

**Suspend the Rules and Pass the Bill, H.R. 7757, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

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

# H. R. 7757

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2026

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Kids Internet and Digital Safety Act” or the “KIDS  
6 Act”.

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

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

TITLE I—SHIELDING MINORS FROM OBSCENITY

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

TITLE II—ONLINE PLATFORMS

- Sec. 201. 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.
- Sec. 222. Relationship to State laws.

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.
- Sec. 304. Relationship to State laws.

TITLE IV—ARTIFICIAL INTELLIGENCE CHATBOTS

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

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

Subtitle A—Research

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

PART 1—SAFE SOCIAL MEDIA ACT

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

PART 2—NO FENTANYL ON SOCIAL MEDIA ACT

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

PART 3—ASSESSING SAFETY TOOLS FOR PARENTS AND MINORS ACT

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

PART 4—STUDY ON CHATBOTS AND MENTAL HEALTH OF MINORS

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

Subtitle B—Education

PART 1—PROMOTING A SAFE INTERNET FOR MINORS ACT

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

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

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

Subtitle C—Partnerships and Best Practices

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

TITLE VI—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. Severability.
- Sec. 705. 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).

17 (4) CHATBOT.—The term “chatbot” means an  
18 artificial intelligence system, marketed to and avail-  
19 able for use by consumers, that engages in inter-  
20 active, natural-language communication with a user

1 and generates or selects content in response to user  
2 inputs (including text, voice, or other inputs) using  
3 a conversational context.

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

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

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

13 (B) includes—

14 (i) infinite scrolling or auto play;

15 (ii) rewards or incentives based on  
16 frequency of use or time spent;

17 (iii) notifications and push alerts;

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

21 (v) appearance altering filters; and

22 (vi) personalized recommendation sys-  
23 tems.

24 (7) FULLY AUTOMATED SYSTEM.—The term  
25 “fully automated system” means an algorithm the

1 final outputs of which are, once computed, displayed  
2 directly to a covered user without review or alter-  
3 ation by a covered online platform.

4 (8) MINOR.—Except as otherwise provided, the  
5 term “minor” means an individual under the age of  
6 17 years.

7 (9) NARCOTIC DRUG.—The term “narcotic  
8 drug” has the meaning given that term in section  
9 102 of the Controlled Substances Act (21 U.S.C.  
10 802).

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

15 (A) A natural parent.

16 (B) An adoptive parent.

17 (C) A legal guardian.

18 (D) An individual with legal custody over  
19 the minor.

20 (11) PERSONAL INFORMATION.—The term  
21 “personal information” has the meaning given that  
22 term in section 1302 of the Children’s Online Pri-  
23 vacy Protection Act of 1998 (15 U.S.C. 6501) (as  
24 amended by section 602(a)(4) of this Act).

1           (12) PERSONALIZED RECOMMENDATION SYS-  
2           TEM.—The term “personalized recommendation sys-  
3           tem”—

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

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

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

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

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

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

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

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

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

11           **TITLE I—SHIELDING MINORS**  
12                           **FROM OBSCENITY**

13           **SEC. 101. SHORT TITLE.**

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

17           **SEC. 102. DEFINITIONS.**

18           In this title:

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

22                           (A) that is accessible by the public;

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

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

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

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

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

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

19                 (ii) depicts, describes, or represents,  
20                 in a patently offensive way with respect to  
21                 what is suitable for minors, an actual or  
22                 simulated sexual act or sexual contact, ac-  
23                 tual or simulated normal or perverted sex-  
24                 ual acts, or lewd exhibition of the genitals;  
25                 and

1 (iii) taken as a whole, lacks serious  
2 literary, artistic, political, or scientific  
3 value as to minors; or

4 (B) is child pornography.

5 (5) TECHNOLOGY VERIFICATION MEASURE.—

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

10 (6) TECHNOLOGY VERIFICATION MEASURE

11 DATA.—The term “technology verification measure  
12 data” means data that—

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

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

20 **SEC. 103. TECHNOLOGY VERIFICATION MEASURES.**

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

24 (1) adopt and utilize commercially available  
25 technology verification measures with respect to the

1 covered platform of such provider to identify minors;  
2 and

3 (2) prevent such minors from accessing any  
4 sexual material harmful to minors on the covered  
5 platform.

6 (b) ADDITIONAL REQUIREMENTS FOR COMPLI-  
7 ANCE.—In order to comply with subsection (a), a provider  
8 of a covered platform (or a third party contracted by a  
9 provider of a covered platform with respect to such covered  
10 platform) shall, with respect to a covered platform of the  
11 provider, carry out the following:

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

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

16 (3) Provide clear and conspicuous notice con-  
17 taining information on the technology verification  
18 measures and other policies and procedures related  
19 to the technology verification measure data used to  
20 comply with this title.

21 (4) Take reasonable measures to address cir-  
22 cumvention of technology verification measures.

23 (5) Not transfer, disclose, or retain any tech-  
24 nology verification measure data beyond what is

1 strictly necessary to use a technology verification  
2 measure pursuant to this title.

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

7 (c) USE OF THIRD PARTIES.—

8 (1) IN GENERAL.—A provider of a covered plat-  
9 form may contract with a third party to use tech-  
10 nology verification measures for purposes of com-  
11 plying with subsection (a).

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

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

21 (e) TECHNOLOGY VERIFICATION MEASURE DATA SE-  
22 CURITY.—A provider of a covered platform (or a third  
23 party contracted by a provider of a covered platform with  
24 respect to such covered platform) shall establish, imple-  
25 ment, and maintain reasonable administrative, technical,

1 and physical data security practices to protect the con-  
2 fidentiality, integrity, and availability of technology  
3 verification measure data collected with respect to the cov-  
4 ered platform of such provider (including by a third party  
5 contracted by such covered provider with respect to such  
6 covered platform) and protect such technology verification  
7 measure data against unauthorized access.

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

13 **SEC. 104. CONSULTATION REQUIREMENTS.**

14 In carrying out this title, the Commission shall con-  
15 sult with the following individuals, including with respect  
16 to the applicable standards and metrics for making a de-  
17 termination on whether a user of a covered platform is  
18 or is not a minor:

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

21 (2) Individuals with experience in—

22 (A) advocating for online child safety; or

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

1           (3) Individuals with experience in consumer  
2 protection and online privacy.

3           (4) Individuals who supply technology  
4 verification measure products or have expertise in  
5 technology verification measures.

6           (5) Individuals with experience in data security  
7 and cryptography.

8 **SEC. 105. GAO REPORT.**

9           Not later than 3 years after the date of the enact-  
10 ment of this Act, the Comptroller General of the United  
11 States shall submit to Congress a report that includes the  
12 following:

13           (1) An analysis of the effectiveness of the tech-  
14 nology verification measures required by section 103.

15           (2) An analysis of the rate of compliance with  
16 such section by providers of covered platforms and  
17 third parties contracted by such providers with re-  
18 spect to such covered platforms.

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

22           (4) An analysis of the expression, speech, be-  
23 havioral, economic, psychological, and societal effects  
24 of the technology verification measures required by  
25 section 103.

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

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

4           (a) IN GENERAL.—Provisions of this title shall pre-  
5           empt any law, rule, or regulation of a State, or a political  
6           subdivision of a State, only to the extent that such law,  
7           rule, or regulation conflicts with a provision of this title.  
8           Nothing in this title shall be construed to prohibit a State,  
9           or a political subdivision of a State, from enacting or en-  
10          forcing a law, rule, or regulation that provides greater pro-  
11          tection to minors than the protection provided by the pro-  
12          visions of this title.

13          (b) PRIVACY PROTECTIONS PRESERVED.—Nothing  
14          in subsection (a) may be construed to affect any law of  
15          a State, or a political subdivision of a State, whether stat-  
16          utory or common, that provides protections for minors or  
17          adults related to privacy, data security, or unauthorized  
18          access to personal information.

19 **TITLE II—ONLINE PLATFORMS**

20 **SEC. 201. DEFINITIONS.**

21          In this title:

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

1 (A) Is publicly available for use by con-  
2 sumers.

3 (B) Enables the creation of a username or  
4 user identifier—

5 (i) that is searchable on the platform  
6 by other users through a function made  
7 available by the platform; and

8 (ii) that can be followed by or is simi-  
9 larly accessible to other users of the plat-  
10 form.

11 (C) As the primary purpose of the plat-  
12 form, facilitates the sharing and access to user-  
13 generated content through text, images, video,  
14 audio, or any other interactive medium.

15 (D) Uses a design feature to promote user  
16 engagement on the platform.

17 (E) Uses the personal information of the  
18 user to advertise, market, or make content rec-  
19 ommendations.

