

Blackburn - Sub

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 1409**

To protect the safety of children on the internet.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Duty of care.
- Sec. 4. Safeguards for minors.
- Sec. 5. Disclosure.
- Sec. 6. Transparency.
- Sec. 7. Independent research on social media and minors.
- Sec. 8. Market research.
- Sec. 9. Age verification study and report.
- Sec. 10. Guidance.
- Sec. 11. Enforcement.
- Sec. 12. Kids online safety council.

Sec. 13. Effective date.

Sec. 14. Rules of construction and other matters.

Sec. 15. Severability.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) COMPULSIVE USAGE.—The term “compul-  
6 sive usage” means any response stimulated by exter-  
7 nal factors that causes an individual to engage in re-  
8 petitive behavior reasonably likely to cause psycho-  
9 logical distress, loss of control, anxiety, or depres-  
10 sion.

11 (3) COVERED PLATFORM.—

12 (A) IN GENERAL.—The term “covered  
13 platform” means an online platform, online  
14 video game, messaging application, or video  
15 streaming service that connects to the internet  
16 and that is used, or is reasonably likely to be  
17 used, by a minor.

18 (B) EXCEPTIONS.—The term “covered  
19 platform” does not include—

20 (i) an entity acting in its capacity as  
21 a provider of—

22 (I) a common carrier service sub-  
23 ject to the Communications Act of  
24 1934 (47 U.S.C. 151 et seq.) and all

1 Acts amendatory thereof and supple-  
2 mentary thereto;

3 (II) a broadband internet access  
4 service (as such term is defined for  
5 purposes of section 8.1(b) of title 47,  
6 Code of Federal Regulations, or any  
7 successor regulation);

8 (III) an email service;

9 (IV) a teleconferencing or video  
10 conferencing service that allows recep-  
11 tion and transmission of audio and  
12 video signals for real-time communica-  
13 tion, provided that—

14 (aa) is not an online plat-  
15 form, including a social media  
16 service or social network; and

17 (bb) the real-time commu-  
18 nication is initiated by using a  
19 unique link or identifier to  
20 facilitate access; or

21 (V) a wireless messaging service  
22 that is not a component of, or linked  
23 to, an online platform, and where the  
24 predominant or exclusive function of  
25 the service is direct messaging con-

1           sisting of text, photos, or videos that  
2           are sent between devices by electronic  
3           means where messages are shared  
4           only between the sender and the re-  
5           cipient, are only visible to the sender  
6           and the recipient, and are not posted  
7           publicly;

8           (ii) an organization not organized to  
9           carry on business for its own profit or that  
10          of its members;

11          (iii) any public or private preschool,  
12          elementary, or secondary school, or any in-  
13          stitution of vocational, professional, or  
14          higher education;

15          (iv) a library (as defined in section  
16          213(1) of the Library Services and Tech-  
17          nology Act (20 U.S.C. 9122(1)));

18          (v) a news website or app where—

19               (I) the inclusion of video content  
20               on the website or app is related to the  
21               website or app's own gathering, re-  
22               porting, or publishing of news content;  
23               and

24               (II) the website or app is not  
25               otherwise an online platform; or

1                   (vi) a product or service that pri-  
2                   marily functions as business-to-business  
3                   software.

4                   (4) GEOLOCATION.—The term “geolocation”  
5                   means information sufficient to identify street name  
6                   and name of a city or town.

7                   (5) INDIVIDUAL-SPECIFIC ADVERTISING TO MI-  
8                   NORS.—

9                   (A) IN GENERAL.—The term “individual-  
10                  specific advertising to minors” means adver-  
11                  tising or any other effort to market a product  
12                  or service that is directed to a specific minor or  
13                  a device that is linked or reasonably linkable to  
14                  a minor—

15                   (i) based on—

16                   (I) the personal data of—

17                   (aa) the minor; or

18                   (bb) a group of minors who  
19                   are similar in gender, age, in-  
20                   come level, race, or ethnicity to  
21                   the specific individual to whom  
22                   the product or service is mar-  
23                   keted;

24                   (II) psychological profiling of a  
25                   minor or group of minors; or

