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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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

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IN THE HOUSE OF REPRESENTATIVES

Mr. GUTHRIE introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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—ADDRESSING HARMS TO MINORS ON ONLINE PLATFORMS

- Sec. 201. Covered platform defined.

Subtitle A—Kids Online Safety

- Sec. 211. Short title.
- Sec. 212. Definitions.
- Sec. 213. Addressing harms to minors.
- Sec. 214. Safeguards for minors and parental tools.
- Sec. 215. Reporting mechanism.
- Sec. 216. Disclosure.
- Sec. 217. Advertising and marketing information and labels.
- Sec. 218. Advertising of illegal products.
- Sec. 219. Audit; report.
- Sec. 220. Rules of construction.
- Sec. 221. Relationship to State laws.

Subtitle B—Safe Messaging for Kids

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

Subtitle C—Stop Profiling Youth and Kids

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

TITLE III—SOCIAL GAMING PLATFORMS

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

TITLE IV—ARTIFICIAL INTELLIGENCE CHATBOTS

- Sec. 401. Short title.
- Sec. 402. Definitions.

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

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

Subtitle A—Research

- Sec. 501. Definitions.

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 for minors.

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

- Sec. 523. Short title.
- Sec. 524. Chatbots and minors.

Subtitle C—Partnerships and Best Practices

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

TITLE VI—GENERAL PROVISIONS

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

10 (3) CHATBOT.—The term “chatbot” means an  
11 artificial intelligence system, marketed to and avail-  
12 able for use by consumers, that engages in inter-  
13 active, natural-language communication with a user  
14 and generates or selects content in response to user  
15 inputs (including text, voice, or other inputs) using  
16 a conversational context.

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

19 (5) DESIGN FEATURE.—The term “design fea-  
20 ture”—

21 (A) means any feature or component of a  
22 covered platform that encourages an increase in  
23 or increases the frequency of use or time spent  
24 by a user who is a minor with respect to such  
25 covered platform; and

26 (B) includes—

- 1 (i) infinite scrolling or auto play;  
2 (ii) rewards or incentives based on  
3 frequency of use or time spent;  
4 (iii) notifications and push alerts;  
5 (iv) badges or other visual award sym-  
6 bols based on frequency of use or time  
7 spent;  
8 (v) appearance altering filters; and  
9 (vi) personalized recommendation sys-  
10 tems.

11 (6) FULLY AUTOMATED SYSTEM.—The term  
12 “fully automated system” means an operation or set  
13 of operations performed on data with minimal or no  
14 direction, instruction, prompting, oversight, involve-  
15 ment, or intervention by an individual.

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

19 (8) MINOR.—The term “minor” means an indi-  
20 vidual under the age of 17 years.

21 (9) NARCOTIC DRUG.—The term “narcotic  
22 drug” has the meaning given that term in section  
23 102 of the Controlled Substances Act (21 U.S.C.  
24 802).

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

5                     (A) a natural parent;

6                     (B) an adoptive parent;

7                     (C) a legal guardian; and

8                     (D) an individual with legal custody over  
9           the minor.

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

14           (12) PERSONALIZED RECOMMENDATION SYS-  
15           TEM.—The term “personalized recommendation sys-  
16           tem”—

17                     (A) means a fully automated system used  
18           to suggest, promote, or rank content, including  
19           other users, hashtags, and posts, based on the  
20           personal information of a user; and

21                     (B) does not include a fully automated sys-  
22           tem that suggests, promotes, or ranks content  
23           based solely on the language, city or town, or  
24           age of a user.

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

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

8                   (ii) depicts, describes, or represents,  
9           in a patently offensive way with respect to  
10          what is suitable for minors, an actual or  
11          simulated sexual act or sexual contact, ac-  
12          tual or simulated normal or perverted sex-  
13          ual acts, or lewd exhibition of the genitals;  
14          and

15                  (iii) taken as a whole, lacks serious  
16          literary, artistic, political, or scientific  
17          value as to minors; or

18                  (B) is child pornography.

19           (14) STATE.—The term “State” means each  
20          State of the United States, the District of Columbia,  
21          each commonwealth, territory, or possession of the  
22          United States, and each federally recognized Indian  
23          Tribe.

24           (15) VERIFIABLE PARENTAL CONSENT.—The  
25          term “verifiable parental consent” has the meaning

1 given that term in section 1302 of the Children’s  
2 Online Privacy Protection Act of 1998 (15 U.S.C.  
3 6501).

## 4 **TITLE I—SHIELDING MINORS** 5 **FROM OBSCENITY**

### 6 **SEC. 101. SHORT TITLE.**

7 This title may be cited as the “Shielding Children’s  
8 Retinas from Egregious Exposure on the Net Act” or the  
9 “SCREEN Act”.

### 10 **SEC. 102. DEFINITIONS.**

11 In this title:

12 (1) **CHILD PORNOGRAPHY; MINOR.**—The terms  
13 “child pornography” and “minor” have the mean-  
14 ings given those terms in section 2256 of title 18,  
15 United States Code.

