  
8       report required by subsection (a), the Commission shall  
9       consult with any relevant agencies and stakeholders, in-  
10      cluding parents, social media platforms, law enforcement,  
11      medical professionals, and other relevant experts.

12      (c) REDACTION PERMITTED.—In publishing the re-  
13      port required by subsection (a), the Commission, in con-  
14      sultation with the Attorney General, may redact any infor-  
15      mation relating to paragraph (3) or (5) of such subsection  
16      that may compromise any law enforcement tactic, strat-  
17      egy, or technique.

18           **PART 3—ASSESSING SAFETY TOOLS FOR**

19                   **PARENTS AND MINORS ACT**

20      **SEC. 515. SHORT TITLE.**

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

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

24           (a) REVIEW.—Not later than 6 months after the date  
25      of the enactment of this Act, the Commission, in consulta-

1 tion with industry, parents, individuals with expertise in  
2 communications technologies, parental controls, privacy,  
3 and mental health, and any other appropriate entities as  
4 determined by the Commission, shall—

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

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

15 (b) SUBMISSION OF REPORT.—Not later than 3 years  
16 after the date of the enactment of this Act, the Commis-  
17 sion shall submit to the relevant congressional committees  
18 a report with any findings and recommendations resulting  
19 from the review and examination required by subsection  
20 (a).

## 21 **PART 4—STUDY ON CHATBOTS AND MENTAL**

### 22 **HEALTH OF MINORS**

#### 23 **SEC. 517. STUDY REQUIRED.**

24 The Secretary of Health and Human Services, acting  
25 through the Director of the National Institutes of Health,

1 shall conduct a 4-year longitudinal study to evaluate the  
2 risks and benefits of chatbots with respect to the mental  
3 health of minors, including with respect to loneliness, anx-  
4 iety, social skill building, social isolation, depression, self-  
5 harm, and suicidal ideation.

6 **SEC. 518. CONSULTATION.**

7 In conducting the study required by section 517, the  
8 Secretary, acting through the Director, shall consult with  
9 the following:

- 10 (1) The Director of the National Institute of  
11 Mental Health.
- 12 (2) Pediatric mental health experts.
- 13 (3) Technologists.
- 14 (4) Ethicists.
- 15 (5) Educators.

16 **SEC. 519. REPORT.**

17 Not later than 4 years after the date of the enact-  
18 ment of this Act, the Secretary, acting through the Direc-  
19 tor, shall submit to the relevant congressional committees  
20 and the Committee on Health, Education, Labor, and  
21 Pensions of the Senate a report on the results of the study  
22 required by section 517 and any related recommendations.

## 1                   **Subtitle B—Education**

### 2           **PART 1—PROMOTING A SAFE INTERNET FOR** 3                                   **MINORS ACT**

#### 4   **SEC. 521. SHORT TITLE.**

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

#### 7   **SEC. 522. ONLINE SAFETY EDUCATION FOR MINORS.**

8           (a) AMENDMENT.—Subtitle A of the Protecting Chil-  
9 dren in the 21st Century Act (15 U.S.C. 6551 et seq.)  
10 is amended—

11                   (1) by striking sections 211 through 214 and  
12           216 and inserting the following:

#### 13   **“SEC. 211. PUBLIC AWARENESS AND EDUCATIONAL CAM-** 14                                   **PAIGN.**

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

23                   “(1) The identification, promotion, and encour-  
24           agement of best practices for educators, online plat-

1 forms, minors, and parents and guardians to protect  
2 minors online.

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

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

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

17 **“SEC. 212. ANNUAL REPORT.**

18 “Not later than 1 year after the date of the enact-  
19 ment of this section, and annually thereafter for 10 years,  
20 the Commission shall submit to the Committee on Com-  
21 merce, Science, and Transportation of the Senate and the  
22 Committee on Energy and Commerce of the House of  
23 Representatives a report that describes the program car-  
24 ried out under section 211.

1 **“SEC. 213. DEFINITIONS.**

2 “In this subtitle:

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) COMMISSION.—The term ‘Commission’  
7 means the Federal Trade Commission.

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

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

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

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

22 “(B) Preventing compulsive behavior on-  
23 line and other adverse impacts on the physical  
24 and mental health of minors.

25 “(C) Facilitating the effective use of safe-  
26 guards, parental controls, and other tools to



1 sources for parents, educators, and minors with respect  
2 to the safe and responsible use of chatbots by minors.

3 (b) CONTENTS.—The educational resources devel-  
4 oped and made available under subsection (a) shall include  
5 resources on the following:

6 (1) The risks and benefits of chatbot use.

7 (2) Privacy and data collection practices.

8 (3) Best practices for parents supporting the  
9 safe use of chatbots by minors.

10 (c) YOVILLE.—The Commission, in a manner ap-  
11 propriate for minors, shall model the educational resources  
12 developed and made available under subsection (a) on the  
13 Youville program of the Commission.

## 14 **Subtitle C—Partnerships and Best** 15 **Practices**

### 16 **SEC. 525. SHORT TITLE.**

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

### 19 **SEC. 526. KIDS INTERNET SAFETY PARTNERSHIP.**

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

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

1           (c) DUTIES.—The duties of the Partnership shall be  
2 the following:

3           (1) Coordinate with relevant agencies (including  
4 the Commission) and stakeholders to identify the  
5 following:

6           (A) The risks for minors with respect to  
7 the use of websites, online services, online appli-  
8 cations, and mobile applications.

9           (B) The benefits for minors with respect to  
10 the use of websites, online services, online appli-  
11 cations, and mobile applications.

12           (C) Widely accepted or evidence-based best  
13 practices, taking into account minors of dif-  
14 ferent ages, to—

15           (i) address the risks identified under  
16 subparagraph (A); and

17           (ii) preserve and enhance the benefits  
18 identified under subparagraph (B).

19           (2) Not later than 1 year after the date on  
20 which the Partnership is established, and every 2  
21 years thereafter, publish on a publicly available  
22 website a report that details—

23           (A) the identifications made under para-  
24 graph (1); and

1 (B) the efficacy and adoption by websites,  
2 online services, online applications, and mobile  
3 applications of—

- 4 (i) safeguards for minors; and
- 5 (ii) parental tools.

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

- 17 (A) Age verification, assurance, and esti-  
18 mation techniques.
- 19 (B) Design features.
- 20 (C) Parental tools.
- 21 (D) Default privacy and account settings.
- 22 (E) Reporting systems and tools.
- 23 (F) Third-party safety software services.

1 (G) Limitations and opt-outs related to  
2 personalized recommendation systems and  
3 chatbots.

4 (d) STAKEHOLDERS.—In coordinating with stake-  
5 holders as required by subsection (c)(1), the Partnership  
6 shall coordinate with the following:

7 (1) Academic experts with specific expertise  
8 with respect to the prevention of risks for minors on-  
9 line.

10 (2) Researchers with specific expertise with re-  
11 spect to social media.