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

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

### 2       **SEC. 211. SHORT TITLE.**

3           This subtitle may be cited as the “Kids Online Safety  
4 Act”.

### 5       **SEC. 212. DEFINITIONS.**

6           In this subtitle:

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

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

15               (3) DIRECT MESSAGING FEATURE.—

16                       (A) IN GENERAL.—The term “direct mes-  
17 saging feature” means a function of a covered  
18 platform that enables a user to send a message,  
19 image, video, audio, or other communication di-  
20 rectly to another user or a specific group of  
21 users of the covered platform.

22                       (B) EXCLUSION.—The term “direct mes-  
23 saging feature” does not include a function of  
24 a covered platform that enables a user to post  
25 content on the covered platform to—

- 1 (i) a public or semi-public profile; or
- 2 (ii) a feed accessible to a broader
- 3 group of users.

4 (4) EPHEMERAL MESSAGING FEATURE.—

5 (A) IN GENERAL.—The term “ephemeral  
6 messaging feature” means a function of a cov-  
7 ered platform that permanently deletes or ren-  
8 ders inaccessible a message, image, video,  
9 audio, or other communication sent between  
10 users of the covered platform (such that neither  
11 the sender nor any recipient of such commu-  
12 nication, nor the covered platform, may readily  
13 retrieve or review the communication in the  
14 original form through the covered platform)—

- 15 (i) after a predetermined period;
- 16 (ii) once viewed by such a recipient; or
- 17 (iii) upon exiting the specific chat or
- 18 messaging interface.

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

- 21 (i) a function of a covered platform
- 22 that allows a user of the covered platform
- 23 to manually delete a message, image,
- 24 video, audio, or other communication sent

1 by such user after the transmission of the  
2 communication;

3 (ii) standard data volatility in transit  
4 or temporary caching for necessary func-  
5 tional and performance reasons;

6 (iii) the implementation of a time lim-  
7 ited data retention schedule based on in-  
8 dustry best practices as part of the explicit  
9 security policies of a covered platform or  
10 as needed to comply with applicable law or  
11 regulation; or

12 (iv) a standard process by which a  
13 user may request deletion of an account on  
14 a covered platform to include user content.

15 (5) GEOLOCATION INFORMATION.—The term  
16 “geolocation information” means information suffi-  
17 cient to identify a street name and name of a city  
18 or town.

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

21 (7) MESSAGING CONTROLS.—The term “mes-  
22 saging controls” means a set of tools or settings that  
23 a provider of a covered platform provides to a user  
24 of the covered platform that allows the user to man-

1 age the use of a direct messaging feature or an  
2 ephemeral messaging feature by such user.

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

6 (9) UNAPPROVED CONTACT.—The term “unap-  
7 proved contact” means a user of a covered platform  
8 with respect to whom another user of the covered  
9 platform has not initiated a direct message conversa-  
10 tion.

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

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

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

19 (2) Sexual exploitation and abuse.

20 (3) Distribution, sale, or use of narcotic drugs,  
21 tobacco products, cannabis products, gambling, or  
22 alcohol.

23 (4) Any financial harm caused by deceptive  
24 practices.

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

4 (1) The size and complexity of the covered plat-  
5 form.

6 (2) The technical feasibility of addressing the  
7 harms described in such subsection.

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

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

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

14 (B) accessing resources and information  
15 regarding the prevention or mitigation of the  
16 harms described in subsection (a); or

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

19 **SEC. 214. SAFEGUARDS FOR MINORS, PARENTAL TOOLS,**  
20 **AND TEEN MESSAGING CONTROLS.**

21 (a) SAFEGUARDS FOR MINORS.—

22 (1) SAFEGUARDS.—A provider of a covered  
23 platform shall provide a user of or visitor to the cov-  
24 ered platform who the provider knows is a minor

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

3 (A) Limit the ability of other users to com-  
4 municate with such user or visitor, including  
5 through direct messages or ephemeral mes-  
6 sages.

7 (B) Prevent the profile or personal infor-  
8 mation of such user or visitor from being rec-  
9 ommended or suggested to another user or vis-  
10 itor who the provider knows is not a minor.

11 (C) Prevent other users or visitors from  
12 seeing the current online or offline status of  
13 such user.

14 (D) Limit design features that result in  
15 compulsive usage of the covered platform by  
16 such user or visitor.

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

23 (F) Control any personalized recommenda-  
24 tion system on such covered platform, including

1           with respect to the ability for such user or vis-  
2           itor to have—

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

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

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

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

24           (b) PARENTAL TOOLS.—

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

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

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

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

17           (C) The ability to restrict purchases and  
18 financial transactions by such user, if applica-  
19 ble.

20           (D) The ability to view metrics of total  
21 time spent on the covered platform and restrict  
22 time spent on the covered platform by such  
23 user, if such time restrictions do not amount to  
24 full exclusion of access of such user to the cov-  
25 ered platform.

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

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

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

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

21          (5) DEFAULT TOOLS FOR CHILDREN.—A pro-  
22          vider of a covered platform shall ensure that, in the  
23          case of a user of or visitor to the covered platform  
24          who the provider knows is a child, the default set-  
25          ting for any parental tool described in paragraph (1)

1 is the option available on the covered platform that  
2 provides the most protective level of control with re-  
3 spect to privacy and safety for such user or visitor.

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

15 (c) ADDITIONAL MESSAGING CONTROLS FOR  
16 TEENS.—

17 (1) IN GENERAL.—A provider of a covered plat-  
18 form that offers, provides, or enables any direct  
19 messaging feature or ephemeral messaging feature  
20 of such covered platform to any user of the covered  
21 platform who the provider knows is a teen shall pro-  
22 vide easily accessible and usable messaging controls  
23 described in paragraph (2) to such user that the  
24 user may activate and manage.

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

5                   (A) Receive a timely notification that—

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

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

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

22                   (C) Disable any direct messaging feature  
23                   or ephemeral messaging feature.

24                   (D) Prevent any specific user, any specific  
25                   group of users, or other user in general from

1           initiating or continuing to engage in direct mes-  
2           saging or ephemeral messaging with the user  
3           through any direct messaging feature or any  
4           ephemeral messaging feature of the covered  
5           platform.

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

8           (d) RULES OF APPLICATION.—

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

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

24           (B) Readily accessible and easy-to-use con-  
25           trols to enable or disable any such safeguard,

1 parental tool, or teen messaging control, as ap-  
2 propriate.

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

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

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

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

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

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

9                   (A) providing—

10                           (i) any safeguard described in sub-  
11                           section (a)(1);

12                           (ii) any parental tool described in sub-  
13                           section (b)(1); or

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

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

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

22                   (A) any safeguard described in subsection  
23                   (a)(1);

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

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

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

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

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

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

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

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

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

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

1 **SEC. 216. DISCLOSURE.**

2 (a) NOTICE.—

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

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

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

17 (2) NOTIFICATION.—

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

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

13 (b) CONSOLIDATED NOTICES.—For purposes of this  
14 section, a provider of a covered platform may consolidate  
15 the process for providing information and obtaining  
16 verifiable consent required by this section with the obliga-  
17 tions of the provider to provide relevant notice and obtain  
18 verifiable consent under the Children’s Online Privacy  
19 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 **SEC. 222. RELATIONSHIP TO STATE LAWS.**

15 Provisions of this subtitle shall preempt any law, rule,  
16 or regulation of a State, or a political subdivision of a  
17 State, only to the extent that such law, rule, or regulation  
18 conflicts with a provision of this subtitle. Nothing in this  
19 subtitle shall be construed to prohibit a State, or a polit-  
20 ical subdivision of a State, from enacting or enforcing a  
21 law, rule, or regulation that provides greater protection  
22 to minors than the protection provided by the provisions  
23 of this subtitle.

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

3     **SEC. 231. SHORT TITLE.**

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

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

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

9     **SEC. 233. MARKET RESEARCH.**

10            (a) PROHIBITION OF RESEARCH ON MINORS.—A  
11 provider of a covered platform may not, in the case of a  
12 user or visitor of the covered platform who the provider  
13 knows is a minor, conduct market or product-focused re-  
14 search on such user or visitor unless any such research  
15 is—

16                (1) used solely to improve the privacy, security,  
17 transparency, or safety of the covered platform, in-  
18 cluding with respect to a design feature or any safe-  
19 guard, setting, or tool offered to such user or visitor  
20 or a parent of such user or visitor; or

21                (2) necessary for compliance with a Federal or  
22 State law.

23            (b) RULE OF CONSTRUCTION.—Nothing in this sub-  
24 title may be construed to limit the processing of personal  
25 information solely for measuring or reporting advertising

1 or content performance, reach, or frequency, including  
2 through an independent measurement.

3 **SEC. 234. EFFECTIVE DATE.**

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

6 **TITLE III—SOCIAL GAMING**  
7 **PLATFORMS**

8 **SEC. 301. SHORT TITLE.**

9 This title may be cited as the “Safer Guarding of  
10 Adolescents from Malicious Interactions on Network  
11 Games Act” or the “Safer GAMING Act”.