1 (III) a unique identifier of the  
2 device; or

3 (ii) as a result of use by the minor,  
4 access by any device of the minor, or use  
5 by a group of minors who are similar to  
6 the specific minor, of more than a single—

7 (I) website;

8 (II) online service;

9 (III) online application;

10 (IV) mobile application; or

11 (V) connected device

12 (B) EXCLUSIONS.—The term “individual-  
13 specific advertising to minors” shall not in-  
14 clude—

15 (i) advertising or marketing to an in-  
16 dividual or the device of an individual in  
17 response to the individual’s specific request  
18 for information or feedback, such as a mi-  
19 nor’s current search query;

20 (ii) contextual advertising, such as  
21 when an advertisement is displayed based  
22 on the content of the covered platform on  
23 which the advertisement appears and does  
24 not vary based on personal information re-  
25 lated to the viewer;

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

6 (C) RULE OF CONSTRUCTION.—Nothing in  
7 subparagraph (A) shall be construed to prohibit  
8 a covered platform with actual knowledge or  
9 knowledge fairly implied on the basis of objec-  
10 tive circumstances that an individual is under  
11 the age of 17 from delivering advertising or  
12 marketing that is age-appropriate for the indi-  
13 vidual involved and intended for a child or teen  
14 audience (as applicable), so long as the covered  
15 platform does not use any personal data other  
16 than whether the user is under the age of 17  
17 to deliver such advertising or marketing.

18 (6) KNOW OR KNOWS.—The term “know” or  
19 “knows” means to have actual knowledge or knowl-  
20 edge fairly implied on the basis of objective cir-  
21 cumstances.

22 (7) MENTAL HEALTH DISORDER.—The term  
23 “mental health disorder” has the meaning given the  
24 term “mental disorder” in the Diagnostic and Sta-

1       tistical Manual of Mental Health Disorders, 5th Edi-  
2       tion (or the most current successor edition).

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

5             (9) ONLINE PLATFORM.—The term “online  
6       platform” means any public-facing website, online  
7       service, online application, or mobile application that  
8       predominantly provides a community forum for user  
9       generated content, such as sharing videos, images,  
10      games, audio files, or other content, including a so-  
11      cial media service, social network, or virtual reality  
12      environment.

13            (10) ONLINE VIDEO GAME.—The term “online  
14      video game” means a video game, including an edu-  
15      cational video game, that connects to the internet  
16      and that—

17                    (A) allows a user to—

18                            (i) create and upload content;

19                            (ii) engage in microtransactions with-  
20                            in the game; or

21                            (iii) communicate with other users; or

22                    (B) incorporates minor-specific advertising.

23            (11) PARENT.—The term “parent” includes—

24                    (A) a natural parent;

25                    (B) a legal guardian; or



1                   (C) an individual with legal custody over a  
2                   minor.

3                   (12) PERSONAL DATA.—The term “personal  
4                   data” means information that identifies or is linked  
5                   or reasonably linkable to a particular minor, includ-  
6                   ing a consumer device identifier that is linked or  
7                   reasonably linkable to a minor.

8                   (13) PERSONALIZED RECOMMENDATION SYS-  
9                   TEM.—The term “personalized recommendation sys-  
10                  tem” means a fully or partially automated system  
11                  used to suggest, promote, or rank content, including  
12                  other users or posts, based on the personal data of  
13                  users.

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

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

19                         (B) Child sexual abuse material, as de-  
20                         scribed in sections 2251, 2252, 2252A, and  
21                         2260 of title 18, United States Code.

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

1 (D) Sex trafficking of children, as de-  
2 scribed in section 1591 of title 18, United  
3 States Code.

4 **SEC. 3. DUTY OF CARE.**

5 (a) PREVENTION OF HARM TO MINORS.—A covered  
6 platform shall take reasonable measures in the design and  
7 operation of any product, service, or feature that the cov-  
8 ered platform knows is used by minors to prevent and  
9 mitigate the following harms to minors:

10 (1) Consistent with evidence-informed medical  
11 information, the following mental health disorders:  
12 anxiety, depression, eating disorders, substance use  
13 disorders, and suicidal behaviors.