12 (3) Parents and minors with demonstrated ex-  
13 perience with respect to the safety of minors online.

14 (4) Educators with demonstrated experience  
15 with respect to the safety of minors online.

16 (5) Online platforms.

17 (6) Experts in academia and civil society with  
18 specific expertise with respect to constitutional law,  
19 privacy, free expression, access to information, and  
20 civil liberties.

21 (7) State attorneys general (or designees there-  
22 of who work in State or local government).

23 (e) SUNSET.—The Partnership shall terminate on the  
24 date that is 5 years after the date on which the Partner-  
25 ship is established.

1 (f) DEFINITIONS.—In this section:

2 (1) PARENTAL TOOL.—The term “parental  
3 tool”—

4 (A) means a tool that—

5 (i) the provider of a website, online  
6 service, online application, or mobile appli-  
7 cation provides to a parent of a user who  
8 such provider knows is a minor; and

9 (ii) the parent uses to support such  
10 user with respect to the use of the website,  
11 service, or application; and

12 (B) includes a tool that allows a parent of  
13 a user who the provider of such a website, serv-  
14 ice, or application knows is a minor to—

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

17 (ii) grant or withdraw verifiable con-  
18 sent;

19 (iii) restrict the purchases and finan-  
20 cial transactions of such user;

21 (iv) view metrics of the total time  
22 spent on such website, service, or applica-  
23 tion by such user;

1 (v) restrict time spent on such  
2 website, service, or application by such  
3 user;

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

8 (vii) limit or opt-out of personalized  
9 recommendation systems or chatbots.

10 (2) PARTNERSHIP.—The term “Partnership”  
11 means the Kids Internet Safety Partnership estab-  
12 lished under subsection (a).

13 (3) SECRETARY.—The term “Secretary” means  
14 the Secretary of Commerce.

15 **TITLE VI—KIDS PRIVACY**  
16 **PROTECTIONS**  
17 **Subtitle A—COPPA 2.0**

18 **SEC. 601. SHORT TITLE.**

19 This subtitle may be cited as the “Children and  
20 Teens’ Online Privacy Protection Act”.

1 **SEC. 602. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**  
2 **LETION OF PERSONAL INFORMATION OF**  
3 **CHILDREN AND TEENS.**

4 (a) DEFINITIONS.—Section 1302 of the Children’s  
5 Online Privacy Protection Act of 1998 (15 U.S.C. 6501)  
6 is amended—

7 (1) by amending paragraph (1) to read as fol-  
8 lows:

9 “(1) CHILD.—The term ‘child’ means an indi-  
10 vidual under the age of 14.”;

11 (2) by amending paragraph (2) to read as fol-  
12 lows:

13 “(2) OPERATOR.—The term ‘operator’—

14 “(A) means any person—

15 “(i) who, for commercial purposes in  
16 interstate or foreign commerce, operates or  
17 provides a website on the internet, an on-  
18 line service, an online application, or a mo-  
19 bile application; and

20 “(ii) who—

21 “(I) collects or maintains, either  
22 directly or through a service provider,  
23 personal information from or about  
24 the users of that website, service, or  
25 application;

1           “(II) allows another person to  
2           collect personal information directly  
3           from users of that website, service, or  
4           application (in which case, the oper-  
5           ator is deemed to have collected the  
6           information); or

7           “(III) allows users of that  
8           website, service, or application to pub-  
9           licly disclose personal information (in  
10          which case, the operator is deemed to  
11          have collected the information); and

12          “(B) does not include any nonprofit entity  
13          that would otherwise be exempt from coverage  
14          under section 5 of the Federal Trade Commis-  
15          sion Act (15 U.S.C. 45).”;

16          (3) in paragraph (4)—

17                 (A) by amending subparagraph (A) to read  
18                 as follows:

19                         “(A) the release of personal information  
20                         collected from a child or teen by an operator for  
21                         any purpose, except where the personal infor-  
22                         mation is provided to a person other than an  
23                         operator who—

24                                 “(i) provides support for the internal  
25                                 operations of the website, online service,

1 online application, or mobile application of  
2 the operator, excluding any activity relat-  
3 ing to individual-specific advertising to  
4 children or teens; and

5 “(ii) does not disclose or use that per-  
6 sonal information for any other purpose;  
7 and”; and

8 (B) in subparagraph (B)—

9 (i) by inserting “or teen” after  
10 “child” each place the term appears;

11 (ii) by striking “website or online  
12 service” and inserting “website, online  
13 service, online application, or mobile appli-  
14 cation”; and

15 (iii) by striking “actual knowledge”  
16 and inserting “knowledge”;

17 (4) by amending paragraph (8) to read as fol-  
18 lows:

19 “(8) PERSONAL INFORMATION.—

20 “(A) IN GENERAL.—The term ‘personal in-  
21 formation’ means individually identifiable infor-  
22 mation about an individual collected online, in-  
23 cluding—

24 “(i) a first and last name;

1           “(ii) a home or other physical address,  
2 including a street name and a name of a  
3 city or town;

4           “(iii) an e-mail address;

5           “(iv) a telephone number;

6           “(v) a Social Security number;

7           “(vi) any other identifier that the  
8 Commission determines permits the phys-  
9 ical or online contacting of a specific indi-  
10 vidual;

11           “(vii) a persistent identifier that can  
12 be used to recognize a specific child or teen  
13 over time and across different websites, on-  
14 line services, online applications, or mobile  
15 applications, that—

16           “(I) includes—

17           “(aa) a customer number  
18 held in a cookie;

19           “(bb) an Internet Protocol  
20 (IP) address;

21           “(cc) a processor or device  
22 serial number; and

23           “(dd) a unique device identi-  
24 fier; and

1                   “(II) excludes an identifier that  
2                   is used by an operator solely for pro-  
3                   viding support for the internal oper-  
4                   ations of the website, online service,  
5                   online application, or mobile applica-  
6                   tion;

7                   “(viii) a photograph, video, or audio  
8                   file that contains the image or voice of a  
9                   specific child or teen;

10                   “(ix) geolocation information;

11                   “(x) information generated from the  
12                   measurement or technological processing of  
13                   an the biological, physical, or physiological  
14                   characteristics of an individual that is used  
15                   to identify an individual, including—

16                   “(I) fingerprints;

17                   “(II) voice prints;

18                   “(III) iris or retina imagery  
19                   scans;

20                   “(IV) facial templates;

21                   “(V) deoxyribonucleic acid  
22                   (DNA) information; and

23                   “(VI) gait; and

24                   “(xi) information linked or reasonably  
25                   linkable to a child or teen or a parent of

1 a child or teen (including any unique iden-  
2 tifier) that an operator collects online from  
3 the child or teen and combines with an  
4 identifier described in this subparagraph.