12 **SEC. 302. DEFINITIONS.**

13 (a) DEFINITIONS.—In this title:

14 (1) COVERED COMMUNICATION TOOL.—The  
15 term “covered communication tool” means a capa-  
16 bility available to a user of an interactive online  
17 video game that allows for the exchange of verbal,  
18 written, or visual messages between such user and  
19 any other user of such interactive online video game.

20 (2) COVERED USER.—The term “covered user”  
21 means a user of an interactive online video game if  
22 the online video game provider of such interactive  
23 online video game knows that such user is a minor.

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

4                   (A) connects to the internet; and

5                   (B) allows a user of such video game to  
6 communicate with other users of such video  
7 game.

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

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

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

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

22                   (A) receives and stores data or instructions  
23 generated by the user of such software pro-  
24 gram; and

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

5 **SEC. 303. SAFEGUARDS REQUIREMENTS FOR ONLINE**  
6 **VIDEO GAME PROVIDERS.**

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

13 (b) FEATURES.—

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

17 (A) Be accessible and easy to use.

18 (B) Be enabled by default on an account  
19 of a covered user of the interactive online video  
20 game of such online video game provider.

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

23 (2) PROTECTIVE LEVEL OF CONTROL.—For  
24 purposes of paragraph (1)(C), the term “most pro-

1 tective level of control” means the relevant safe-  
2 guards—

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

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

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

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

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

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

23 (e) DEVICE CONTROLS.—Nothing in this section may  
24 be construed to prohibit an online video game provider  
25 from making available to the parent of a covered user of

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

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

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

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

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

17 Provisions of this title shall preempt any law, rule,  
18 or regulation of a State, or a political subdivision of a  
19 State, only to the extent that such law, rule, or regulation  
20 conflicts with a provision of this title. Nothing in this title  
21 shall be construed to prohibit a State, or a political sub-  
22 division of a State, from enacting or enforcing a law, rule,  
23 or regulation that provides greater protection to minors  
24 than the protection provided by the provisions of this title.

1                   **TITLE IV—ARTIFICIAL**  
2                   **INTELLIGENCE CHATBOTS**

3   **SEC. 401. SHORT TITLE.**

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

7   **SEC. 402. DEFINITIONS.**

8           In this title:

9                   (1) CHATBOT PROVIDER.—

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

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

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

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

3 **SEC. 403. CERTAIN STATEMENTS PROHIBITED.**

4           A chatbot provider may not provide to a covered user  
5 a chatbot that states to the covered user that the chatbot  
6 is a licensed professional (unless such statement is true).

7 **SEC. 404. DISCLOSURE REQUIRED.**

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

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

13           (2) Resources for contacting a suicide and crisis  
14 intervention hotline.

15           (b) TIMING.—

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

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

20           (B) at any point at which, during an inter-  
21 action between a covered user and a chatbot,  
22 the covered user prompts the chatbot about  
23 whether the chatbot is an artificial intelligence  
24 system.

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

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

12 **SEC. 405. POLICIES REQUIRED.**

13          A chatbot provider shall establish, implement, and  
14          maintain reasonable policies, practices, and procedures—

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

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

22                       (A) sexual exploitation and abuse;

23                       (B) the promotion of gambling that is re-  
24          stricted from or prohibited for minors by law;

25          and

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

5 **SEC. 406. RULE OF CONSTRUCTION.**

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

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

12 Provisions of this title shall preempt any law, rule,  
13 or regulation of a State, or a political subdivision of a  
14 State, only to the extent that such law, rule, or regulation  
15 conflicts with a provision of this title. Nothing in this title  
16 shall be construed to prohibit a State, or a political sub-  
17 division of a State, from enacting or enforcing a law, rule,  
18 or regulation that provides greater protection to minors  
19 than the protection provided by the provisions of this title.

1 **TITLE V—RESEARCH, EDU-**  
2 **CATION, AND BEST PRAC-**  
3 **TICES FOR PROTECTING MI-**  
4 **NORS ONLINE**

5 **Subtitle A—Research**

6 **SEC. 501. DEFINITIONS.**

7 In this subtitle:

8 (1) **FENTANYL.**—The term “fentanyl” includes  
9 any fentanyl analogue and fentanyl-related sub-  
10 stance.

11 (2) **FENTANYL-RELATED SUBSTANCE.**—The  
12 term “fentanyl-related substance” has the meaning  
13 given that term in subsection (e) of schedule I of  
14 section 202(c) of the Controlled Substances Act (21  
15 U.S.C. 812(e)).

16 (3) **RELEVANT CONGRESSIONAL COMMIT-**  
17 **TEES.**—The term “relevant congressional commit-18 tees” means—

19 (A) the Committee on Energy and Com-  
20 merce of the House of Representatives; and

21 (B) the Committee on Commerce, Science,  
22 and Transportation of the Senate.

23 (4) **SOCIAL MEDIA PLATFORM.**—The term “so-  
24 cial media platform”—

1 (A) means a public-facing website, internet  
2 application, or mobile internet application, in-  
3 cluding a social network or video sharing serv-  
4 ice—

5 (i) that serves the public; and

6 (ii) that primarily provides a forum  
7 for user-generated content, including mes-  
8 sages, videos, images, games, and audio  
9 files; and

10 (B) does not include—

11 (i) a provider of broadband internet  
12 access service (as described in section  
13 8.1(b) of title 47, Code of Federal Regula-  
14 tions, or any successor regulation); or

15 (ii) electronic mail.

16 **SEC. 502. EXEMPTION.**

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

20 **PART 1—SAFE SOCIAL MEDIA ACT**

21 **SEC. 511. SHORT TITLE.**

22 This part may be cited as the “Safe Social Media  
23 Act”.

1 **SEC. 512. REPORT BY COMMISSION ON SOCIAL MEDIA USE**  
2 **BY MINORS.**

3 The Commission, in coordination with the Secretary  
4 of Health and Human Services (acting through the Assist-  
5 ant Secretary for Mental Health and Substance Use),  
6 shall do the following:

7 (1) Conduct a study on social media platform  
8 use by minors, including with respect to the fol-  
9 lowing:

10 (A) What personal information is collected  
11 by social media platforms with respect to mi-  
12 nors.

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

15 (C) How such personal information is used  
16 with respect to targeted advertising.

17 (D) How often minors use social media  
18 platforms daily.

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

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

23 (G) Potential harmful effects and benefits  
24 for minors from extended social media platform  
25 use.

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

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

7       **SEC. 513. SHORT TITLE.**

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

10       **SEC. 514. REPORT ON THE ABILITY OF MINORS TO ACCESS**

11                       **FENTANYL THROUGH SOCIAL MEDIA PLAT-**

12                       **FORMS.**

13           (a) REPORT REQUIRED.—Not later than 1 year after  
14       the date of the enactment of this Act, the Commission,  
15       in coordination with the Secretary of Health and Human  
16       Services (acting through the Commissioner of Food and  
17       Drugs), shall submit to the relevant congressional commit-  
18       tees and publish on a website of the Commission a report  
19       on the ability of minors to access fentanyl, including  
20       through pressed pills, through social media platforms and  
21       that includes the following:

22           (1) The prevalence and ability for minors to ac-  
23       cess fentanyl from drug sellers on social media plat-  
24       forms.

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

4           (3) How drug sellers use social media platforms  
5           to market, sell, deliver, distribute, dispense, and en-  
6           gage in other transactions related to the provision of  
7           fentanyl to minors.

8           (4) How design features and other characteris-  
9           tics of social media platforms affect the ability of  
10          minors to access fentanyl.

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

14          (6) Practices, policies, and other measures  
15          taken by social media platforms to address the abil-  
16          ity of drug sellers to use social media platforms and  
17          the effectiveness of such practices, policies, and  
18          measures.

19          (7) Recommendations for Congress to eliminate  
20          the prevalence and ability for minors to access  
21          fentanyl through social media platforms.

22          (b) CONSULTATION REQUIRED.—In developing the  
23          report required by subsection (a), the Commission shall  
24          consult with any relevant agencies and stakeholders, in-

1 cluding parents, social media platforms, law enforcement,  
2 medical professionals, and other relevant experts.

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

9 **PART 3—ASSESSING SAFETY TOOLS FOR**  
10 **PARENTS AND MINORS ACT**

11 **SEC. 515. SHORT TITLE.**

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

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

15 (a) REVIEW.—Not later than 6 months after the date  
16 of the enactment of this Act, the Commission, in consulta-  
17 tion with industry, parents, individuals with expertise in  
18 communications technologies, parental controls, privacy,  
19 and mental health, and any other appropriate entities as  
20 determined by the Commission, shall—

21 (1) initiate a review of industry efforts to pro-  
22 mote online safety for minors through education, pa-  
23 rental and child safety tools, age-appropriate labels  
24 for content, privacy and other safety settings, and  
25 any other relevant technologies or initiatives; and

1           (2) examine the effectiveness of industry efforts  
2           identified under paragraph (1) to mitigate online  
3           harms for minors and provide recommendations for  
4           industry, Congress, and agencies to improve online  
5           safety for minors.