16 (2) **COVERED PLATFORM.**—The term “covered  
17 platform” means a website or other online plat-  
18 form—

19 (A) that is accessible by the public;

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

23 (C) with respect to which the provider of  
24 such platform knowingly makes available the

1           sexual material harmful to minors described in  
2           subparagraph (B).

3           (3) SEXUAL ACT; SEXUAL CONTACT.—The  
4           terms “sexual act” and “sexual contact” have the  
5           meanings given those terms in section 2246 of title  
6           18, United States Code.

7           (4) TECHNOLOGY VERIFICATION MEASURE.—  
8           The term “technology verification measure” means  
9           technology that employs a system or process to de-  
10          termine whether it is more likely than not that a  
11          user of a covered platform is a minor.

12          (5) TECHNOLOGY VERIFICATION MEASURE  
13          DATA.—The term “technology verification measure  
14          data” means data that—

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

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

22 **SEC. 103. TECHNOLOGY VERIFICATION MEASURES.**

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

1           (1) adopt and utilize commercially available  
2           technology verification measures, reasonably de-  
3           signed to ensure accuracy, with respect to the cov-  
4           ered platform of such provider to identify minors;  
5           and

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

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

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

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

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

23           (4) Take reasonable measures to address cir-  
24           cumvention of technology verification measures.

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

5           (c) USE OF THIRD PARTIES.—

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

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

14          (d) TECHNOLOGY VERIFICATION MEASURE DATA  
15          SECURITY.—A provider of a covered platform (or a third  
16          party contracted by a provider of a covered platform with  
17          respect to such covered platform) shall establish, imple-  
18          ment, and maintain reasonable administrative, technical,  
19          and physical data security practices to protect the con-  
20          fidentiality, integrity, and availability of technology  
21          verification measure data collected with respect to the cov-  
22          ered platform of such provider (including by a third party  
23          contracted by such covered provider with respect to such  
24          covered platform).

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion may be construed to require the submission of govern-  
3 ment-issued identification of any individual to a covered  
4 platform or a third party contracted by a provider of a  
5 covered platform to use a technology verification measure.

6 **SEC. 104. CONSULTATION REQUIREMENTS.**

7 In carrying out this title, the Commission shall con-  
8 sult with the following individuals, including with respect  
9 to the applicable standards and metrics for making a de-  
10 termination on whether a user of a covered platform is  
11 or is not a minor:

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

14 (2) Individuals with experience in—

15 (A) advocating for online child safety; or

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

18 (3) Individuals with experience in consumer  
19 protection and online privacy.

20 (4) Individuals who supply technology  
21 verification measure products or have expertise in  
22 technology verification measures.

23 (5) Individuals with experience in data security  
24 and cryptography.

1 **SEC. 105. GAO REPORT.**

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

6 (1) An analysis of the effectiveness of the tech-  
7 nology verification measures required under section  
8 103.

9 (2) An analysis of the rate of compliance with  
10 such section by providers of covered platforms and  
11 third parties contracted by such providers with re-  
12 spect to such covered platforms.

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

16 (4) An analysis of the expression, speech, be-  
17 havioral, economic, psychological, and societal effects  
18 of requiring technology verification measures under  
19 section 103.

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

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

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

1 the extent that such law, rule, regulation, requirement,  
2 standard, or other provision requires a provider of a cov-  
3 ered platform to use technology verification measures to  
4 prevent minors from accessing any sexual material harm-  
5 ful to minors on a covered platform of such provider.

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

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

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

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

## 15 **TITLE II—ADDRESSING HARMS** 16 **TO MINORS ON ONLINE PLAT-** 17 **FORMS**

### 18 **SEC. 201. COVERED PLATFORM DEFINED.**

19 In this title, the term “covered platform” means a  
20 platform that is a website, software, application, or elec-  
21 tronic service connected to the internet that meets the fol-  
22 lowing requirements:

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

24 (2) Enables the creation of a username or user  
25 identifier—

1 (A) that is searchable on the platform by  
2 other users through a function made available  
3 by the platform; and

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

6 (3) As the primary purpose of the platform, fa-  
7 cilitates the sharing and access to user-generated  
8 content through text, images, video, audio, or any  
9 other interactive medium.

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

12 (5) Uses the personal information of the user to  
13 advertise, market, or make content recommenda-  
14 tions.

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

### 16 **SEC. 211. SHORT TITLE.**

17 This subtitle may be cited as the “Kids Online Safety  
18 Act”.

### 19 **SEC. 212. DEFINITIONS.**

20 In this subtitle:

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

23 (2) **COMPULSIVE USAGE.**—The term “compul-  
24 sive usage” means a persistent and repetitive use of  
25 a covered platform that substantially limits one or

1 more major life activities of an individual (as de-  
2 scribed in section 3 of the Americans with Disabil-  
3 ities Act of 1990 (42 U.S.C. 12102)).