5 “(B) EXCLUSION.—The term ‘personal in-  
6 formation’ does not include an audio file that  
7 contains the voice of a child or teen if the oper-  
8 ator—

9 “(i) does not request information via  
10 voice that would otherwise be considered  
11 personal information under this paragraph;

12 “(ii) provides clear notice of its collec-  
13 tion and use of the audio file and its dele-  
14 tion policy in its privacy policy;

15 “(iii) only uses the voice contained in  
16 the audio file as a replacement for written  
17 words to perform a task or otherwise en-  
18 gage with a website, online service, online  
19 application, or mobile application, includ-  
20 ing by performing a search and fulfilling a  
21 verbal instruction or request;

22 “(iv) only maintains the audio file  
23 during the period necessary to complete  
24 the relevant task or engagement;

1                   “(v) does not make any other use of  
2                   the audio file during such period; and

3                   “(vi) deletes the audio file at the end  
4                   of such period.

5                   “(C) SUPPORT FOR THE INTERNAL OPER-  
6                   ATIONS OF A WEBSITE, ONLINE SERVICE, ON-  
7                   LINE APPLICATION, OR MOBILE APPLICATION.—

8                   “(i) IN GENERAL.—For purposes of  
9                   subparagraph (A)(vii), the term ‘support  
10                  for the internal operations of a website, on-  
11                  line service, online application, or mobile  
12                  application’ means the activities necessary  
13                  to such website, service, or application to—

14                   “(I) maintain or analyze func-  
15                   tioning;

16                   “(II) perform network commu-  
17                   nications;

18                   “(III) authenticate users;

19                   “(IV) personalize content;

20                   “(V) serve contextual advertising  
21                  to users (if any persistent identifier is  
22                  only used as necessary for technical  
23                  purposes to serve the contextual ad-  
24                  vertisement or cap the frequency of  
25                  contextual advertising;

1                   “(VI) protect the security or in-  
2                   tegrity of the user, website, online  
3                   service, online application, or mobile  
4                   application;

5                   “(VII) ensure legal or regulatory  
6                   compliance, or

7                   “(VIII) fulfill a request of a child  
8                   or teen under subparagraph (A), (B),  
9                   or (C) of section 1303(b)(2).

10                   “(ii) CONDITION.—Except as specifi-  
11                   cally permitted under clause (i), informa-  
12                   tion collected through the activities de-  
13                   scribed in clause (i) may not be used or  
14                   disclosed to contact a specific individual  
15                   (including through individual-specific ad-  
16                   vertising to children or teens), to amass a  
17                   profile on a specific individual, in connec-  
18                   tion with processes that encourage or  
19                   prompt use of a website or online service,  
20                   or for any other purpose.”;

21                   (5) by amending paragraph (9) to read as fol-  
22                   lows:

23                   “(9) VERIFIABLE CONSENT.—The term  
24                   ‘verifiable consent’ means any reasonable effort (tak-  
25                   ing into consideration available technology) by an

1 operator, including a request for authorization for  
2 future collection, use, and disclosure described in the  
3 notice, to ensure that a parent of a child (in the case  
4 of a child) or a teen (in the case of a teen)—

5 “(A) receives direct notice of the collection,  
6 use, maintenance, and disclosure practices of  
7 the operator with respect to personal informa-  
8 tion; and

9 “(B) before the personal information of the  
10 child or teen is collected, freely and unambig-  
11 uously authorizes—

12 “(i) the collection, use, maintenance,  
13 and disclosure, as applicable, of the per-  
14 sonal information; and

15 “(ii) any subsequent use of the per-  
16 sonal information.”;

17 (6) in paragraph (10)—

18 (A) in the heading, by striking “WEBSITE  
19 OR ONLINE SERVICE DIRECTED TO CHILDREN”  
20 and inserting “WEBSITE, ONLINE SERVICE, ON-  
21 LINE APPLICATION, OR MOBILE APPLICATION  
22 DIRECTED TO CHILDREN”;

23 (B) in subparagraph (A)—

24 (i) in the matter preceding clause (i),  
25 by striking “website or online service di-

1           rected to children” and inserting “website,  
2           online service, online application, or mobile  
3           application directed to children”;

4           (ii) in clause (i), by striking “commer-  
5           cial website or online service” and insert-  
6           ing “website, online service, online applica-  
7           tion, or mobile application”; and

8           (iii) in clause (ii), by striking “com-  
9           mercial website or online service” and in-  
10          serting “website, online service, online ap-  
11          plication, or mobile application”;

12          (C) in subparagraph (B), by striking  
13          “commercial website or online service” each  
14          place the term appears and inserting “website,  
15          online service, online application, or mobile ap-  
16          plication”; and

17          (D) by adding at the end the following new  
18          subparagraph:

19               “(C) RULE OF CONSTRUCTION.—In con-  
20               sidering whether a website, online service, on-  
21               line application, or mobile application, or por-  
22               tion thereof, is directed to children, the Com-  
23               mission shall apply a totality of circumstances  
24               test and will also consider competent and reli-  
25               able empirical evidence regarding audience com-

1 position and evidence regarding the intended  
2 audience of the website, online service, online  
3 application, or mobile application.”; and

4 (7) by adding at the end the following:

5 “(13) CONNECTED DEVICE.—The term ‘con-  
6 nected device’ means a device that is capable of con-  
7 necting to the internet, directly or indirectly, or to  
8 another connected device.

9 “(14) ONLINE APPLICATION.—The term ‘online  
10 application’—

11 “(A) means an internet-connected software  
12 program; and

13 “(B) includes a service or application of-  
14 fered via a connected device.

15 “(15) MOBILE APPLICATION.—The term ‘mo-  
16 bile application’—

17 “(A) means a software program that runs  
18 on the operating system of—

19 “(i) a cellular telephone;

20 “(ii) a tablet computer; or

21 “(iii) a similar portable computing de-  
22 vice that transmits data over a wireless  
23 connection; and

24 “(B) includes a service or application of-  
25 fered via a connected device.

1           “(16) GEOLOCATION INFORMATION.—The term  
2           ‘geolocation information’ means information suffi-  
3           cient to identify a street name and name of a city  
4           or town.

5           “(17) TEEN.—The term ‘teen’ means an indi-  
6           vidual who has attained the age of 14 and is under  
7           the age of 18.

8           “(18) INDIVIDUAL-SPECIFIC ADVERTISING TO  
9           CHILDREN OR TEENS.—

10           “(A) IN GENERAL.—The term ‘individual-  
11           specific advertising to children or teens’ means  
12           advertising or any other effort to market a  
13           product or service that is directed to a specific  
14           child or teen or a connected device that is  
15           linked or reasonably linkable to a child or teen  
16           based on—

17                   “(i) personal information of—

18                           “(I) the child or teen; or

19                           “(II) a group of children or teens  
20                           who are similar in sex, age, household  
21                           income level, race, or ethnicity to the  
22                           specific child or teen to whom the  
23                           product or service is marketed;

24                           “(ii) profiling of such child or teen or  
25                           group of children or teens; or

1                   “(iii) a unique identifier of such con-  
2                   nected device.