14 (2) Patterns of use that indicate or encourage  
15 addiction-like behaviors.

16 (3) Physical violence, online bullying, and har-  
17 assment of the minor.

18 (4) Sexual exploitation and abuse.

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

23 (6) Predatory, unfair, or deceptive marketing  
24 practices, or other financial harms.

1 (b) LIMITATION.—Nothing in subsection (a) shall be  
2 construed to require a covered platform to prevent or pre-  
3 clude—

4 (1) any minor from deliberately and independ-  
5 ently searching for, or specifically requesting, con-  
6 tent; or

7 (2) the covered platform or individuals on the  
8 platform from providing resources for the prevention  
9 or mitigation of the harms described in subsection  
10 (a), including evidence-informed information and  
11 clinical resources.

12 **SEC. 4. SAFEGUARDS FOR MINORS.**

13 (a) SAFEGUARDS FOR MINORS.—

14 (1) SAFEGUARDS.—A covered platform shall  
15 provide an individual that the covered platform  
16 knows is a minor with readily-accessible and easy-to-  
17 use safeguards to, as applicable—

18 (A) limit the ability of other individuals to  
19 communicate with the minor;

20 (B) prevent other users, whether registered  
21 or not, from viewing the minor's personal data  
22 collected by or shared on the covered platform,  
23 in particular restricting public access to per-  
24 sonal data;

1 (C) limit features that increase, sustain, or  
2 extend use of the covered platform by the  
3 minor, such as automatic playing of media, re-  
4 wards for time spent on the platform, notifica-  
5 tions, and other features that result in compul-  
6 sive usage of the covered platform by the minor;

7 (D) control personalized recommendation  
8 systems, including the ability for a minor to  
9 have at least 1 of the following options—

10 (i) opt out of such personalized rec-  
11 ommendation systems, while still allowing  
12 the display of content based on a chrono-  
13 logical format; or

14 (ii) limit types or categories of rec-  
15 ommendations from such systems; and

16 (E) restrict the sharing of the geolocation  
17 of the minor to other users on the platform and  
18 provide notice regarding the tracking of the mi-  
19 nor's geolocation.

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

1           (A) delete the minor's account and delete  
2           any personal data collected from, or shared by,  
3           the minor on the covered platform; or

4           (B) limit the amount of time spent by the  
5           minor on the covered platform.

6           (3) DEFAULT SAFEGUARD SETTINGS FOR MI-  
7           NORS.—A covered platform shall provide that, in the  
8           case of a user that the platform knows is a minor,  
9           the default setting for any safeguard described  
10          under paragraph (1) shall be the option available on  
11          the platform that provides the most protective level  
12          of control that is offered by the platform over pri-  
13          vacy and safety for that user.

14          (b) PARENTAL TOOLS.—

15           (1) TOOLS.—A covered platform shall provide  
16           readily-accessible and easy-to-use settings for par-  
17           ents to support an individual that the platform  
18           knows is a minor with respect to the individual's use  
19           of the platform.

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

22           (A) the ability to manage a minor's privacy  
23           and account settings, including the safeguards  
24           and options established under subsection (a), in  
25           a manner that allows parents to—

1 (i) view the privacy and account set-  
2 tings; and

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

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

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

12 (3) NOTICE TO MINORS.—A covered platform  
13 shall provide clear and conspicuous notice to an indi-  
14 vidual that the platform knows is a minor when tools  
15 described in this subsection are in effect and what  
16 settings or controls have been applied.

17 (4) DEFAULT TOOLS.—A covered platform shall  
18 provide that, in the case of a user that the platform  
19 knows is a child, the tools described in this sub-  
20 section shall be enabled by default.

21 (c) REPORTING MECHANISM.—

22 (1) REPORTS SUBMITTED BY PARENTS, MI-  
23 NORS, AND SCHOOLS.—A covered platform shall pro-  
24 vide—

1 (A) a readily-accessible and easy-to-use  
2 means to submit reports to the covered plat-  
3 form of harms to a minor;

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

6 (C) confirmation of the receipt of such a  
7 report and a means to track a submitted report.