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

8 (4) PROCESSOR.—The term “processor” means  
9 a person who—

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

12 (B) does not determine the purpose and  
13 means of processing such personal information

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

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

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

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

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

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

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

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

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

15 (2) Sexual exploitation and abuse.

16 (3) Distribution, sale, or use of narcotic drugs,  
17 tobacco products, cannabis products, gambling, or  
18 alcohol.

19 (4) Any financial harm caused by deceptive  
20 practices.

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

24 (1) The size and complexity of the covered plat-  
25 form.

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

3           (c) **RULES OF CONSTRUCTION.**—Nothing in sub-  
4           section (a) may be construed to—

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

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

9           (B) accessing resources and information  
10          regarding the prevention or mitigation of the  
11          harms described in subsection (a); or

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

14 **SEC. 214. SAFEGUARDS FOR MINORS AND PARENTAL**  
15 **TOOLS.**

16          (a) **SAFEGUARDS FOR MINORS.**—

17           (1) **SAFEGUARDS.**—A provider of a covered  
18           platform shall provide a user of or visitor to the cov-  
19           ered platform who the provider knows is a minor  
20           with readily accessible and easy-to-use safeguards to  
21           do each of the following, as applicable:

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

24           (B) Prevent the profile or personal infor-  
25           mation of such user or visitor from being rec-

1           ommended or suggested to another user or vis-  
2           itor who is not a minor.

3           (C) Limit design features that result in  
4           compulsive usage of the covered platform by  
5           such user or visitor.

6           (D) Restrict the sharing of geolocation in-  
7           formation of such user or visitor to a third  
8           party that is not a processor and provide notice  
9           to such user or visitor and the parent of such  
10          user or visitor that geolocation information is  
11          collected.

12          (E) Control any personalized recommenda-  
13          tion system on such covered platform, including  
14          with respect to the ability for such user or vis-  
15          itor to have—

16               (i) a prominently displayed option to  
17               opt out of any such personalized rec-  
18               ommendation system, and

19               (ii) a prominently displayed option to  
20               limit types or categories of recommenda-  
21               tions from any such personalized rec-  
22               ommendation system.

23          (2) DEFAULT SAFEGUARD SETTINGS FOR MI-  
24          NORS.—A provider of a covered platform shall en-  
25          sure that, in the case of a user of or visitor to the

1 covered platform who the provider knows is a minor,  
2 the default setting of any safeguard described in  
3 paragraph (1) is the option available on the covered  
4 platform that provides the most protective level of  
5 control with respect to privacy and safety for such  
6 user or visitor.

7 (b) PARENTAL TOOLS.—

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

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

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

21 (i) view the privacy and account set-  
22 tings; and

23 (ii) change and control the privacy  
24 and account settings.

1           (B) The ability to restrict purchases and  
2           financial transactions by such user, if applica-  
3           ble.

4           (C) The ability to view metrics of total  
5           time spent on the covered platform and restrict  
6           time spent on the covered platform by such  
7           user.

8           (3) NOTICE TO MINORS.—A provider of a cov-  
9           ered platform shall provide clear and conspicuous  
10          notice to a user of the covered platform who the pro-  
11          vider knows is a minor when any parental tool de-  
12          scribed in paragraph (1) is in effect and any setting  
13          or control that has been applied.

14          (4) DEFAULT TOOLS FOR CHILDREN.—A pro-  
15          vider of a covered platform shall ensure that, in the  
16          case of a user of or visitor to the covered platform  
17          who the provider knows is a child, the default set-  
18          ting for any parental tool described in paragraph (1)  
19          is the option available on the covered platform that  
20          provides the most protective level of control with re-  
21          spect to privacy and safety for such user or visitor.

22          (5) APPLICATION TO EXISTING ACCOUNTS.—If,  
23          before the effective date of this subtitle, a provider  
24          of a covered platform provides a parent of a user of  
25          the covered platform who the provider knows is a

1 child with notice and the ability to enable a parental  
2 tool described in paragraph (1) in a manner that  
3 would otherwise comply with this subsection and the  
4 parent opts out of enabling any such parental tool,  
5 the covered platform is not required to enable any  
6 such tool with respect to such user by default on or  
7 after such effective date.

8 (c) RULES OF APPLICATION.—

9 (1) ACCESSIBILITY.—With respect to any safe-  
10 guard described in subsection (a)(1) and any paren-  
11 tal tool described in subsection (b)(1), a provider of  
12 a covered platform shall provide each of the fol-  
13 lowing:

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

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

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

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

13 (3) PROHIBITION.—A provider of a covered  
14 platform may not knowingly use a user interface  
15 with the purpose or substantial effect of impairing  
16 the use by a user of the covered platform who the  
17 provider knows is a minor or a parent of such a user  
18 of any safeguard described in subsection (a)(1) or  
19 any parental tool described in subsection (b)(1).