3                   “(B) EXCLUSIONS.—The term ‘individual-  
4                   specific advertising to children or teens’ shall  
5                   not include—

6                   “(i) advertising or marketing to an in-  
7                   dividual or to a device of an individual in  
8                   response to a specific request by the indi-  
9                   vidual for information or feedback, such as  
10                  a search query by a child or teen;

11                  “(ii) contextual advertising, including  
12                  if an advertisement is displayed based on  
13                  the content of the website, online service,  
14                  online application, mobile application, or  
15                  connected device on which the advertise-  
16                  ment appears and does not vary based on  
17                  personal information of an individual who  
18                  views the advertisement;

19                  “(iii) processing personal information  
20                  solely for measuring or reporting adver-  
21                  tising or content performance, reach, or  
22                  frequency, including independent measure-  
23                  ment; or

24                  “(iv) advertising or marketing di-  
25                  rected to a connected device used by both

1 adult and child or teen members of a  
2 household, if such advertising or marketing  
3 is directed to a profile of an adult user.

4 “(C) RULE OF CONSTRUCTION.—Nothing  
5 in subparagraph (A) shall be construed to pro-  
6 hibit an operator with actual knowledge or an  
7 operator who should have known that a user is  
8 under the age of 18 from delivering advertising  
9 or marketing that is age-appropriate and in-  
10 tended for a child or teen audience, if the oper-  
11 ator does not use any personal information  
12 other than whether the user is under the age of  
13 18.

14 “(19) EDUCATIONAL AGENCY OR INSTITU-  
15 TION.—The term ‘educational agency or institution’  
16 means—

17 “(A) a State educational agency or a local  
18 educational agency (as such terms are defined  
19 in section 8101 of the Elementary and Sec-  
20 ondary Education Act of 1965 (20 U.S.C.  
21 7801)); or

22 “(B) an institutional day or residential  
23 school, including a public school (including a  
24 charter school) or a private school, that pro-

1           vides elementary or secondary education, as de-  
2           termined under State law.

3           “(20) KNOWLEDGE.—The term ‘knowledge’  
4           means the operator has actual knowledge or should  
5           have known that a user is a child or teen.”.

6           (b) ONLINE COLLECTION, USE, DISCLOSURE, AND  
7 DELETION OF PERSONAL INFORMATION OF CHILDREN  
8 AND TEENS.—Section 1303 of the Children’s Online Pri-  
9 vacy Protection Act of 1998 (15 U.S.C. 6502) is amend-  
10 ed—

11           (1) by striking the heading and inserting the  
12           following: “**ONLINE COLLECTION, USE, DISCLO-**  
13           **SURE, AND DELETION OF PERSONAL INFORMA-**  
14           **TION OF CHILDREN AND TEENS.**”;

15           (2) in subsection (a)—

16           (A) by amending paragraph (1) to read as  
17           follows:

18           “(1) IN GENERAL.—It is unlawful for an oper-  
19           ator of a website, online service, online application,  
20           or mobile application directed to children or for any  
21           operator of a website, online service, online applica-  
22           tion, or mobile application with actual knowledge or  
23           any operator of a website, online service, online ap-  
24           plication, or mobile application who should have

1 known that a user is a child or teen to do any of  
2 the following:

3 “(A) Collect personal information from a  
4 child or teen in a manner that violates the regu-  
5 lations promulgated under subsection (b).

6 “(B) Collect, use, disclose to third parties,  
7 or maintain personal information of a child or  
8 teen for purposes of individual-specific adver-  
9 tising to children or teens (or to allow another  
10 person to collect, use, disclose, or maintain such  
11 information for such purpose);

12 “(C) Otherwise collect the personal infor-  
13 mation of a child or teen, except if the collec-  
14 tion of the personal information is—

15 “(i) consistent with the context of a  
16 particular transaction or service or the re-  
17 lationship of the child or teen with the op-  
18 erator, including any collection necessary  
19 to fulfill a transaction or provide a product  
20 or service requested by the child or teen; or

21 “(ii) authorized or required by Fed-  
22 eral law (including a regulation promul-  
23 gated under subsection (b)) or State law.

24 “(D) Store or transfer the personal infor-  
25 mation of a child or teen outside of the United

1 States, unless the operator provides direct no-  
2 tice to a parent of the child (in the case of a  
3 child) or to the teen (in the case of a teen) of  
4 such storage or transfer.

5 “(E) Retain the personal information of a  
6 child or teen for longer than is reasonably nec-  
7 essary to fulfill a transaction or provide a serv-  
8 ice requested by the child or teen, except as au-  
9 thorized or required by Federal or State law.”;  
10 and

11 (B) in paragraph (2)—

12 (i) in the heading, by striking “PAR-  
13 ENT” and inserting “PARENT OR TEEN”;

14 (ii) by striking “Notwithstanding  
15 paragraph (1)” and inserting “Notwith-  
16 standing paragraph (1)(A)”;

17 (iii) by striking “of such a website or  
18 online service”; and

19 (iv) by striking “subsection  
20 (b)(1)(B)(iii) to the parent of a child” and  
21 inserting “subsection (b)(1)(B)(iv) to a  
22 parent of a child or under subsection  
23 (b)(1)(C)(iv) to a teen”;

24 (3) in subsection (b)—

25 (A) in paragraph (1)—

1 (i) in subparagraph (A)—

2 (I) in the matter preceding clause  
3 (i), by striking “the operator of any  
4 website” and all that follows through  
5 “from a child” and inserting “an op-  
6 erator of a website, online service, on-  
7 line application, or mobile application  
8 directed to children or for any oper-  
9 ator of a website, online service, on-  
10 line application, or mobile application  
11 with actual knowledge or any operator  
12 of a website, online service, online ap-  
13 plication, or mobile application who  
14 should have known that a user is a  
15 child or teen”;

16 (II) in clause (i)—

17 (aa) by striking “notice on  
18 the website” and inserting “clear  
19 and conspicuous notice on the  
20 website, service, or application”;

21 (bb) by inserting “or teens”  
22 after “children”;

23 (cc) by striking “, and the  
24 operator’s disclosure practices”

1 and inserting “, the disclosure  
2 practices of the operator”; and

3 (dd) by striking “; and” and  
4 inserting “, the rights and oppor-  
5 tunities available to a parent of a  
6 child or teen under subpara-  
7 graphs (B) and (C), and the pro-  
8 cedures or mechanisms the oper-  
9 ator uses to ensure that personal  
10 information is not collected from  
11 children or teens (except as per-  
12 mitted by the regulations promul-  
13 gated under this subsection);”;

14 (III) in clause (ii)—

15 (aa) by striking “parental”;

16 (bb) by inserting “or teens”  
17 after “children”;

18 (cc) by striking the semi-  
19 colon at the end and inserting “;  
20 and”; and

21 (IV) by inserting after clause (ii)

22 the following new clause:

23 “(iii) to obtain verifiable consent from  
24 a parent of a child (in the case of a child)  
25 or from a teen (in the case of a teen) be-