6           (b) **SUBMISSION OF REPORT.**—Not later than 3 years  
7           after the date of the enactment of this Act, the Commis-  
8           sion shall submit to the relevant congressional committees  
9           a report with any findings and recommendations resulting  
10          from the review and examination required by subsection  
11          (a).

12           **PART 4—STUDY ON CHATBOTS AND MENTAL**  
13                           **HEALTH OF MINORS**

14           **SEC. 517. STUDY REQUIRED.**

15           The Secretary of Health and Human Services, acting  
16           through the Director of the National Institutes of Health,  
17           shall conduct a 4-year longitudinal study to evaluate the  
18           risks and benefits of chatbots with respect to the mental  
19           health of minors, including with respect to loneliness, anx-  
20           iety, social skill building, social isolation, depression, self-  
21           harm, and suicidal ideation.

22           **SEC. 518. CONSULTATION.**

23           In conducting the study required by section 517, the  
24           Secretary, acting through the Director, shall consult with  
25           the following:

1           (1) The Director of the National Institute of  
2           Mental Health.

3           (2) Pediatric mental health experts.

4           (3) Technologists.

5           (4) Ethicists.

6           (5) Educators.

7   **SEC. 519. REPORT.**

8           Not later than 4 years after the date of the enact-  
9           ment of this Act, the Secretary, acting through the Direc-  
10          tor, shall submit to the relevant congressional committees  
11          and the Committee on Health, Education, Labor, and  
12          Pensions of the Senate a report on the results of the study  
13          required by section 517 and any related recommendations.

14                           **Subtitle B—Education**

15                   **PART 1—PROMOTING A SAFE INTERNET FOR**

16                                   **MINORS ACT**

17   **SEC. 521. SHORT TITLE.**

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

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

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

24                   (1) by striking sections 211 through 214 and  
25                   216 and inserting the following:

1 **“SEC. 211. PUBLIC AWARENESS AND EDUCATIONAL CAM-**  
2 **PAIGN.**

3 “Not later than 180 days after the date of the enact-  
4 ment of this section, the Commission, in partnership with  
5 the heads of other relevant agencies, State and local gov-  
6 ernments, nonprofit organizations, schools, industry, law  
7 enforcement, medical professionals, and other appropriate  
8 entities, shall carry out a program throughout the United  
9 States to promote the safe use of the internet by minors  
10 that includes the following:

11 “(1) The identification, promotion, and encour-  
12 agement of best practices for educators, online plat-  
13 forms, minors, and parents and guardians to protect  
14 minors online.

15 “(2) The establishment and implementation of  
16 an outreach and education campaign throughout the  
17 United States that promotes online safety for mi-  
18 nors.

19 “(3) The facilitation of access to, and the ex-  
20 change of, information regarding online safety for  
21 minors to promote up-to-date knowledge regarding  
22 harms and risks negatively impacting or benefits  
23 positively impacting minors online.

24 “(4) The facilitation of access to publicly acces-  
25 sible online safety education and public awareness  
26 efforts by other relevant agencies, State and local

1 governments, nonprofit organizations, schools, indus-  
2 try, and other appropriate entities.

3 **“SEC. 212. ANNUAL REPORT.**

4 “Not later than 1 year after the date of the enact-  
5 ment of this section, and annually thereafter for 10 years,  
6 the Commission shall submit to the Committee on Com-  
7 merce, Science, and Transportation of the Senate and the  
8 Committee on Energy and Commerce of the House of  
9 Representatives a report that describes the program car-  
10 ried out under section 211.

11 **“SEC. 213. DEFINITIONS.**

12 “In this subtitle:

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

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

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

20 “(4) NONPROFIT ORGANIZATION.—The term  
21 ‘nonprofit organization’ means an organization that  
22 is described in section 501(c)(3) of the Internal Rev-  
23 enue Code of 1986 and exempt from taxation under  
24 section 501(a) of such Code.

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

5           “(A) Protecting minors from cybercrimes,  
6 access to narcotics, tobacco products, gambling,  
7 alcohol, and other adult content.

8           “(B) Preventing compulsive behavior on-  
9 line and other adverse impacts on the physical  
10 and mental health of minors.

11           “(C) Facilitating the effective use of safe-  
12 guards, parental controls, and other tools to  
13 empower parents, guardians, and minors to pro-  
14 tect minors online.

15           “(6) STATE.—The term ‘State’ means each of  
16 the several States, the District of Columbia, each  
17 commonwealth, territory, or possession of the United  
18 States, and each federally recognized Indian Tribe.”;  
19 and

20           (2) by redesignating section 215 as section 214.

21           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22 The table of contents of the Protecting Children in the  
23 21st Century Act (15 U.S.C. 6551 et seq.) is amended  
24 by striking the items related to sections 211 through 216  
25 and inserting the following:

“Sec. 211. Public awareness and educational campaign.

“Sec. 212. Annual report.

“Sec. 213. Definitions.

“Sec. 214. Promoting online safety in schools.”.

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

3       **SEC. 523. SHORT TITLE.**

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

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

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

13          (b) **CONTENTS.**—The educational resources devel-  
14 oped and made available under subsection (a) shall include  
15 resources on the following:

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

17                   (2) Privacy and data collection practices.

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

20          (c) **YOUVILLE.**—The Commission, in a manner ap-  
21 propriate for minors, shall model the educational resources  
22 developed and made available under subsection (a) on the  
23 Youville program of the Commission.

1     **Subtitle C—Partnerships and Best**  
2                                     **Practices**

3     **SEC. 525. SHORT TITLE.**

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

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

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

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

12            (c) DUTIES.—The duties of the Partnership shall be  
13 the following:

14                    (1) Coordinate with relevant agencies (including  
15 the Commission) and stakeholders to identify the  
16 following:

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

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

23                            (C) Widely accepted or evidence-based best  
24 practices, taking into account minors of dif-  
25 ferent ages, to—

1 (i) address the risks identified under  
2 subparagraph (A); and

3 (ii) preserve and enhance the benefits  
4 identified under subparagraph (B).

5 (2) Not later than 1 year after the date on  
6 which the Partnership is established, and every 2  
7 years thereafter, publish on a publicly available  
8 website a report that details—

9 (A) the identifications made under para-  
10 graph (1); and

11 (B) the efficacy and adoption by websites,  
12 online services, online applications, and mobile  
13 applications of—

14 (i) safeguards for minors; and

15 (ii) parental tools.

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

1 identified under paragraph (1)(B), including best  
2 practices with respect to the following:

3 (A) Age verification, assurance, and esti-  
4 mation techniques.

5 (B) Design features.

6 (C) Parental tools.

7 (D) Default privacy and account settings.

8 (E) Reporting systems and tools.

9 (F) Third-party safety software services.

10 (G) Limitations and opt-outs related to  
11 personalized recommendation systems and  
12 chatbots.

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

16 (1) Academic experts with specific expertise  
17 with respect to the prevention of risks for minors on-  
18 line.

19 (2) Researchers with specific expertise with re-  
20 spect to social media.

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

23 (4) Educators with demonstrated experience  
24 with respect to the safety of minors online.

25 (5) Online platforms.

1           (6) Experts in academia and civil society with  
2           specific expertise with respect to constitutional law,  
3           privacy, free expression, access to information, and  
4           civil liberties.

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

7           (e) SUNSET.—The Partnership shall terminate on the  
8           date that is 5 years after the date on which the Partner-  
9           ship is established.

10          (f) DEFINITIONS.—In this section:

11           (1) PARENTAL TOOL.—The term “parental  
12           tool”—

13                   (A) means a tool that—

14                           (i) the provider of a website, online  
15                           service, online application, or mobile appli-  
16                           cation provides to a parent of a user who  
17                           such provider knows is a minor; and

18                           (ii) the parent uses to support such  
19                           user with respect to the use of the website,  
20                           service, or application; and

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

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

1 (ii) grant or withdraw verifiable con-  
2 sent;

3 (iii) restrict the purchases and finan-  
4 cial transactions of such user;

5 (iv) view metrics of the total time  
6 spent on such website, service, or applica-  
7 tion by such user;

8 (v) restrict time spent on such  
9 website, service, or application by such  
10 user;

11 (vi) report illegal or harmful conduct  
12 on such website, service, or application  
13 with respect to which such user may be a  
14 victim; and

15 (vii) limit or opt-out of personalized  
16 recommendation systems or chatbots.

17 (2) PARTNERSHIP.—The term “Partnership”  
18 means the Kids Internet Safety Partnership estab-  
19 lished under subsection (a).