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

22 (1) Prevent a provider of a covered platform  
23 from taking reasonable measures to block, detect, or  
24 prevent the distribution of unlawful, obscene, or

1 other harmful material to minors or any other  
2 harms to minors described in section 213(a).

3 (2) Prevent a provider of a covered platform  
4 from entering into an agreement with a third party  
5 with a primary or exclusive function of providing  
6 any safeguard described in subsection (a)(1) or any  
7 parental tool described in subsection (b)(1) or other-  
8 wise assisting with meeting the requirements de-  
9 scribed in subsections (a) and (b).

10 (3) Prevent a parent or user from authorizing  
11 a third party described in paragraph (2) to imple-  
12 ment any safeguard described in subsection (a)(1) or  
13 any parental tool described in subsection (b)(1) .

14 **SEC. 215. REPORTING MECHANISM.**

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

17 (1) A readily accessible and easy-to-use means  
18 for a user of or visitor to the covered platform to  
19 submit a report to the covered platform of any harm  
20 to a minor related to the use of the covered plat-  
21 form.

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

24 (3) Confirmation of the receipt of any such re-  
25 port and, within the applicable time period described

1 in subsection (b), a substantive response to the user  
2 or visitor who submitted the report.

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

7 (1) 10 days after the date on which the report  
8 is received; or

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

12 **SEC. 216. DISCLOSURE.**

13 (a) NOTICE.—

14 (1) REGISTRATION OR PURCHASE.—Before any  
15 registration or purchase on a covered platform by a  
16 user of or visitor to the covered platform who the  
17 provider knows is a minor, the provider shall provide  
18 clear, conspicuous, and easy-to-understand notice  
19 with respect to each of the following:

20 (A) The policies and practices of the cov-  
21 ered platform with respect to safeguards for mi-  
22 nors.

23 (B) Information about how to access any  
24 safeguard described in section 214(a)(1) or any  
25 parental tool described in section 214(b)(1).

1 (2) NOTIFICATION.—

2 (A) NOTICE AND ACKNOWLEDGMENT.—In  
3 the case of a user of or visitor to a covered plat-  
4 form who the provider of the covered platform  
5 knows is a minor, the provider shall provide in-  
6 formation about any safeguard described in sec-  
7 tion 214(a)(1) or any parental tool described in  
8 section 214(b)(1) to a parent of such user or  
9 visitor and obtain verifiable parental consent  
10 with respect to any such safeguard or parental  
11 tool.

12 (B) REASONABLE EFFORT.—A covered  
13 platform shall be deemed to have satisfied the  
14 requirement described in subparagraph (A) if  
15 the provider of the covered platform is in com-  
16 pliance with the requirements of the Children’s  
17 Online Privacy Protection Act of 1998 (15  
18 U.S.C. 6501 et seq.) to use reasonable efforts  
19 (taking into consideration commercially avail-  
20 able technology) to provide a parent with the  
21 information required by paragraph (1)(B) and  
22 to obtain the verifiable parental consent de-  
23 scribed in subparagraph (A) of this paragraph.

24 (b) CONSOLIDATED NOTICES.—For purposes of this  
25 section, a provider of a covered platform may consolidate

1 the process for providing information and obtaining  
2 verifiable parental consent required by this section with  
3 the obligations of the provider to provide relevant notice  
4 and obtain verifiable parental consent under the Chil-  
5 dren’s Online Privacy Protection Act of 1998.

6 **SEC. 217. ADVERTISING AND MARKETING INFORMATION**  
7 **AND LABELS.**

8 A provider of a covered platform shall provide clear,  
9 conspicuous, and easy-to-understand labels and informa-  
10 tion, which may be provided through a link to another web  
11 page or disclosure, to a user of or visitor to the covered  
12 platform who the provider knows is a minor on advertise-  
13 ments regarding the disclosure of endorsements of prod-  
14 ucts, services, or brands made for commercial consider-  
15 ation by other users of the covered platform.

16 **SEC. 218. ADVERTISING OF ILLEGAL PRODUCTS.**

17 A provider of a covered platform may not facilitate  
18 the advertising of narcotic drugs, cannabis products, to-  
19 bacco products, gambling, or alcohol to a user of or visitor  
20 to the covered platform who the provider knows is a minor.

21 **SEC. 219. AUDIT; REPORT.**

22 (a) **AUDIT REQUIRED.**—Not later than 18 months  
23 after the date of the enactment of this subtitle, and annu-  
24 ally thereafter, a provider of a covered platform shall en-

1 sure that an independent, third-party auditor conducts an  
2 independent, third-party audit of the covered platform.

3 (b) AUDIT SPECIFICATIONS.—

4 (1) CRITERIA.—In conducting an audit required  
5 by subsection (a), an independent, third-party audi-  
6 tor shall do the following:

7 (A) Consider widely accepted or evidence-  
8 based approaches, best practices, frameworks,  
9 and methods related to any safeguard described  
10 in section 214(a)(1) or any parental tool de-  
11 scribed in section 214(b)(1).