1 fore using or disclosing personal informa-  
2 tion of the child or teen for any purpose  
3 that is a material change from the original  
4 purposes and disclosure practices specified  
5 to the parent of the child or the teen under  
6 clause (i);”;

7 (ii) in subparagraph (B)—

8 (I) in the matter preceding clause  
9 (i), by striking “that website or online  
10 service” and inserting “the operator”;

11 (II) in clause (i), by striking  
12 “that operator” and inserting “the  
13 operator, the method by which the op-  
14 erator obtains the personal informa-  
15 tion, and the purposes for which the  
16 operator collects, uses, discloses, and  
17 retains the personal information”;

18 (III) in clause (ii)—

19 (aa) by inserting “to delete  
20 personal information collected  
21 from the child or content or in-  
22 formation submitted by the child  
23 to a website, online service, on-  
24 line application, or mobile appli-

1 cation and” after “the oppor-  
2 tunity at any time”; and

3 (bb) by striking “; and” and  
4 inserting a semicolon;

5 (IV) by redesignating clause (iii)  
6 as clause (iv) and inserting after  
7 clause (ii) the following new clause:

8 “(iii) the opportunity to challenge the  
9 accuracy of the personal information and,  
10 if the parent of the child establishes the in-  
11 accuracy of the personal information, to  
12 have the inaccurate personal information  
13 corrected;” and

14 (V) in clause (iv), as so redesign-  
15 nated, by inserting “, if such informa-  
16 tion is available to the operator at the  
17 time the parent makes the request”  
18 before the semicolon;

19 (iii) by redesignating subparagraphs  
20 (C) and (D) as subparagraphs (D) and  
21 (E), respectively;

22 (iv) by inserting after subparagraph  
23 (B) the following new subparagraph:

24 “(C) require the operator to provide, upon  
25 the request of a teen who has provided personal

1 information to the operator, upon proper identi-  
2 fication of the teen—

3 “(i) a description of the specific types  
4 of personal information collected from the  
5 teen by the operator, the method by which  
6 the operator obtained the personal infor-  
7 mation, and the purposes for which the op-  
8 erator collects, uses, discloses, and retains  
9 the personal information;

10 “(ii) the opportunity at any time to  
11 delete personal information collected from  
12 the teen or content or information sub-  
13 mitted by the teen to a website, online  
14 service, online application, or mobile appli-  
15 cation and to refuse to permit the further  
16 use or maintenance in retrievable form, or  
17 online collection, of personal information  
18 from the teen by the operator;

19 “(iii) the opportunity to challenge the  
20 accuracy of the personal information and,  
21 if the teen establishes the inaccuracy of the  
22 personal information, to have the inac-  
23 curate personal information corrected; and

24 “(iv) a means that is reasonable  
25 under the circumstances for the teen to ob-

1           tain any personal information collected  
2           from the teen, if such information is avail-  
3           able to the operator at the time the teen  
4           makes the request;”;

5           (v) in subparagraph (D), as so redes-  
6           ignated—

7                   (I) by striking “a child’s partici-  
8                   pation” and inserting “the participa-  
9                   tion of a child or teen”; and

10                  (II) by inserting “or teen” after  
11                  “the child”; and

12           (vi) by amending subparagraph (E),  
13           as so redesignated, to read as follows:

14           “(E) require the operator—

15                   “(i) to establish, implement, and  
16                   maintain reasonable security practices to  
17                   protect the confidentiality, integrity, and  
18                   accessibility of personal information of  
19                   children or teens collected by the operator;  
20                   and

21                   “(ii) to protect such personal informa-  
22                   tion against unauthorized access.”;

23           (B) in paragraph (2)—

24                   (i) in the matter preceding subpara-  
25                   graph (A), by striking “verifiable parental

- 1 consent” and inserting “verifiable con-  
2 sent”;
- 3 (ii) in subparagraph (A)—
- 4 (I) by inserting “or teen” after  
5 “collected from a child”;
- 6 (II) by inserting “or teen” after  
7 “request from the child”; and
- 8 (III) by inserting “or teen or to  
9 contact another child or teen” after  
10 “to recontact the child”;
- 11 (iii) in subparagraph (B)—
- 12 (I) by striking “parent or child”  
13 and inserting “parent or teen”; and
- 14 (II) by striking “parental con-  
15 sent” each place the term appears and  
16 inserting “verifiable consent”;
- 17 (iv) in subparagraph (C)—
- 18 (I) in the matter preceding clause  
19 (i), by inserting “or teen” after  
20 “child” each place the term appears;
- 21 (II) in clause (i)—
- 22 (aa) by inserting “or teen”  
23 after “child” each place the term  
24 appears; and

1 (bb) by inserting “or teen,  
2 as applicable,” after “parent”  
3 each place the term appears; and  
4 (III) in clause (ii)—

5 (aa) by striking “without  
6 notice to the parent” and insert-  
7 ing “without notice to the parent  
8 or teen, as applicable,”; and

9 (bb) by inserting “or teen”  
10 after “child” each place the term  
11 appears; and

12 (v) in subparagraph (D)—

13 (I) in the matter preceding clause  
14 (i), by inserting “or teen” after  
15 “child” each place the term appears;

16 (II) in clause (ii), by inserting  
17 “or teen” after “child”; and

18 (III) in the flush text following  
19 clause (iii)—

20 (aa) by inserting “or teen,  
21 as applicable,” after “parent”  
22 each place the term appears; and

23 (bb) by inserting “or teen”  
24 after “child”;

1           (C) by redesignating paragraph (3) as  
2           paragraph (4) and inserting after paragraph  
3           (2) the following new paragraph:

4           “(3) APPLICATION TO OPERATORS ACTING  
5           UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES  
6           OR INSTITUTIONS.—The regulations may provide  
7           that verifiable consent under paragraph (1)(A)(ii) is  
8           not required for an operator that acts under a writ-  
9           ten agreement with an educational agency or institu-  
10          tion that, at a minimum, requires the—

11           “(A) operator to—

12           “(i) limit the collection, use, and dis-  
13           closure by the operator of the personal in-  
14           formation from a child or teen to solely  
15           educational purposes and for no other com-  
16           mercial purposes;

17           “(ii) provide the educational agency or  
18           institution with a notice of the specific  
19           types of personal information the operator  
20           will collect from the child or teen, the  
21           method by which the operator will obtain  
22           the personal information, and the purposes  
23           for which the operator will collect, use, dis-  
24           close, and retain the personal information;

1           “(iii) provide to the educational agen-  
2           cy or institution a link regarding the dis-  
3           closure practices of the operator described  
4           in subsection (b)(1)(A)(i); and

5           “(iv) provide the educational agency  
6           or institution, upon request, with a means  
7           to review the personal information collected  
8           from a child or teen, to prevent further use  
9           or maintenance or future collection of per-  
10          sonal information from a child or teen, and  
11          to delete personal information collected  
12          from a child or teen or content or informa-  
13          tion submitted by a child or teen to  
14          website, online service, online application,  
15          or mobile application of the operator;