20 (3) SECRETARY.—The term “Secretary” means  
21 the Secretary of Commerce.

1           **TITLE VI—KIDS PRIVACY**  
2                           **PROTECTIONS**  
3                           **Subtitle A—COPPA 2.0**

4   **SEC. 601. SHORT TITLE.**

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

7   **SEC. 602. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**  
8                           **LETION OF PERSONAL INFORMATION OF**  
9                           **CHILDREN AND TEENS.**

10          (a) **DEFINITIONS.**—Section 1302 of the Children’s  
11   Online Privacy Protection Act of 1998 (15 U.S.C. 6501)  
12   is amended—

13               (1) by amending paragraph (1) to read as fol-  
14   lows:

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

17               (2) by amending paragraph (2) to read as fol-  
18   lows:

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

20                       “(A) means any person—

21                               “(i) who, for commercial purposes in  
22                               interstate or foreign commerce, operates or  
23                               provides a website on the internet, an on-  
24                               line service, an online application, or a mo-  
25                               bile application; and

1 “(ii) who—

2 “(I) collects or maintains, either  
3 directly or through a service provider,  
4 personal information from or about  
5 the users of that website, service, or  
6 application;

7 “(II) allows another person to  
8 collect personal information directly  
9 from users of that website, service, or  
10 application (in which case, the oper-  
11 ator is deemed to have collected the  
12 information); or

13 “(III) allows users of that  
14 website, service, or application to pub-  
15 licly disclose personal information (in  
16 which case, the operator is deemed to  
17 have collected the information); and

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

22 (3) in paragraph (4)—

23 (A) by amending subparagraph (A) to read  
24 as follows:

1           “(A) the release of personal information  
2 collected from a child or teen by an operator for  
3 any purpose, except where the personal infor-  
4 mation is provided to a person other than an  
5 operator who—

6           “(i) provides support for the internal  
7 operations of the website, online service,  
8 online application, or mobile application of  
9 the operator, excluding any activity relat-  
10 ing to individual-specific advertising to  
11 children or teens; and

12           “(ii) does not disclose or use that per-  
13 sonal information for any other purpose;  
14 and”; and

15           (B) in subparagraph (B)—

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

18           (ii) by striking “website or online  
19 service” and inserting “website, online  
20 service, online application, or mobile appli-  
21 cation”; and

22           (iii) by striking “actual knowledge”  
23 and inserting “knowledge”;

24           (4) by amending paragraph (8) to read as fol-  
25 lows:

1 “(8) PERSONAL INFORMATION.—

2 “(A) IN GENERAL.—The term ‘personal in-  
3 formation’ means individually identifiable infor-  
4 mation about an individual collected online, in-  
5 cluding—

6 “(i) a first and last name;

7 “(ii) a home or other physical address,  
8 including a street name and a name of a  
9 city or town;

10 “(iii) an e-mail address;

11 “(iv) a telephone number;

12 “(v) a Social Security number;

13 “(vi) any other identifier that the  
14 Commission determines permits the phys-  
15 ical or online contacting of a specific indi-  
16 vidual;

17 “(vii) a persistent identifier that can  
18 be used to recognize a specific child or teen  
19 over time and across different websites, on-  
20 line services, online applications, or mobile  
21 applications, that—

22 “(I) includes—

23 “(aa) a customer number  
24 held in a cookie;

1                   “(bb) an Internet Protocol  
2                   (IP) address;

3                   “(cc) a processor or device  
4                   serial number; and

5                   “(dd) a unique device identi-  
6                   fier; and

7                   “(II) excludes an identifier that  
8                   is used by an operator solely for pro-  
9                   viding support for the internal oper-  
10                  ations of the website, online service,  
11                  online application, or mobile applica-  
12                  tion;

13                  “(viii) a photograph, video, or audio  
14                  file that contains the image or voice of a  
15                  specific child or teen;

16                  “(ix) geolocation information;

17                  “(x) information generated from the  
18                  measurement or technological processing of  
19                  an the biological, physical, or physiological  
20                  characteristics of an individual that is used  
21                  to identify an individual, including—

22                         “(I) fingerprints;

23                         “(II) voice prints;

24                         “(III) iris or retina imagery  
25                         scans;

1 “(IV) facial templates;

2 “(V) deoxyribonucleic acid  
3 (DNA) information; and

4 “(VI) gait; and

5 “(xi) information linked or reasonably  
6 linkable to a child or teen or a parent of  
7 a child or teen (including any unique iden-  
8 tifier) that an operator collects online from  
9 the child or teen and combines with an  
10 identifier described in this subparagraph.

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

15 “(i) does not request information via  
16 voice that would otherwise be considered  
17 personal information under this paragraph;

18 “(ii) provides clear notice of its collec-  
19 tion and use of the audio file and its dele-  
20 tion policy in its privacy policy;

21 “(iii) only uses the voice contained in  
22 the audio file as a replacement for written  
23 words to perform a task or otherwise en-  
24 gage with a website, online service, online  
25 application, or mobile application, includ-

1 ing by performing a search and fulfilling a  
2 verbal instruction or request;

3 “(iv) only maintains the audio file  
4 during the period necessary to complete  
5 the relevant task or engagement;

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

8 “(vi) deletes the audio file at the end  
9 of such period.

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

13 “(i) IN GENERAL.—For purposes of  
14 subparagraph (A)(vii), the term ‘support  
15 for the internal operations of a website, on-  
16 line service, online application, or mobile  
17 application’ means the activities necessary  
18 to such website, service, or application to—

19 “(I) maintain or analyze func-  
20 tioning;

21 “(II) perform network commu-  
22 nications;

23 “(III) authenticate users;

24 “(IV) personalize content;

1           “(V) serve contextual advertising  
2           to users (if any persistent identifier is  
3           only used as necessary for technical  
4           purposes to serve the contextual ad-  
5           vertisement or cap the frequency of  
6           contextual advertising;

7           “(VI) protect the security or in-  
8           tegrity of the user, website, online  
9           service, online application, or mobile  
10          application;

11          “(VII) ensure legal or regulatory  
12          compliance, or

13          “(VIII) fulfill a request of a child  
14          or teen under subparagraph (A), (B),  
15          or (C) of section 1303(b)(2).

16          “(ii) **CONDITION.**—Except as specifi-  
17          cally permitted under clause (i), informa-  
18          tion collected through the activities de-  
19          scribed in clause (i) may not be used or  
20          disclosed to contact a specific individual  
21          (including through individual-specific ad-  
22          vertising to children or teens), to amass a  
23          profile on a specific individual, in connec-  
24          tion with processes that encourage or

1                   prompt use of a website or online service,  
2                   or for any other purpose.”;

3                   (5) by amending paragraph (9) to read as fol-  
4                   lows:

5                   “(9) VERIFIABLE CONSENT.—The term  
6                   ‘verifiable consent’ means any reasonable effort (tak-  
7                   ing into consideration available technology) by an  
8                   operator, including a request for authorization for  
9                   future collection, use, and disclosure described in the  
10                  notice, to ensure that a parent of a child (in the case  
11                  of a child) or a teen (in the case of a teen)—

12                  “(A) receives direct notice of the collection,  
13                  use, maintenance, and disclosure practices of  
14                  the operator with respect to personal informa-  
15                  tion; and

16                  “(B) before the personal information of the  
17                  child or teen is collected, freely and unambig-  
18                  uously authorizes—

19                  “(i) the collection, use, maintenance,  
20                  and disclosure, as applicable, of the per-  
21                  sonal information; and

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

24                  (6) in paragraph (10)—

1 (A) in the heading, by striking “WEBSITE  
2 OR ONLINE SERVICE DIRECTED TO CHILDREN”  
3 and inserting “WEBSITE, ONLINE SERVICE, ON-  
4 LINE APPLICATION, OR MOBILE APPLICATION  
5 DIRECTED TO CHILDREN”;

6 (B) in subparagraph (A)—

7 (i) in the matter preceding clause (i),  
8 by striking “website or online service di-  
9 rected to children” and inserting “website,  
10 online service, online application, or mobile  
11 application directed to children”;

12 (ii) in clause (i), by striking “commer-  
13 cial website or online service” and insert-  
14 ing “website, online service, online applica-  
15 tion, or mobile application”; and

16 (iii) in clause (ii), by striking “com-  
17 mercial website or online service” and in-  
18 serting “website, online service, online ap-  
19 plication, or mobile application”;

20 (C) in subparagraph (B), by striking  
21 “commercial website or online service” each  
22 place the term appears and inserting “website,  
23 online service, online application, or mobile ap-  
24 plication”; and

1 (D) by adding at the end the following new  
2 subparagraph:

3 “(C) RULE OF CONSTRUCTION.—In con-  
4 sidering whether a website, online service, on-  
5 line application, or mobile application, or por-  
6 tion thereof, is directed to children, the Com-  
7 mission shall apply a totality of circumstances  
8 test and will also consider competent and reli-  
9 able empirical evidence regarding audience com-  
10 position and evidence regarding the intended  
11 audience of the website, online service, online  
12 application, or mobile application.”; and

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

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

18 “(14) ONLINE APPLICATION.—The term ‘online  
19 application’—

20 “(A) means an internet-connected software  
21 program; and

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

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

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

3                   “(i) a cellular telephone;

4                   “(ii) a tablet computer; or

5                   “(iii) a similar portable computing de-  
6           vice that transmits data over a wireless  
7           connection; and

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

10           “(16) GEOLOCATION INFORMATION.—The term  
11           ‘geolocation information’ means information suffi-  
12           cient to identify a street name and name of a city  
13           or town.