12 (B) Consider widely accepted or evidence-  
13 based approaches, best practices, frameworks,  
14 and methods related to identifying, preventing,  
15 and mitigating the harms to minors described  
16 in section 213(a).

17 (C) Consult with parents (including par-  
18 ents with relevant experience), public health  
19 and mental health nonprofit organizations,  
20 health and development organizations, and ex-  
21 perts in freedom of expression about methods to  
22 identify, prevent, and mitigate such harms.

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

1 (A) An assessment of the extent to which  
2 the relevant covered platform is likely to be  
3 accessed by minors, including with respect to  
4 any difference between children and teens.

5 (B) An accounting of the following:

6 (i) The number of users using such  
7 covered platform who the provider of such  
8 covered platform knows to be minors lo-  
9 cated in the United States.

10 (ii) The median and mean amounts of  
11 time spent on such covered platform by  
12 such users during the year in which such  
13 audit is conducted.

14 (iii) A description of the policies,  
15 practices, and procedures implemented to  
16 address the harms to minors described in  
17 section 213(a).

18 (iv) The number of times that any  
19 safeguard described in section 214(a)(1)  
20 has been exercised during the year in  
21 which such audit is conducted.

22 (v) The number of times that any pa-  
23 rental tool described in section 214(b)(1)  
24 has been exercised during the year in  
25 which such audit is conducted.

1 (vi) The number of reports, cat-  
2 egorized by types of harms to a minor, re-  
3 ceived by such covered platform through  
4 the reporting mechanism described in sec-  
5 tion 215(a)(1) during the year in which  
6 such audit is conducted.

7 (C) A description of such safeguards for  
8 minors and parental tools that are available to  
9 minors and parents on such covered platform.

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

15 (E) A description of whether, how, and for  
16 what purpose such covered platform collects or  
17 processes categories of personal information of  
18 minors.

19 (F) If the covered platform has a process  
20 used to create, implement, or evaluate the im-  
21 pact of a design feature of the covered platform  
22 used by minors, a description of such process.

23 (3) COOPERATION BY COVERED PLATFORM.—A  
24 provider of a covered platform shall facilitate an

1       audit of the covered platform required by subsection  
2       (a) by doing the following:

3               (A) Providing or otherwise making avail-  
4               able to the independent, third-party auditor  
5               that conducts such audit any information or  
6               material in the possession, custody, or control  
7               of such covered platform relevant to such audit.

8               (B) Providing or otherwise making avail-  
9               able to such auditor access to any network, sys-  
10              tem, or asset relevant to such audit.

11              (C) Disclosing any material fact to such  
12              auditor and not misrepresenting any material  
13              fact.

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

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

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

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

3 **SEC. 220. RULES OF CONSTRUCTION.**

4 Nothing in this subtitle may be construed to require  
5 the provider of a covered platform to implement an age  
6 gating or age verification functionality on the covered plat-  
7 form.

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

9 No State, or political subdivision of a State, may pre-  
10 scribe, maintain, enforce, or continue in effect any law,  
11 rule, regulation, requirement, standard, or other provision  
12 having the force and effect of law if such law, rule, regula-  
13 tion, requirement, standard, or other provision conflicts  
14 with the provisions of this subtitle.

15 **Subtitle B—Safe Messaging for**  
16 **Kids**

17 **SEC. 231. SHORT TITLE.**

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

20 **SEC. 232. DEFINITIONS.**

21 In this subtitle:

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

1           (2) APP STORE.—The term “app store” means  
2           a publicly available software application that distrib-  
3           utes and facilitates the download onto a mobile de-  
4           vice of an app from a third-party developer by a user  
5           of a computer, mobile device, or any other general  
6           purpose computing device.

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

11          (4) DIRECT MESSAGING FEATURE.—

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

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

- 22                   (i) a public or semi-public profile; or  
23                   (ii) a feed accessible to a broader  
24                   group of users.

25          (5) EPHEMERAL MESSAGING FEATURE.—

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

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

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

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

1 (ii) standard data volatility in transit  
2 or temporary caching not designed to make  
3 such a communication permanently inac-  
4 cessible after viewing or a short, predeter-  
5 mined time.

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

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

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

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

1 a direct messaging feature unless a parent of such  
2 teen covered user has provided verifiable parental  
3 consent under this subtitle.

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

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

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

11 **SEC. 233. PROHIBITION ON EPHEMERAL MESSAGING FEA-**  
12 **TURES FOR MINORS.**

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

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

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

1 **SEC. 235. PARENTAL CONTROLS FOR DIRECT MESSAGING**  
2 **FEATURES FOR TEENS.**

3 (a) **REQUIREMENT.**—A provider of a covered plat-  
4 form that offers, provides, or enables any direct messaging  
5 feature of such covered platform to any teen covered user  
6 of the covered platform shall provide easily accessible and  
7 usable parental direct messaging controls to a parent of  
8 such teen covered user that the parent may activate and  
9 manage by providing verifiable parental consent.