16          “(B) representative of the educational  
17          agency or institution to acknowledge and agree  
18          that the representative has authority to author-  
19          ize the collection, use, and disclosure of per-  
20          sonal information from children or teens on be-  
21          half of the educational agency or institution,  
22          along with such authorization, the name of the  
23          representative, and the title of the representa-  
24          tive at the educational agency or institution;  
25          and

1 “(C) educational agency or institution to—

2 “(i) provide on a website of the edu-  
3 cational agency or institution a notice that  
4 identifies the operator with which the edu-  
5 cational agency or institution has entered  
6 into a written agreement under this sub-  
7 section and provides the link described in  
8 subparagraph (A)(iii);

9 “(ii) upon request, provide the notice  
10 described in subparagraph (A)(ii) to a par-  
11 ent (in the case of a child) or a parent or  
12 teen (in the case of a teen); and

13 “(iii) upon the request of such a par-  
14 ent or teen, request the operator provide a  
15 means to review the personal information  
16 of such a child or teen and provide the  
17 parent or teen a means to review the per-  
18 sonal information.”;

19 (D) by amending paragraph (4), as so re-  
20 designated, to read as follows:

21 “(4) TERMINATION OF SERVICE.—The regula-  
22 tions shall permit the operator of a website, online  
23 service, online application, or mobile application to  
24 terminate service provided to a child for whom a  
25 parent has refused or a teen who has refused (under

1 the regulations promulgated under paragraphs  
2 (1)(B)(ii) and (1)(C)(ii), respectively) to permit the  
3 operator any further use or maintenance, in retriev-  
4 able form or future online collection, of personal in-  
5 formation from the child or teen.”; and

6 (E) by adding at the end the following new  
7 paragraphs:

8 “(5) CONTINUATION OF SERVICE.—The regula-  
9 tions shall prohibit an operator from discontinuing  
10 service provided to a child or teen on the basis of  
11 a request by a parent of the child or by the teen  
12 (under the regulations promulgated under subpara-  
13 graph (B) or (C) of paragraph (1), respectively) to  
14 delete personal information collected from the child  
15 or teen, to the extent that the operator is capable of  
16 providing such service without such personal infor-  
17 mation.

18 “(6) RULE OF CONSTRUCTION.—A request to  
19 delete or correct personal information of a child or  
20 teen (under the regulations promulgated under sub-  
21 paragraph (B) or (C) of paragraph (1), respectively)  
22 may not be construed to do any of the following:

23 “(A) Limit the authority of a law enforce-  
24 ment agency to obtain any content or informa-  
25 tion from an operator pursuant to a lawfully ex-

1           ecuted warrant or an order of a court of com-  
2           petent jurisdiction.

3           “(B) Require an operator or third party to  
4           delete or correct information that—

5                   “(i) any other provision of Federal or  
6                   State law requires the operator or third  
7                   party to maintain; or

8                   “(ii) was submitted to the website, on-  
9                   line service, online application, or mobile  
10                  application of the operator by any person  
11                  other than the user who is attempting to  
12                  erase or otherwise eliminate the content or  
13                  information, including content or informa-  
14                  tion submitted by the user that was repub-  
15                  lished or resubmitted by another person.

16           “(C) Prohibit an operator from doing any  
17           of the following:

18                   “(i) Retaining a record of the deletion  
19                   request and the minimum information nec-  
20                   essary for the purposes of ensuring compli-  
21                   ance with a request made pursuant to sub-  
22                   paragraph (B) or (C) of paragraph (1).

23                   “(ii) Preventing, detecting, protecting  
24                   against, or responding to any security inci-

1 dent, identity theft, or fraud, or reporting  
2 a person responsible for any such action.

3 “(iii) Protecting the integrity or secu-  
4 rity of a website, online service, online ap-  
5 plication or mobile application.

6 “(iv) Ensuring that any such personal  
7 information remains deleted.

8 “(7) COMMON VERIFIABLE CONSENT MECHA-  
9 NISM.—

10 “(A) IN GENERAL.—

11 “(i) FEASIBILITY OF MECHANISM.—  
12 The Commission, with notice and public  
13 comment, shall assess the feasibility of al-  
14 lowing operators the option to use a com-  
15 mon verifiable consent mechanism that  
16 fully meets the requirements of this title.

17 “(ii) REQUIREMENTS.—The feasibility  
18 assessment required by clause (i) shall con-  
19 sider whether a single operator could use a  
20 common verifiable consent mechanism to  
21 obtain the verifiable consent required by  
22 this title from a parent of a child or from  
23 a teen on behalf of multiple listed opera-  
24 tors that provide a joint or related service.

1           “(B) REPORT.—Not later than 1 year  
2 after the date of the enactment of this para-  
3 graph, the Commission shall submit to the  
4 Committee on Commerce, Science, and Trans-  
5 portation of the Senate and the Committee on  
6 Energy and Commerce of the House of Rep-  
7 resentatives a report with the findings of the  
8 feasibility assessment required by subparagraph  
9 (A)(i).

10           “(C) REGULATIONS.—If the Commission  
11 finds that the use of a common verifiable con-  
12 sent mechanism is feasible and would meet the  
13 requirements of this title, the Commission shall  
14 issue regulations to permit the use of a common  
15 verifiable consent mechanism in accordance  
16 with the findings outlined in such report.”; and

17           (4) in subsection (c), by striking “a regulation  
18 prescribed under subsection (a)” and inserting “sub-  
19 paragraph (B), (C), (D), or (E) of subsection (a)(1)  
20 or of a regulation promulgated under subsection  
21 (b)”.

22           (c) SAFE HARBORS.—Section 1304 of the Children’s  
23 Online Privacy Protection Act of 1998 (15 U.S.C. 6503)  
24 is amended—

1 (1) in subsection (b)(1), by inserting “and  
2 teens” after “children”; and

3 (2) by adding at the end the following:

4 “(d) PUBLICATION.—

5 “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), the Commission shall publish on the  
7 internet website of the Commission any report or  
8 documentation required by regulation to be sub-  
9 mitted to the Commission to carry out this title.

10 “(2) RESTRICTIONS ON PUBLICATION.—Not-  
11 withstanding the publication requirement described  
12 in paragraph (1), the restrictions described in sec-  
13 tions 6(f) and section 21 of the Federal Trade Com-  
14 mission Act (15 U.S.C. 46(f); 57b–2) applicable to  
15 the disclosure of information obtained by the Com-  
16 mission shall apply in the same manner to any publi-  
17 cation under paragraph (1).”.

18 (d) ACTIONS BY STATES.—Section 1305 of the Chil-  
19 dren’s Online Privacy Protection Act of 1998 (15 U.S.C.  
20 6504) is amended—

21 (1) in subsection (a)(1)—

22 (A) in the matter preceding subparagraph

23 (A), by inserting “section 1303(a)(1) or” before

24 “any regulation”; and

1 (B) in subparagraph (B), by inserting  
2 “section 1303(a)(1) or” before “the regula-  
3 tion”; and

4 (2) in subsection (d)—

5 (A) by inserting “section 1303(a)(1) or”  
6 before “any regulation”; and

7 (B) by inserting “section 1303(a)(1) or”  
8 before “that regulation”.