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

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

19                   “(A) IN GENERAL.—The term ‘individual-  
20           specific advertising to children or teens’ means  
21           advertising or any other effort to market a  
22           product or service that is directed to a specific  
23           child or teen or a connected device that is  
24           linked or reasonably linkable to a child or teen  
25           based on—

1 “(i) personal information of—

2 “(I) the child or teen; or

3 “(II) a group of children or teens

4 who are similar in sex, age, household

5 income level, race, or ethnicity to the

6 specific child or teen to whom the

7 product or service is marketed;

8 “(ii) profiling of such child or teen or

9 group of children or teens; or

10 “(iii) a unique identifier of such con-

11 nected device.

12 “(B) EXCLUSIONS.—The term ‘individual-

13 specific advertising to children or teens’ shall

14 not include—

15 “(i) advertising or marketing to an in-

16 dividual or to a device of an individual in

17 response to a specific request by the indi-

18 vidual for information or feedback, such as

19 a search query by a child or teen;

20 “(ii) contextual advertising, including

21 if an advertisement is displayed based on

22 the content of the website, online service,

23 online application, mobile application, or

24 connected device on which the advertise-

25 ment appears and does not vary based on

1 personal information of an individual who  
2 views the advertisement;

3 “(iii) processing personal information  
4 solely for measuring or reporting adver-  
5 tising or content performance, reach, or  
6 frequency, including independent measure-  
7 ment; or

8 “(iv) advertising or marketing di-  
9 rected to a connected device used by both  
10 adult and child or teen members of a  
11 household, if such advertising or marketing  
12 is directed to a profile of an adult user.

13 “(C) RULE OF CONSTRUCTION.—Nothing  
14 in subparagraph (A) shall be construed to pro-  
15 hibit an operator with actual knowledge or an  
16 operator who should have known that a user is  
17 under the age of 18 from delivering advertising  
18 or marketing that is age-appropriate and in-  
19 tended for a child or teen audience, if the oper-  
20 ator does not use any personal information  
21 other than whether the user is under the age of  
22 18.

23 “(19) EDUCATIONAL AGENCY OR INSTITU-  
24 TION.—The term ‘educational agency or institution’  
25 means—

1           “(A) a State educational agency or a local  
2           educational agency (as such terms are defined  
3           in section 8101 of the Elementary and Sec-  
4           ondary Education Act of 1965 (20 U.S.C.  
5           7801)); or

6           “(B) an institutional day or residential  
7           school, including a public school (including a  
8           charter school) or a private school, that pro-  
9           vides elementary or secondary education, as de-  
10          termined under State law.

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

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

19                (1) by striking the heading and inserting the  
20                following: “**ONLINE COLLECTION, USE, DISCLO-**  
21                **SURE, AND DELETION OF PERSONAL INFORMA-**  
22                **TION OF CHILDREN AND TEENS.**”;

23                (2) in subsection (a)—

24                    (A) by amending paragraph (1) to read as  
25                    follows:

1           “(1) IN GENERAL.—It is unlawful for an oper-  
2           ator of a website, online service, online application,  
3           or mobile application directed to children or for any  
4           operator of a website, online service, online applica-  
5           tion, or mobile application with actual knowledge or  
6           any operator of a website, online service, online ap-  
7           plication, or mobile application who should have  
8           known that a user is a child or teen to do any of  
9           the following:

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

13                   “(B) Collect, use, disclose to third parties,  
14                   or maintain personal information of a child or  
15                   teen for purposes of individual-specific adver-  
16                   tising to children or teens (or to allow another  
17                   person to collect, use, disclose, or maintain such  
18                   information for such purpose);

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

22                           “(i) consistent with the context of a  
23                           particular transaction or service or the re-  
24                           lationship of the child or teen with the op-  
25                           erator, including any collection necessary

1 to fulfill a transaction or provide a product  
2 or service requested by the child or teen; or

3 “(ii) authorized or required by Fed-  
4 eral law (including a regulation promul-  
5 gated under subsection (b)) or State law.

6 “(D) Store or transfer the personal infor-  
7 mation of a child or teen outside of the United  
8 States, unless the operator provides direct no-  
9 tice to a parent of the child (in the case of a  
10 child) or to the teen (in the case of a teen) of  
11 such storage or transfer.

12 “(E) Retain the personal information of a  
13 child or teen for longer than is reasonably nec-  
14 essary to fulfill a transaction or provide a serv-  
15 ice requested by the child or teen, except as au-  
16 thorized or required by Federal or State law.”;  
17 and

18 (B) in paragraph (2)—

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

21 (ii) by striking “Notwithstanding  
22 paragraph (1)” and inserting “Notwith-  
23 standing paragraph (1)(A)”;

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

1                   (iv) by striking “subsection  
2                   (b)(1)(B)(iii) to the parent of a child” and  
3                   inserting “subsection (b)(1)(B)(iv) to a  
4                   parent of a child or under subsection  
5                   (b)(1)(C)(iv) to a teen”;

6                   (3) in subsection (b)—

7                   (A) in paragraph (1)—

8                   (i) in subparagraph (A)—

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

23                  (II) in clause (i)—

24                  (aa) by striking “notice on  
25                  the website” and inserting “clear

1 and conspicuous notice on the  
2 website, service, or application”;

3 (bb) by inserting “or teens”  
4 after “children”;

5 (cc) by striking “, and the  
6 operator’s disclosure practices”  
7 and inserting “, the disclosure  
8 practices of the operator”; and

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

20 (III) in clause (ii)—

21 (aa) by striking “parental”;

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

1 (cc) by striking the semi-  
2 colon at the end and inserting “;  
3 and”; and

4 (IV) by inserting after clause (ii)  
5 the following new clause:

6 “(iii) to obtain verifiable consent from  
7 a parent of a child (in the case of a child)  
8 or from a teen (in the case of a teen) be-  
9 fore using or disclosing personal informa-  
10 tion of the child or teen for any purpose  
11 that is a material change from the original  
12 purposes and disclosure practices specified  
13 to the parent of the child or the teen under  
14 clause (i);”;

15 (ii) in subparagraph (B)—

16 (I) in the matter preceding clause  
17 (i), by striking “that website or online  
18 service” and inserting “the operator”;

19 (II) in clause (i), by striking  
20 “that operator” and inserting “the  
21 operator, the method by which the op-  
22 erator obtains the personal informa-  
23 tion, and the purposes for which the  
24 operator collects, uses, discloses, and  
25 retains the personal information”;

1 (III) in clause (ii)—

2 (aa) by inserting “to delete  
3 personal information collected  
4 from the child or content or in-  
5 formation submitted by the child  
6 to a website, online service, on-  
7 line application, or mobile appli-  
8 cation and” after “the oppor-  
9 tunity at any time”; and

10 (bb) by striking “; and” and  
11 inserting a semicolon;

12 (IV) by redesignating clause (iii)  
13 as clause (iv) and inserting after  
14 clause (ii) the following new clause:

15 “(iii) the opportunity to challenge the  
16 accuracy of the personal information and,  
17 if the parent of the child establishes the in-  
18 accuracy of the personal information, to  
19 have the inaccurate personal information  
20 corrected;” and

21 (V) in clause (iv), as so redesi-  
22 gnated, by inserting “, if such informa-  
23 tion is available to the operator at the  
24 time the parent makes the request”  
25 before the semicolon;

1 (iii) by redesignating subparagraphs  
2 (C) and (D) as subparagraphs (D) and  
3 (E), respectively;

4 (iv) by inserting after subparagraph  
5 (B) the following new subparagraph:

6 “(C) require the operator to provide, upon  
7 the request of a teen who has provided personal  
8 information to the operator, upon proper identi-  
9 fication of the teen—

10 “(i) a description of the specific types  
11 of personal information collected from the  
12 teen by the operator, the method by which  
13 the operator obtained the personal infor-  
14 mation, and the purposes for which the op-  
15 erator collects, uses, discloses, and retains  
16 the personal information;