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

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

16 (B) 21 days after the receipt of a report,  
17 if, for the most recent calendar year, the plat-  
18 form averaged less than 10,000,000 active  
19 users on a monthly basis in the United States;  
20 and

21 (C) notwithstanding subparagraphs (A)  
22 and (B), if the report involves an imminent  
23 threat to the safety of a minor, as promptly as  
24 needed to address the reported threat to safety.

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

7 (e) APPLICATION.—

8 (1) ACCESSIBILITY.—With respect to safe-  
9 guards and parental controls described under sub-  
10 sections (a) and (b), a covered platform shall pro-  
11 vide—

12 (A) information and control options in a  
13 clear and conspicuous manner that takes into  
14 consideration the differing ages, capacities, and  
15 developmental needs of the minors most likely  
16 to access the covered platform and does not en-  
17 courage minors or parents to weaken or disable  
18 safeguards or parental controls;

19 (B) readily-accessible and easy-to-use con-  
20 trols to enable or disable safeguards or parental  
21 controls, as appropriate; and

22 (C) information and control options in the  
23 same language, form, and manner as the cov-  
24 ered platform provides the product or service  
25 used by minors and their parents.



1           (2) DARK PATTERNS PROHIBITION.—It shall be  
2 unlawful for any covered platform to design, modify,  
3 or manipulate a user interface of a covered platform  
4 with the purpose or substantial effect of subverting  
5 or impairing user autonomy, decision-making, or  
6 choice with respect to safeguards or parental con-  
7 trols required under this section.

8           (3) RULES OF CONSTRUCTION.—Nothing in  
9 this section shall be construed to—

10           (A) prevent a covered platform from taking  
11 reasonable measures to—

12           (i) block, detect, or prevent the dis-  
13 tribution of unlawful, obscene, or other  
14 harmful material to minors as described in  
15 section 3(a); or

16           (ii) block or filter spam, prevent  
17 criminal activity, or protect the security of  
18 a platform or service;

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

23           (C) prevent a covered platform from using  
24 a personalized recommendation system to dis-

1 play content to a minor if the system only uses  
2 information on—

3 (i) the language spoken by the minor;

4 (ii) the geolocation of the minor; or

5 (iii) the minor's age; or

6 (D) prohibit a covered platform from inte-  
7 grating its products or service with controls  
8 from third-party systems, including operating  
9 systems or gaming consoles, to meet the re-  
10 quirements imposed under subsections (a) and  
11 (b) relating to safeguards for minors and tools  
12 for parents, provided that—

13 (i) the controls meet such require-  
14 ments; and

15 (ii) the minor or parent is provided  
16 sufficient notice of the integration and use  
17 of the controls.

18 **SEC. 5. DISCLOSURE.**

19 (a) NOTICE.—

20 (1) REGISTRATION OR PURCHASE.—Prior to  
21 registration or purchase of a covered platform by an  
22 individual that the platform knows is a minor, the  
23 platform shall provide clear, conspicuous, and easy-  
24 to-understand—

1 (A) notice of the policies and practices of  
2 the covered platform with respect to personal  
3 data and safeguards for minors;

4 (B) information about how to access the  
5 safeguards and parental tools required under  
6 section 4; and

7 (C) notice about whether the covered plat-  
8 form uses or makes available to minors a prod-  
9 uct, service, or feature, including any personal-  
10 ized recommendation system, that poses any  
11 heightened risk of harm to minors.

12 (2) NOTIFICATION.—

13 (A) NOTICE AND ACKNOWLEDGMENT.—In  
14 the case of an individual that a covered plat-  
15 form knows is a child, the platform shall addi-  
16 tionally provide information about the parental  
17 tools and safeguards required under section 4  
18 to a parent of the child and obtain verifiable  
19 parental consent (as defined in section 1302(9)  
20 of the Children's Online Privacy Protection Act  
21 (15 U.S.C. 6501(9))) from the parent prior to  
22 the initial use of the covered platform by the  
23 child.