9 (e) ADMINISTRATION AND APPLICABILITY OF ACT.—

10 Section 1306 of the Children’s Online Privacy Protection  
11 Act of 1998 (15 U.S.C. 6505) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by striking “, in the  
14 case of” and all that follows through “the  
15 Board of Directors of the Federal Deposit In-  
16 surance Corporation;” and inserting the fol-  
17 lowing: “by the appropriate Federal banking  
18 agency with respect to any insured depository  
19 institution (as such terms are defined in section  
20 3 of such Act (12 U.S.C. 1813));”; and

21 (B) by striking paragraph (2); and

22 (C) by redesignating paragraphs (3)  
23 through (6) as paragraphs (2) through (5), re-  
24 spectively;

25 (2) in subsection (d)—

1 (A) by striking “a rule of the Commission  
2 under section 1303” and inserting “section  
3 1303(a)(1) or a regulation promulgated under  
4 section 1303(b)”;

5 (B) by striking “such rule” and inserting  
6 “such section or such a regulation”;

7 (3) by adding at the end the following new sub-  
8 sections:

9 “(f) **RULE OF CONSTRUCTION ON AGE**  
10 **VERIFICATION.**—Nothing in this title may be construed  
11 to require an operator to implement an age gating or age  
12 verification functionality on a website, online service, on-  
13 line application, or mobile application of the operator.

14 “(g) **ADDITIONAL REQUIREMENT.**—Any regulation  
15 promulgated under this title shall include a description  
16 and analysis of the impact of proposed and final rules on  
17 small entities under chapter 6 of title 5, United States  
18 Code (commonly known as the ‘Regulatory Flexibility  
19 Act’).”

20 **SEC. 603. STUDY AND REPORTS OF MOBILE AND ONLINE**  
21 **APPLICATION OVERSIGHT AND ENFORCE-**  
22 **MENT.**

23 (a) **OVERSIGHT REPORT.**—Not later than 3 years  
24 after the date of the enactment of this subtitle, the Com-  
25 mission shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-  
2 mittee on Energy and Commerce of the House of Rep-  
3 resentatives a report on the processes of platforms that  
4 offer mobile and online applications for ensuring that, of  
5 those applications that are websites, online services, online  
6 applications, or mobile applications directed to children,  
7 the applications operate in accordance with—

8           (1) this subtitle, the amendments made by this  
9 subtitle, and regulations promulgated under this  
10 subtitle; and

11           (2) any regulation under section 18(a)(1)(B) of  
12 the Federal Trade Commission Act (15 U.S.C.  
13 57a(a)(1)(B)) regarding unfair or deceptive acts or  
14 practices with respect to marketing.

15       (b) ENFORCEMENT REPORT.—Not later than 1 year  
16 after the date of the enactment of this subtitle, and annu-  
17 ally thereafter, the Commission shall submit to the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate and the Committee on Energy and Commerce of  
20 the House of Representatives a report that addresses the  
21 following:

22           (1) The number of actions brought by the Com-  
23 mission during the reporting year to enforce the  
24 Children’s Online Privacy Protection Act of 1998  
25 (15 U.S.C. 6501 et seq.) (referred to in this sub-

1 section as the “Act”) and the outcome of each such  
2 action.

3 (2) The total number of investigations or in-  
4 quires into potential violations of the Act during the  
5 reporting year.

6 (3) The total number of open investigations or  
7 inquiries into potential violations of the Act as of the  
8 date on which the report is submitted.

9 (4) The number and nature of complaints re-  
10 ceived by the Commission relating to an allegation  
11 of a violation of the Act during the reporting year.

12 (5) Policy or legislative recommendations to  
13 strengthen online protections for children and teens.

14 **SEC. 604. GAO STUDY.**

15 (a) STUDY.—The Comptroller General of the United  
16 States shall conduct a study on the privacy and mental  
17 health of teens who use financial technology products that  
18 shall do the following:

19 (1) Identify the type of financial technology  
20 products that teens use.

21 (2) Identify the potential risks to the privacy  
22 and mental health of teens that may result from the  
23 use of such financial technology products.

24 (3) Determine whether existing laws are suffi-  
25 cient to address any such risks.

1 (b) REPORT.—Not later than 1 year after the date  
2 of the enactment of this section, the Comptroller General  
3 shall submit to Congress a report that details the results  
4 of the study conducted under subsection (a) and rec-  
5 ommendations for any legislative or administrative action  
6 as the Comptroller General determines appropriate.

7 **SEC. 605. SEVERABILITY.**

8 If any provision of this subtitle, or any amendment  
9 made by this subtitle, is determined to be unenforceable  
10 or invalid, the remaining provisions of and amendments  
11 made by this subtitle shall not be affected.

12 **Subtitle B—Data Broker**  
13 **Disclosures**

14 **SEC. 611. DEFINITIONS.**

15 In this subtitle:

16 (1) COVERED DATA BROKER.—

17 (A) IN GENERAL.—The term “covered  
18 data broker” means an entity that, for valuable  
19 consideration, sells, licenses, rents, trades,  
20 transfers, releases, discloses, provides access to,  
21 or otherwise makes available to another entity  
22 personal data of an individual the data brokers  
23 knows is a minor that the entity did not collect  
24 directly from such individual to another entity  
25 that is not acting as a service provider.

1 (B) EXCEPTION.—The term “covered data  
2 broker” does not include an entity to the extent  
3 that the entity does any of the following:

4 (i) Transmits personal data of an in-  
5 dividual, including any communication of  
6 such individual, at the request or direction  
7 of such individual.

8 (ii) Provides, maintains, or offers a  
9 product or service with respect to which  
10 personal data, or access to such data, is  
11 not the product or service.

12 (iii) Reports or publishes news or in-  
13 formation that concerns local, national, or  
14 international events or other matters of  
15 public interest.

16 (iv) Acts as a service provider.

17 (2) KNOWS.—The term “knows” means to have  
18 actual knowledge or willful disregard.

19 (3) MINOR.—The term “minor” means an indi-  
20 vidual under the age of 18 years.

21 (4) PERSONAL DATA.—The term “personal  
22 data” has the meaning given the term “personal in-  
23 formation” in section 1302 of the Children’s Online  
24 Privacy Protection Act of 1998 (15 U.S.C. 6501)  
25 (as amended by section 602(a)(4) of this Act).

1           (5) SERVICE PROVIDER.—The term “service  
2 provider” means an entity that—

3           (A) collects, processes, or transfers per-  
4 sonal data on behalf of and at the direction  
5 of—

6                   (i) the minor to whom such informa-  
7 tion pertains;

8                   (ii) a parent of such a minor;

9                   (iii) a Federal, State, or local govern-  
10 ment entity; or

11                   (iv) an entity acting as a covered data  
12 broker or another service provider; and

13           (B) receives data from or on behalf of an  
14 individual or entity described in subparagraph

15 (A).