10 (b) **ACCESSIBILITY; USABILITY; AWARENESS.**—The  
11 parental direct messaging controls described in subsection  
12 (a) shall meet the following requirements:

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

15 (A) the settings of a profile of the teen  
16 covered user; and

17 (B) any parental portal or interface offered  
18 by the covered platform.

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

22 (c) **FUNCTIONALITY OF CONTROLS.**—As a default  
23 setting on a covered platform, the parental direct mes-  
24 saging controls described in subsection (a) shall allow a  
25 parent of a teen covered user of the covered platform to  
26 do the following (unless the parent adjusts the default set-

1 ting with respect to any of the following by providing  
2 verifiable parental consent):

3 (1) Receive a timely notification that—

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

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

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

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

22 (4) Disable any direct messaging feature of any  
23 such profile.

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

1 continuing to engage in direct messaging with the  
2 teen covered user through any direct messaging fea-  
3 ture of the covered platform.

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

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

9 (B) other users are prevented from seeing  
10 the current online or offline status of the teen  
11 covered user; and

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

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

1 (e) NO CIRCUMVENTION.—A provider of a covered  
2 platform shall take reasonable measures to prevent a teen  
3 covered user of the covered platform from easily circum-  
4 venting parental direct messaging controls activated and  
5 managed by a parent of the teen covered user under this  
6 section.

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

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

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

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

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

3 (2) regulates parental direct messaging controls  
4 on covered platforms for teen covered users.

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

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

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

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

14 **SEC. 238. EFFECTIVE DATE.**

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

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

20 **Subtitle C—Stop Profiling Youth**  
21 **and Kids**

22 **SEC. 241. SHORT TITLE.**

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

1 **SEC. 242. USER DEFINED.**

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

5 **SEC. 243. MARKET RESEARCH.**

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

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

17 (2) necessary for compliance with a Federal or  
18 State law.

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

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

25 (a) IN GENERAL.—No State, or political subdivision  
26 of a State, may prescribe, maintain, enforce, or continue

1 in effect any law, rule, regulation, requirement, standard,  
2 or other provision having the force and effect of law to  
3 the extent that such law, rule, regulation, requirement,  
4 standard, or other provision regulates the ability of a cov-  
5 ered platform to conduct market or product-focused re-  
6 search on a minor.

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

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

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

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

16 **SEC. 245. EFFECTIVE DATE.**

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

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

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

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

1 **SEC. 302. DEFINITIONS.**

2 (a) DEFINITIONS.—In this title:

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

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

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

16 (A) connects to the internet; and

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

20 (4) ONLINE VIDEO GAME PROVIDER.—The term  
21 “online video game provider” means a person en-  
22 gaged in the business of providing directly to a con-  
23 sumer over the internet or other online means a dig-  
24 ital storefront, console network, mobile or cloud  
25 gaming platform, or similar means of digital dis-

1       tribution that offers access to an interactive online  
2       video game for use by the consumer.

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

5           (A) receives and stores data or instructions  
6           generated by the user of such software pro-  
7           gram; and

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

12 **SEC. 303. SAFEGUARDS REQUIREMENTS FOR ONLINE**  
13 **VIDEO GAME PROVIDERS.**

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

20       (b) FEATURES.—

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

24           (A) Be accessible and easy to use.

1 (B) Be enabled by default on an account  
2 of a covered user of the interactive online video  
3 game of such online video game provider.

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

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

9 (A) are set to the most restrictive setting  
10 by default; and

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

13 (3) OTHER SAFEGUARDS REQUIRED.—An on-  
14 line video game provider shall provide to a covered  
15 user and a parent of a covered user of an interactive  
16 online video game of the online video game provider  
17 readily accessible and easy-to-use safeguards to do  
18 the following:

19 (A) Prevent a profile of such covered user  
20 or personal information connected to such cov-  
21 ered user from being recommended or sug-  
22 gested to any other user of such interactive on-  
23 line video game who is not a minor.

24 (B) Restrict purchases and financial trans-  
25 actions by such covered user.

1 (C) Limit the amount of time spent by  
2 such covered user on such interactive online  
3 video game.

4 (c) DEVICE CONTROLS.—Nothing in this section may  
5 be construed to prohibit an online video game provider  
6 from making available to the parent of a covered user of  
7 an interactive online video game of the online video game  
8 provider a single user interface that permits such parent  
9 to do the following:

10 (1) Set the level or scope of any covered com-  
11 munication tool with respect to multiple other users  
12 or categories of users or set the level or scope of  
13 multiple covered communication tools.

14 (2) Control the safeguards required by this sec-  
15 tion.