24 (B) REASONABLE EFFORT.—A covered  
25 platform shall be deemed to have satisfied the

1 requirement described in subparagraph (A) if  
2 the covered platform is in compliance with the  
3 requirements of the Children's Online Privacy  
4 Protection Act (15 U.S.C. 6501 et seq.) to use  
5 reasonable efforts (taking into consideration  
6 available technology) to provide a parent with  
7 the information described in subparagraph (A)  
8 and to obtain verifiable parental consent as re-  
9 quired.

10 (3) CONSOLIDATED NOTICES.—A covered plat-  
11 form may consolidate the process for providing in-  
12 formation under this subsection and obtaining  
13 verifiable parental consent or the consent of the  
14 minor involved (as applicable) as required under this  
15 subsection with its obligations to provide relevant  
16 notice and obtain verifiable parental consent under  
17 the Children's Online Privacy Protection Act (15  
18 U.S.C. 6501 et seq.).

19 (4) GUIDANCE.—The Federal Trade Commis-  
20 sion may issue guidance to assist covered platforms  
21 in complying with the requirements of this section.

22 (b) PERSONALIZED RECOMMENDATION SYSTEM.—A  
23 covered platform that operates a personalized rec-  
24 ommendation system shall set out in its terms and condi-

1 tions, in a clear, conspicuous, and easy-to-understand  
2 manner—

3 (1) an overview of how such personalized rec-  
4 ommendation system is used by the covered platform  
5 to provide information to users of the platform who  
6 are minors, including how such systems use the per-  
7 sonal data of minors; and

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

11 (c) ADVERTISING AND MARKETING INFORMATION  
12 AND LABELS.—

13 (1) INFORMATION AND LABELS.—A covered  
14 platform that facilitates advertising aimed at users  
15 that the platform knows are minors shall provide  
16 clear, conspicuous, and easy-to-understand informa-  
17 tion and labels to minors on advertisements regard-  
18 ing—

19 (A) the name of the product, service, or  
20 brand and the subject matter of an advertise-  
21 ment;

22 (B) if the covered platform engages in in-  
23 dividual-specific advertising to minors, why a  
24 particular advertisement is directed to a specific  
25 minor, including material information about

1           how the minor's personal data is used to direct  
2           the advertisement to the minor; and

3                   (C) whether particular media displayed to  
4           the minor is an advertisement or marketing ma-  
5           terial, including disclosure of endorsements of  
6           products, services, or brands made for commer-  
7           cial consideration by other users of the plat-  
8           form.

9           (2) GUIDANCE.—The Federal Trade Commis-  
10          sion may issue guidance to assist covered platforms  
11          in complying with the requirements of this sub-  
12          section, including guidance about the minimum level  
13          of information and labels for the disclosures required  
14          under paragraph (1) .

15          (d) RESOURCES FOR PARENTS AND MINORS.—A cov-  
16          ered platform shall provide to minors and parents clear,  
17          conspicuous, easy-to-understand, and comprehensive infor-  
18          mation in a prominent location regarding—

19                   (1) its policies and practices with respect to  
20                  personal data and safeguards for minors; and

21                   (2) how to access the safeguards and tools re-  
22                  quired under section 4.

23          (e) RESOURCES IN ADDITIONAL LANGUAGES.—A  
24          covered platform shall ensure, to the extent practicable,  
25          that the disclosures required by this section are made

1 available in the same language, form, and manner as the  
2 covered platform provides any product or service used by  
3 minors and their parents.

4 **SEC. 6. TRANSPARENCY.**

5 (a) IN GENERAL.—Subject to subsection (b), not less  
6 frequently than once a year, a covered platform shall issue  
7 a public report describing the reasonably foreseeable risks  
8 of material harms to minors and assessing the prevention  
9 and mitigation measures taken to address such risk based  
10 on an independent, third-party audit conducted through  
11 reasonable inspection of the covered platform.

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

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

17 (2) the platform predominantly provides a com-  
18 munity forum for user-generated content and discus-  
19 sion, including sharing videos, images, games, audio  
20 files, discussion in a virtual setting, or other content,  
21 such as acting as a social media platform, virtual re-  
22 ality environment, or a social network service.