17 “(ii) the opportunity at any time to  
18 delete personal information collected from  
19 the teen or content or information sub-  
20 mitted by the teen to a website, online  
21 service, online application, or mobile appli-  
22 cation and to refuse to permit the further  
23 use or maintenance in retrievable form, or  
24 online collection, of personal information  
25 from the teen by the operator;

1           “(iii) the opportunity to challenge the  
2 accuracy of the personal information and,  
3 if the teen establishes the inaccuracy of the  
4 personal information, to have the inac-  
5 curate personal information corrected; and

6           “(iv) a means that is reasonable  
7 under the circumstances for the teen to ob-  
8 tain any personal information collected  
9 from the teen, if such information is avail-  
10 able to the operator at the time the teen  
11 makes the request;”;

12           (v) in subparagraph (D), as so redes-  
13 igned—

14           (I) by striking “a child’s partici-  
15 pation” and inserting “the participa-  
16 tion of a child or teen”; and

17           (II) by inserting “or teen” after  
18 “the child”; and

19           (vi) by amending subparagraph (E),  
20 as so redesignated, to read as follows:

21           “(E) require the operator—

22           “(i) to establish, implement, and  
23 maintain reasonable security practices to  
24 protect the confidentiality, integrity, and  
25 accessibility of personal information of

1 children or teens collected by the operator;

2 and

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

5 (B) in paragraph (2)—

6 (i) in the matter preceding subpara-  
7 graph (A), by striking “verifiable parental  
8 consent” and inserting “verifiable con-  
9 sent”;

10 (ii) in subparagraph (A)—

11 (I) by inserting “or teen” after  
12 “collected from a child”;

13 (II) by inserting “or teen” after  
14 “request from the child”; and

15 (III) by inserting “or teen or to  
16 contact another child or teen” after  
17 “to recontact the child”;

18 (iii) in subparagraph (B)—

19 (I) by striking “parent or child”  
20 and inserting “parent or teen”; and

21 (II) by striking “parental con-  
22 sent” each place the term appears and  
23 inserting “verifiable consent”;

24 (iv) in subparagraph (C)—

1 (I) in the matter preceding clause  
2 (i), by inserting “or teen” after  
3 “child” each place the term appears;  
4 (II) in clause (i)—  
5 (aa) by inserting “or teen”  
6 after “child” each place the term  
7 appears; and  
8 (bb) by inserting “or teen,  
9 as applicable,” after “parent”  
10 each place the term appears; and  
11 (III) in clause (ii)—  
12 (aa) by striking “without  
13 notice to the parent” and insert-  
14 ing “without notice to the parent  
15 or teen, as applicable,”; and  
16 (bb) by inserting “or teen”  
17 after “child” each place the term  
18 appears; and  
19 (v) in subparagraph (D)—  
20 (I) in the matter preceding clause  
21 (i), by inserting “or teen” after  
22 “child” each place the term appears;  
23 (II) in clause (ii), by inserting  
24 “or teen” after “child”; and

1 (III) in the flush text following  
2 clause (iii)—

3 (aa) by inserting “or teen,  
4 as applicable,” after “parent”  
5 each place the term appears; and

6 (bb) by inserting “or teen”  
7 after “child”;

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

11 “(3) APPLICATION TO OPERATORS ACTING  
12 UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES  
13 OR INSTITUTIONS.—The regulations may provide  
14 that verifiable consent under paragraph (1)(A)(ii) is  
15 not required for an operator that acts under a writ-  
16 ten agreement with an educational agency or institu-  
17 tion that, at a minimum, requires the—

18 “(A) operator to—

19 “(i) limit the collection, use, and dis-  
20 closure by the operator of the personal in-  
21 formation from a child or teen to solely  
22 educational purposes and for no other com-  
23 mercial purposes;

24 “(ii) provide the educational agency or  
25 institution with a notice of the specific

1 types of personal information the operator  
2 will collect from the child or teen, the  
3 method by which the operator will obtain  
4 the personal information, and the purposes  
5 for which the operator will collect, use, dis-  
6 close, and retain the personal information;

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

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

22 “(B) representative of the educational  
23 agency or institution to acknowledge and agree  
24 that the representative has authority to author-  
25 ize the collection, use, and disclosure of per-

1           sonal information from children or teens on be-  
2           half of the educational agency or institution,  
3           along with such authorization, the name of the  
4           representative, and the title of the representa-  
5           tive at the educational agency or institution;  
6           and

7           “(C) educational agency or institution to—

8           “(i) provide on a website of the edu-  
9           cational agency or institution a notice that  
10          identifies the operator with which the edu-  
11          cational agency or institution has entered  
12          into a written agreement under this sub-  
13          section and provides the link described in  
14          subparagraph (A)(iii);

15          “(ii) upon request, provide the notice  
16          described in subparagraph (A)(ii) to a par-  
17          ent (in the case of a child) or a parent or  
18          teen (in the case of a teen); and

19          “(iii) upon the request of such a par-  
20          ent or teen, request the operator provide a  
21          means to review the personal information  
22          of such a child or teen and provide the  
23          parent or teen a means to review the per-  
24          sonal information.”;

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

3 “(4) TERMINATION OF SERVICE.—The regula-  
4 tions shall permit the operator of a website, online  
5 service, online application, or mobile application to  
6 terminate service provided to a child for whom a  
7 parent has refused or a teen who has refused (under  
8 the regulations promulgated under paragraphs  
9 (1)(B)(ii) and (1)(C)(ii), respectively) to permit the  
10 operator any further use or maintenance, in retriev-  
11 able form or future online collection, of personal in-  
12 formation from the child or teen.”; and

13 (E) by adding at the end the following new  
14 paragraphs:

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

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

6           “(A) Limit the authority of a law enforce-  
7 ment agency to obtain any content or informa-  
8 tion from an operator pursuant to a lawfully ex-  
9 ecuted warrant or an order of a court of com-  
10 petent jurisdiction.

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

13           “(i) any other provision of Federal or  
14 State law requires the operator or third  
15 party to maintain; or

16           “(ii) was submitted to the website, on-  
17 line service, online application, or mobile  
18 application of the operator by any person  
19 other than the user who is attempting to  
20 erase or otherwise eliminate the content or  
21 information, including content or informa-  
22 tion submitted by the user that was repub-  
23 lished or resubmitted by another person.

24           “(C) Prohibit an operator from doing any  
25 of the following:

1           “(i) Retaining a record of the deletion  
2 request and the minimum information nec-  
3 essary for the purposes of ensuring compli-  
4 ance with a request made pursuant to sub-  
5 paragraph (B) or (C) of paragraph (1).

6           “(ii) Preventing, detecting, protecting  
7 against, or responding to any security inci-  
8 dent, identity theft, or fraud, or reporting  
9 a person responsible for any such action.

10           “(iii) Protecting the integrity or secu-  
11 rity of a website, online service, online ap-  
12 plication or mobile application.

13           “(iv) Ensuring that any such personal  
14 information remains deleted.

15           “(7) COMMON VERIFIABLE CONSENT MECHA-  
16 NISM.—

17           “(A) IN GENERAL.—

18           “(i) FEASIBILITY OF MECHANISM.—  
19 The Commission, with notice and public  
20 comment, shall assess the feasibility of al-  
21 lowing operators the option to use a com-  
22 mon verifiable consent mechanism that  
23 fully meets the requirements of this title.

24           “(ii) REQUIREMENTS.—The feasibility  
25 assessment required by clause (i) shall con-

1           sider whether a single operator could use a  
2           common verifiable consent mechanism to  
3           obtain the verifiable consent required by  
4           this title from a parent of a child or from  
5           a teen on behalf of multiple listed opera-  
6           tors that provide a joint or related service.

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

16          “(C) REGULATIONS.—If the Commission  
17          finds that the use of a common verifiable con-  
18          sent mechanism is feasible and would meet the  
19          requirements of this title, the Commission shall  
20          issue regulations to permit the use of a common  
21          verifiable consent mechanism in accordance  
22          with the findings outlined in such report.”;

23          (4) in subsection (c), by striking “a regulation  
24          prescribed under subsection (a)” and inserting “sub-  
25          paragraph (B), (C), (D), or (E) of subsection (a)(1)

1 or of a regulation promulgated under subsection  
2 (b)”; and

3 (5) by striking subsection (d) and inserting the  
4 following:

5 “(d) RELATIONSHIP TO STATE LAW.—The provisions  
6 of this title shall preempt any State law, rule, or regula-  
7 tion only to the extent that such State law, rule, or regula-  
8 tion conflicts with a provision of this title. Nothing in this  
9 title shall be construed to prohibit any State from enacting  
10 or enforcing a law, rule, or regulation that provides great-  
11 er protection to children or teens than the provisions of  
12 this title.”.