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

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

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

1 or other provision having the force and effect of law to  
2 the extent that such law, rule, regulation, requirement,  
3 standard, or other provision regulates the provision of a  
4 covered communication tool or other safeguard by an on-  
5 line video game provider under this Act.

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

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

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

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

## 15 **TITLE IV—ARTIFICIAL** 16 **INTELLIGENCE CHATBOTS**

### 17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Safeguarding Adoles-  
19 cents From Exploitative BOTs Act” or the “SAFE BOTs  
20 Act”.

### 21 **SEC. 402. DEFINITIONS.**

22 In this title:

23 (1) **CHATBOT PROVIDER.**—

24 (A) **IN GENERAL.**—The term “chatbot pro-  
25 vider” means a person engaged in the business

1 of providing a chatbot directly to a consumer  
2 for the use of the consumer, including through  
3 a website, mobile application, or other online  
4 means.

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

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

15 **SEC. 403. CERTAIN STATEMENTS PROHIBITED.**

16 A chatbot provider may not provide to a covered user  
17 of a relevant chatbot that states to the covered user that  
18 the chatbot is a licensed professional (unless such state-  
19 ment is true).

20 **SEC. 404. DISCLOSURE REQUIRED.**

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

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

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

3           (b) TIMING.—

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

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

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

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

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

1 **SEC. 405. POLICIES REQUIRED.**

2 A chatbot provider shall establish, implement, and  
3 maintain reasonable policies, practices, and procedures—

4 (1) to ensure that a chatbot of the chatbot pro-  
5 vider advises a covered user of the chatbot to take  
6 a break from the chatbot at the point at which a  
7 continuous and uninterrupted interaction of such  
8 covered user with such chatbot has lasted for 3  
9 hours; and

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

11 (A) any access to sexual material harmful  
12 to minors;

13 (B) the promotion of gambling that is re-  
14 stricted from or prohibited for minors by law;  
15 and

16 (C) the promotion of the distribution, sale,  
17 or use of narcotic drugs, tobacco products, or  
18 alcohol that are restricted from or prohibited  
19 for minors by law.

20 **SEC. 406. RULE OF CONSTRUCTION.**

21 Nothing in this title may be construed to require a  
22 chatbot provider to prevent or preclude any covered user  
23 of a chatbot of the chatbot provider from accessing re-  
24 sources and information regarding the prevention or miti-  
25 gation of the harms described in section 405(2).

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

2 (a) IN GENERAL.—No State, or political subdivision  
3 of a State, may prescribe, maintain, enforce, or continue  
4 in effect any law, rule, regulation, requirement, standard,  
5 or other provision having the force and effect of law, if  
6 such law, rule, regulation, requirement, standard, or other  
7 provision conflicts with this Act.

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

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

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

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

17 **TITLE V—RESEARCH, EDU-**  
18 **CATION, AND BEST PRAC-**  
19 **TICES FOR PROTECTING MI-**  
20 **NORS ONLINE**

21 **Subtitle A—Research**

22 **SEC. 501. DEFINITIONS.**

23 In this subtitle:

24 (1) FENTANYL.—The term “fentanyl” includes  
25 any fentanyl analogue and fentanyl-related sub-  
26 stance.

1           (2) FENTANYL-RELATED SUBSTANCE.—The  
2 term “fentanyl-related substance” has the meaning  
3 given that term in subsection (e) of schedule I of  
4 section 202(c) of the Controlled Substances Act (21  
5 U.S.C. 812(e)).

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

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

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

18                   (i) that serves the public; and

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

23           (B) does not include—

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

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

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

5                   **SEC. 511. SHORT TITLE.**

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

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

10                  (a) IN GENERAL.—The Commission, in coordination  
11 with the Secretary of Health and Human Services (acting  
12 through the Assistant Secretary for Mental Health and  
13 Substance Use), shall—

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

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

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

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

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

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

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

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

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

13 (b) EXEMPTION.—Subchapter I of chapter 35 of title  
14 44, United States Code (commonly known as the “Paper-  
15 work Reduction Act”) does not apply to this section.

## 16 **PART 2—NO FENTANYL ON SOCIAL MEDIA ACT**

### 17 **SEC. 513. SHORT TITLE.**

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

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

23 (a) REPORT REQUIRED.—Not later than 1 year after  
24 the date of the enactment of this Act, the Commission,  
25 in coordination with the Secretary of Health and Human

1 Services, acting through the Commissioner of Food and  
2 Drugs and the Administrator of the Drug Enforcement  
3 Administration, shall submit to the relevant congressional  
4 committees and publish on the website of the Commission  
5 a report on the ability of minors to access fentanyl, includ-  
6 ing through pressed pills, on social media platforms and  
7 that includes the following:

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

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

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

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

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

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

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

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

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

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

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

19                   **PARENTS AND MINORS ACT**

20      **SEC. 515. SHORT TITLE.**

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

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

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

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

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

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

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

22 (c) EXEMPTION.—Subchapter I of chapter 35 of title  
23 44, United States Code (commonly known as the “Paper-  
24 work Reduction Act”) does not apply to this section.