23 (c) CONTENT.—

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

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

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

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

10                   (i) the number of individuals using  
11           the covered platform reasonably believed to  
12           be minors in the United States; and

13                   (ii) the median and mean amounts of  
14           time spent on the platform by minors in  
15           the United States who have accessed the  
16           platform during the reporting year on a  
17           daily, weekly, and monthly basis;

18                   (D) an accounting of total reports received  
19           regarding, and the prevalence (which can be  
20           based on scientifically valid sampling methods  
21           using the content available to the covered plat-  
22           form in the normal course of business) of con-  
23           tent related to, the harms described in section  
24           3(a), disaggregated by category of harm; and



1           (E) a description of any material breaches  
2           of parental tools or assurances regarding mi-  
3           nors, representations regarding the use of the  
4           personal data of minors, and other matters re-  
5           garding non-compliance.

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

9           (A) an assessment of the reasonably fore-  
10          seeable risk of harms to minors posed by the  
11          covered platform, including identifying any  
12          other physical, mental, developmental, or finan-  
13          cial harms in addition to those described in sec-  
14          tion 3(a);

15          (B) an assessment of how personalized rec-  
16          ommendation systems and individual-specific  
17          advertising to minors can contribute to harms  
18          to minors;

19          (C) a description of whether and how the  
20          covered platform uses system design features  
21          that increase, sustain, or extend use of a prod-  
22          uct or service by a minor, such as automatic  
23          playing of media, rewards for time spent, and  
24          notifications;

1 (D) a description of whether, how, and for  
2 what purpose the platform collects or processes  
3 categories of personal data that may cause rea-  
4 sonably foreseeable risk of harms to minors;

5 (E) an evaluation of the efficacy of safe-  
6 guards for minors under section 4, and any  
7 issues in delivering such safeguards and the as-  
8 sociated parental tools; and

9 (F) an evaluation of any other relevant  
10 matters of public concern over risk of harms to  
11 minors.

12 (3) MITIGATION.—The public reports required  
13 of a covered platform under this section shall in-  
14 clude—

15 (A) a description of the safeguards and pa-  
16 rental tools available to minors and parents on  
17 the covered platform;

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

21 (C) a description of the prevention and  
22 mitigation measures intended to be taken in re-  
23 sponse to the known and emerging risks identi-  
24 fied in its assessment of system risks, including  
25 steps taken to—

1 (i) prevent harms to minors, including  
2 adapting or removing system design fea-  
3 tures or addressing through parental con-  
4 trols;

5 (ii) provide the most protective level of  
6 control over privacy and safety by default;  
7 and

8 (iii) adapt recommendation systems to  
9 mitigate reasonably foreseeable risk of  
10 harms to minors, as described in section  
11 3(a);

12 (D) a description of internal processes for  
13 handling reports and automated detection  
14 mechanisms for harms to minors, including the  
15 rate, timeliness, and effectiveness of responses  
16 under the requirement of section 4(c);

17 (E) the status of implementing prevention  
18 and mitigation measures identified in prior as-  
19 sessments; and

20 (F) a description of the additional meas-  
21 ures to be taken by the covered platform to ad-  
22 dress the circumvention of safeguards for mi-  
23 nors and parental tools.

1 (d) REASONABLE INSPECTION.—In conducting an in-  
2 spection of the systemic risks of harm to minors under  
3 this section, an independent, third-party auditor shall—

4 (1) take into consideration the function of per-  
5 sonalized recommendation systems;

6 (2) consult parents and youth experts, including  
7 youth and families with relevant past or current ex-  
8 perience, public health and mental health nonprofit  
9 organizations, health and development organizations,  
10 and civil society with respect to the prevention of  
11 harms to minors;

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

16 (4) take account of research, including research  
17 regarding system design features, marketing, or  
18 product integrity, industry best practices, or outside  
19 research; and

20 (5) consider indicia or inferences of age of  
21 users, in addition to any self-declared information  
22 about the age of individuals.

23 (e) COOPERATION WITH INDEPENDENT, THIRD-  
24 PARTY AUDIT.—To facilitate the report required by sub-  
25 section (e), a covered platform shall—

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

5           (2) provide or otherwise make available to the  
6 independent third-party conducting the audit access  
7 to all network, systems, and assets relevant to the  
8 audit; and

9           (3) disclose all relevant facts to the independent  
10 third-party conducting the audit, and not misrepre-  
11 sent in any manner, expressly or by implication, any  
12 relevant fact.