16 **SEC. 612. REGISTRATION REQUIREMENT.**

17           (a) DATA BROKER REGISTRATION.—Not later than  
18 12 months after the date of the enactment of this subtitle,  
19 and annually thereafter, a covered data broker shall reg-  
20 ister with the Commission by paying the registration fee  
21 set by the Commission under subsection (c) and by filing  
22 a registration statement that includes the following infor-  
23 mation:

24           (1) The legal name of the covered data broker.

1           (2) A contact person and the primary physical  
2           address, human-monitored email address, human-  
3           monitored telephone number, and website address  
4           for the covered data broker.

5           (3) A description of each category of personal  
6           data sold by the covered data broker.

7           (4) A statement of whether the covered data  
8           broker implements a purchaser credentialing proc-  
9           ess.

10          (5) A description of any incident of unauthor-  
11          ized access to personal data that the covered data  
12          broker has reported to a Federal or State govern-  
13          mental entity pursuant to an applicable law, rule, or  
14          regulation during the year before the year in which  
15          the registration is filed and, if known, the total num-  
16          ber of consumers affected by each previously re-  
17          ported incident of such unauthorized access.

18          (b) DATA BROKER REGISTRY.—Not later than 18  
19          months after the date of the enactment of this subtitle,  
20          the Commission shall establish and maintain on a publicly  
21          available website of the Commission a searchable, central  
22          registry of covered data brokers registered under sub-  
23          section (a) that includes—

1 (1) a search feature that allows members of the  
2 public to search for and identify covered data bro-  
3 kers; and

4 (2) for each covered data broker, the informa-  
5 tion required by paragraphs (1) through (5) of sub-  
6 section (a).

7 (c) ANNUAL REGISTRATION FEE.—The Commission  
8 may charge a covered data broker an annual registration  
9 fee of at least \$22,500 (as adjusted on January 1 each  
10 year by the percentage increase (if any), during the pre-  
11 ceding 12-month period, in the Consumer Price Index for  
12 All Urban Consumers published by the Bureau of Labor  
13 Statistics).

14 **SEC. 613. RULE OF CONSTRUCTION.**

15 Compliance with this subtitle shall not relieve a cov-  
16 ered data broker of an obligation to register with any  
17 State covered data broker registry.

18 **TITLE VII—GENERAL**  
19 **PROVISIONS**

20 **SEC. 701. 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. 702. JUDICIAL REVIEW.**

4           The United States District Court for the District of  
5 Columbia shall have exclusive jurisdiction over any chal-  
6 lenge to the constitutionality of this Act or the constitu-  
7 tionality of any action, finding, or determination under  
8 this Act.

9 **SEC. 703. RULES OF CONSTRUCTION.**

10          Nothing in this Act may be construed to do any of  
11 the following:

12           (1) Allow a governmental entity to enforce this  
13 Act based on a viewpoint expressed by or through  
14 any speech, expression, or information protected by  
15 the First Amendment to the Constitution of the  
16 United States.

17           (2) Prevent—

18           (A) the taking of reasonable measures to  
19 block or filter spam, prevent criminal activity,  
20 or protect the security of a platform or service;  
21 or

22           (B) compliance with the duties and report-  
23 ing requirements set forth in 18 U.S.C. 2258A.

24           (3) Require the disclosure of the browsing be-  
25 havior, search history, messages, contact list, or

1 other content or metadata of the communications of  
2 a minor.

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

7 (5) Expand, limit the scope of, or alter the  
8 meaning of section 230 of the Communications Act  
9 of 1934 (47 U.S.C. 230).

10 (6) Restrict the ability to do any of the fol-  
11 lowing:

12 (A) Cooperate with a law enforcement  
13 agency regarding activity reasonably and in  
14 good faith believed to violate a Federal, State,  
15 or local law, rule, or regulation.

16 (B) Comply with a lawful civil, criminal, or  
17 regulatory inquiry, subpoena, or summons from  
18 a Federal, State, local, or other governmental  
19 authority.

20 (C) Investigate, establish, exercise, respond  
21 to, or defend against a legal claim.

22 (D) Prevent, detect, or respond to a secu-  
23 rity incident, identity theft, fraud, harassment,  
24 or any other malicious, deceptive, or illegal ac-  
25 tivity.

1           (E) Investigate or report a person respon-  
2           sible for an activity described in subparagraph  
3           (D).

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

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

9           (9) Require indefinite retention of data of a  
10          user.

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

14 **SEC. 704. RELATIONSHIP TO STATE LAWS.**

15          (a) IN GENERAL.—The provisions of this Act shall  
16          preempt any law, rule, requirement, or regulation of a  
17          State, or a political subdivision of a State, only to the ex-  
18          tent that such law, rule, requirement, or regulation con-  
19          flicts with a provision of this Act.

20          (b) EXCEPTION.—Notwithstanding subsection (a),  
21          nothing in this Act may be construed—

22                  (1) to preempt any law, rule, requirement, or  
23                  regulation of a State, or political subdivision of a  
24                  State, with respect to contract, tort, or product li-  
25                  ability; or

1           (2) to prohibit a State, or a political subdivision  
2 of a State, from enacting or enforcing any law, rule,  
3 requirement, or regulation that provides greater pro-  
4 tection to minors than the protection provided by the  
5 provisions of this Act.

6           (c) CHILDREN’S ONLINE PRIVACY PROTECTION  
7 ACT.—Section 1303 of the Children’s Online Privacy Pro-  
8 tection Act of 1998 (15 U.S.C. 6502) is amended by strik-  
9 ing subsection (d) and inserting the following:

10           “(d) RELATIONSHIP TO STATE LAW.—

11           “(1) IN GENERAL.—The provisions of this title  
12 shall preempt any law, rule, requirement, or regula-  
13 tion of a State, or a political subdivision of a State,  
14 only to the extent that such law, rule, requirement,  
15 or regulation conflicts with a provision of this title.

16           “(2) EXCEPTION.—Notwithstanding paragraph  
17 (1), nothing in this title may be construed—

18           “(A) to preempt any law, rule, require-  
19 ment, or regulation of a State, or political sub-  
20 division of a State, with respect to contract,  
21 tort, or product liability; or

22           “(B) to prohibit a State, or a political sub-  
23 division of a State, from enacting or enforcing  
24 any law, rule, requirement, or regulation that  
25 provides greater protection to minors than the

1 protection provided by the provisions of this  
2 title.”.

3 **SEC. 705. SEVERABILITY.**

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

9 **SEC. 706. EFFECTIVE DATE.**

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

Passed the House of Representatives June 29, 2026.

Attest:

*Clerk.*



119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 7757**

---

**AN ACT**

To protect children and teens online, empower parents and strengthen families, and for other purposes.