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

3       **SEC. 517. STUDY REQUIRED.**

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

11       **SEC. 518. CONSULTATION.**

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

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

21       **SEC. 519. REPORT.**

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

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

## 4 **Subtitle B—Education**

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

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

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

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

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

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

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

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

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

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

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

19       **“SEC. 212. ANNUAL REPORT.**

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

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

3 **“SEC. 213. DEFINITIONS.**

4 “In this subtitle:

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

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

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

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

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

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

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

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

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

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

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

18                 (2) inserting before section 215 the following:

          “Sec. 211. Public awareness and educational campaign.

          “Sec. 212. Annual report.

          “Sec. 213. Definitions.”.

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

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

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

1 **SEC. 524. CHATBOTS AND MINORS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (i) safeguards for minors; and

9 (ii) parental tools.

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

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

23 (B) design features;

24 (C) parental tools;

25 (D) default privacy and account settings;

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

7 (d) STAKEHOLDERS.—In coordinating with stake-  
8 holders under subsection (c)(1), the Partnership shall co-  
9 ordinate with the following:

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

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

4 (f) DEFINITIONS.—In this section:

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

7 (A) means a tool that—

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

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

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

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

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

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

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

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

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

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

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

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

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

### 20 **SEC. 601. ENFORCEMENT.**

21 (a) ENFORCEMENT BY COMMISSION.—

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

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

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

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

16      (b) ACTIONS BY STATES.—

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

- 1 (A) enjoin such act or practice;
- 2 (B) enforce compliance with this Act;
- 3 (C) obtain damages, restitution, or other
- 4 compensation on behalf of residents of the
- 5 State; or
- 6 (D) obtain such other legal and equitable
- 7 relief as the court may consider to be appro-
- 8 priate.

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

21 (3) AUTHORITY OF COMMISSION.—

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

1 (i) to intervene in the action;

2 (ii) upon so intervening—

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

5 (II) to file petitions for appeal.

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

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

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

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

4           (a) **RIGHT OF ACTION.**—A petition for review that  
5 challenges the constitutionality of this Act or the constitu-  
6 tionality of any action, finding, or determination under  
7 this Act may be filed only in the United States Court of  
8 Appeals for the District of Columbia Circuit.

9           (b) **EXCLUSIVE JURISDICTION.**—The United States  
10 Court of Appeals for the District of Columbia Circuit shall  
11 have exclusive jurisdiction over any challenge to the con-  
12 stitutionality of this Act or the constitutionality of any ac-  
13 tion, finding, or determination under this Act.

14           (c) **STATUTE OF LIMITATIONS.**—A challenge to this  
15 Act may only be brought—

16                 (1) in the case of a challenge to the constitu-  
17 tionality of this Act, not later than 90 days after the  
18 date of the enactment of this Act; and

19                 (2) in the case of a challenge to the constitu-  
20 tionality of any action, finding, or determination  
21 under this Act, not later than 60 days after the date  
22 of such action, finding, or determination.

23 **SEC. 603. RULES OF CONSTRUCTION.**

24           Nothing in this Act may be construed to do any of  
25 the following:

1           (1) Allow a governmental entity to enforce this  
2 Act based on a viewpoint expressed by or through  
3 any speech, expression, or information protected by  
4 the First Amendment to the Constitution of the  
5 United States.

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

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

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

17           (5) Expand, limit the scope of, or alter the  
18 meaning of section 230 of the Communications Act  
19 of 1934 (47 U.S.C. 230).

20           (6) Restrict the ability to—

21           (A) cooperate with a law enforcement  
22 agency regarding activity reasonably and in  
23 good faith believed to violate a Federal, State,  
24 or local law, rule, or regulation;

1 (B) comply with a lawful civil, criminal, or  
2 regulatory inquiry, subpoena, or summons from  
3 a Federal, State, local, or other governmental  
4 authority;

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

7 (D) prevent, detect, or respond to a secu-  
8 rity incident, identity theft, fraud, harassment,  
9 or any other malicious, deceptive, or illegal ac-  
10 tivity; or

11 (E) investigate or report a person respon-  
12 sible for an activity described in subparagraph  
13 (D).

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

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

19 (9) Design, build, or implement any feature,  
20 function, software, hardware, or other capability for  
21 the purpose of weakening, undermining, circum-  
22 venting, or overcoming any security control, includ-  
23 ing encryption, that is used to protect the privacy or  
24 security of any communication or data of a user.

1           (10) Require indefinite retention of data of a  
2       user.

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

6       **SEC. 604. SEVERABILITY.**

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

12      **SEC. 605. EFFECTIVE DATE.**

13      Except as otherwise provided in this Act, this Act  
14      shall take effect on the date that is 1 year after the date  
15      of the enactment of this Act.