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

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

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

19 “(d) PUBLICATION.—

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

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

9           (d) ACTIONS BY STATES.—Section 1305 of the Chil-  
10          dren’s Online Privacy Protection Act of 1998 (15 U.S.C.  
11          6504) is amended—

12           (1) in subsection (a)(1)—

13                   (A) in the matter preceding subparagraph  
14                   (A), by inserting “section 1303(a)(1) or” before  
15                   “any regulation”; and

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

19           (2) in subsection (d)—

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

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

1 (e) ADMINISTRATION AND APPLICABILITY OF ACT.—  
2 Section 1306 of the Children’s Online Privacy Protection  
3 Act of 1998 (15 U.S.C. 6505) is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (1), by striking “, in the  
6 case of” and all that follows through “the  
7 Board of Directors of the Federal Deposit In-  
8 surance Corporation;” and inserting the fol-  
9 lowing: “by the appropriate Federal banking  
10 agency with respect to any insured depository  
11 institution (as such terms are defined in section  
12 3 of such Act (12 U.S.C. 1813));”; and

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

14 (C) by redesignating paragraphs (3)  
15 through (6) as paragraphs (2) through (5), re-  
16 spectively;

17 (2) in subsection (d)—

18 (A) by striking “a rule of the Commission  
19 under section 1303” and inserting “section  
20 1303(a)(1) or a regulation promulgated under  
21 section 1303(b)”; and

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

24 (3) by adding at the end the following new sub-  
25 sections:

1       “(f) RULE OF CONSTRUCTION ON AGE  
2 VERIFICATION.—Nothing in this title may be construed  
3 to require an operator to implement an age gating or age  
4 verification functionality on a website, online service, on-  
5 line application, or mobile application of the operator.

6       “(g) ADDITIONAL REQUIREMENT.—Any regulation  
7 promulgated under this title shall include a description  
8 and analysis of the impact of proposed and final rules on  
9 small entities under chapter 6 of title 5, United States  
10 Code (commonly known as the ‘Regulatory Flexibility  
11 Act’).”.

12 **SEC. 603. STUDY AND REPORTS OF MOBILE AND ONLINE**  
13                   **APPLICATION OVERSIGHT AND ENFORCE-**  
14                   **MENT.**

15       (a) OVERSIGHT REPORT.—Not later than 3 years  
16 after the date of the enactment of this subtitle, the Com-  
17 mission shall submit to the Committee on Commerce,  
18 Science, and Transportation of the Senate and the Com-  
19 mittee on Energy and Commerce of the House of Rep-  
20 resentatives a report on the processes of platforms that  
21 offer mobile and online applications for ensuring that, of  
22 those applications that are websites, online services, online  
23 applications, or mobile applications directed to children,  
24 the applications operate in accordance with—

1           (1) this subtitle, the amendments made by this  
2 subtitle, and regulations promulgated under this  
3 subtitle; and

4           (2) any regulation under section 18(a)(1)(B) of  
5 the Federal Trade Commission Act (15 U.S.C.  
6 57a(a)(1)(B)) regarding unfair or deceptive acts or  
7 practices with respect to marketing.

8           (b) ENFORCEMENT REPORT.—Not later than 1 year  
9 after the date of the enactment of this subtitle, and annu-  
10 ally thereafter, the Commission shall submit to the Com-  
11 mittee on Commerce, Science, and Transportation of the  
12 Senate and the Committee on Energy and Commerce of  
13 the House of Representatives a report that addresses the  
14 following:

15           (1) The number of actions brought by the Com-  
16 mission during the reporting year to enforce the  
17 Children’s Online Privacy Protection Act of 1998  
18 (15 U.S.C. 6501 et seq.) (referred to in this sub-  
19 section as the “Act”) and the outcome of each such  
20 action.

21           (2) The total number of investigations or in-  
22 quires into potential violations of the Act during the  
23 reporting year.

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

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

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

9 **SEC. 604. GAO STUDY.**

10       (a) **STUDY.**—The Comptroller General of the United  
11 States shall conduct a study on the privacy and mental  
12 health of teens who use financial technology products that  
13 shall do the following:

14           (1) Identify the type of financial technology  
15 products that teens use.

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

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

21       (b) **REPORT.**—Not later than 1 year after the date  
22 of the enactment of this section, the Comptroller General  
23 shall submit to Congress a report that details the results  
24 of the study conducted under subsection (a) and rec-

1 ommendations for any legislative or administrative action  
2 as the Comptroller General determines appropriate.

3 **SEC. 605. SEVERABILITY.**

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

8 **Subtitle B—Data Broker**  
9 **Disclosures**

10 **SEC. 611. DEFINITIONS.**

11 In this subtitle:

12 (1) COVERED DATA BROKER.—

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

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

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

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

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

13 (iv) Acts as a service provider.

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

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

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

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

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

4 (i) the minor to whom such informa-  
5 tion pertains;

6 (ii) a parent of such a minor;

7 (iii) a Federal, State, or local govern-  
8 ment entity; or

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

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

13 (A).

14 **SEC. 612. REGISTRATION REQUIREMENT.**

15 (a) DATA BROKER REGISTRATION.—Not later than  
16 12 months after the date of the enactment of this subtitle,  
17 and annually thereafter, a covered data broker shall reg-  
18 ister with the Commission by paying the registration fee  
19 set by the Commission under subsection (c) and by filing  
20 a registration statement that includes the following infor-  
21 mation:

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

23 (2) A contact person and the primary physical  
24 address, human-monitored email address, human-

1 monitored telephone number, and website address  
2 for the covered data broker.

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

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

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

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

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

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

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

11 **SEC. 613. RULE OF CONSTRUCTION.**

12 Compliance with this subtitle shall not relieve a cov-  
13 ered data broker of an obligation to register with any  
14 State covered data broker registry.

15 **TITLE VII—GENERAL**  
16 **PROVISIONS**

17 **SEC. 701. ENFORCEMENT.**

18 (a) ENFORCEMENT BY COMMISSION.—

19 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
20 TICES.—A violation of this Act shall be treated as  
21 a violation of a regulation under section 18(a)(1)(B)  
22 of the Federal Trade Commission Act (15 U.S.C.  
23 57a(a)(1)(B)) regarding unfair or deceptive acts or  
24 practices.

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

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

14          (b) ACTIONS BY STATES.—

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

24                       (A) enjoin such act or practice;

25                       (B) enforce compliance with this Act;

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

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

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

19 (3) AUTHORITY OF COMMISSION.—

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

24 (i) to intervene in the action;

25 (ii) upon so intervening—

1 (I) to be heard on all matters  
2 arising therein; and

3 (II) to file petitions for appeal.

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

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

1 **SEC. 702. JUDICIAL REVIEW.**

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

7 **SEC. 703. RULES OF CONSTRUCTION.**

8 Nothing in this Act may be construed to do any of  
9 the following:

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

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

18 (3) Require the disclosure of the browsing be-  
19 havior, search history, messages, contact list, or  
20 other content or metadata of the communications of  
21 a minor.

22 (4) Limit or impair the Children's Online Pri-  
23 vacy Protection Act of 1998 (15 U.S.C. 6501 et  
24 seq.) or any rule or regulation promulgated under  
25 such Act.

1           (5) Expand, limit the scope of, or alter the  
2 meaning of section 230 of the Communications Act  
3 of 1934 (47 U.S.C. 230).

4           (6) Restrict the ability to do any of the fol-  
5 lowing:

6                 (A) Cooperate with a law enforcement  
7 agency regarding activity reasonably and in  
8 good faith believed to violate a Federal, State,  
9 or local law, rule, or regulation.

10                (B) Comply with a lawful civil, criminal, or  
11 regulatory inquiry, subpoena, or summons from  
12 a Federal, State, local, or other governmental  
13 authority.

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

16                (D) Prevent, detect, or respond to a secu-  
17 rity incident, identity theft, fraud, harassment,  
18 or any other malicious, deceptive, or illegal ac-  
19 tivity.

20                (E) Investigate or report a person respon-  
21 sible for an activity described in subparagraph  
22 (D).

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

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

4           (9) Require the design, building, or implemen-  
5           tation of any feature, function, software, hardware,  
6           or other capability for the purpose of weakening, un-  
7           dermining, circumventing, or overcoming any secu-  
8           rity control, including encryption, that is used to  
9           protect the privacy or security of any communication  
10          or data of a user.

11          (10) Require indefinite retention of data of a  
12          user.

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

16 **SEC. 704. SEVERABILITY.**

17          If any provision of this Act or the application of this  
18          Act to any person or circumstance is held to be unconstitu-  
19          tional, the remaining provisions of this Act and the appli-  
20          cation of this Act to other persons or circumstances shall  
21          not be affected.

22 **SEC. 705. EFFECTIVE DATE.**

23          Except as otherwise provided in this Act, this Act  
24          shall take effect on the date that is 1 year after the date  
25          of the enactment of this Act.