13 (f) PRIVACY SAFEGUARDS.—

14           (1) IN GENERAL.—In issuing the public reports  
15 required under this section, a covered platform shall  
16 take steps to safeguard the privacy of its users, in-  
17 cluding ensuring that data is presented in a de-iden-  
18 tified, aggregated format such that it is reasonably  
19 impossible for the data to be linked back to any indi-  
20 vidual user.

21           (2) RULE OF CONSTRUCTION.—This section  
22 shall not be construed to require the disclosure of in-  
23 formation that will lead to material vulnerabilities  
24 for the privacy of users or the security of a covered

1 platform's service or create a significant risk of the  
2 violation of Federal or State law.

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

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

12 **SEC. 7. INDEPENDENT RESEARCH ON SOCIAL MEDIA AND**  
13 **MINORS.**

14 (a) DEFINITIONS.—In this section:

15 (1) COMMISSION.—The term “Commission”  
16 means the Federal Trade Commission.

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

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

21 (b) RESEARCH ON SOCIAL MEDIA HARMS.—Not  
22 later than 12 months after the date of enactment of this  
23 Act, the Commission shall seek to enter into a contract  
24 with the National Academy, under which the National  
25 Academy shall conduct no less than 5 scientific, com-

1 prehensive studies and reports on the risk of harms to mi-  
2 nors by use of social media and other online platforms.

3 (c) MATTERS TO BE ADDRESSED.—In contracting  
4 with the National Academy, the Commission, in consulta-  
5 tion with the Secretary, shall seek to commission separate  
6 studies and reports, using the Commission's authority  
7 under section 6(b) of the Federal Trade Commission Act  
8 (15 U.S.C. 46(b)), on the relationship between social  
9 media and other online platforms as defined in this Act  
10 on the following matters:

11 (1) Anxiety, depression, eating disorders, and  
12 suicidal behaviors.

13 (2) Substance use disorders and the use of nar-  
14 cotic drugs, tobacco products, gambling, or alcohol  
15 by minors.

16 (3) Sexual exploitation and abuse.

17 (4) Addiction-like use of social media and de-  
18 sign factors that lead to unhealthy and harmful  
19 overuse of social media.

20 (d) ADDITIONAL STUDY.—Not earlier than 4 years  
21 after enactment, the Commission shall seek to enter into  
22 a contract with the National Academy under which the  
23 National Academy shall conduct an additional study and  
24 report covering the matters described in subsection (c) for

1 the purposes of providing additional information, consid-  
2 ering new research, and other matters.

3 (e) CONTENT OF REPORTS.— The comprehensive  
4 studies and reports conducted pursuant to this section  
5 shall seek to evaluate impacts and advance understanding,  
6 knowledge, and remedies regarding the harms to minors  
7 posed by social media and other online platforms, and may  
8 include recommendations related to public policy.

9 (f) ACTIVE STUDIES.—If the National Academy is  
10 engaged in any active studies on the matters described in  
11 subsection (c) at the time that it enters into a contract  
12 with the Commission to conduct a study under this sec-  
13 tion, it may base the study to be conducted under this  
14 section on the active study, so long as it otherwise incor-  
15 porates the requirements of this section.

16 (g) COLLABORATION.—In designing and conducting  
17 the studies under this section, the Commission, the Sec-  
18 retary, and the National Academy shall consult with the  
19 Surgeon General and the Kids Online Safety Council.

20 (h) ACCESS TO DATA.—

21 (1) FACT-FINDING AUTHORITY.—The Commis-  
22 sion may issue orders to gather and compile infor-  
23 mation and data necessary to conduct the studies re-  
24 quired under this section.



1           (2) SCOPE.—The Commission may issue orders  
2           under section 6(b) of the Federal Trade Commission  
3           Act (15 U.S.C. 46(b)) to no more than 5 covered  
4           platforms per study under this section.

5           (3) CONFIDENTIAL ACCESS.—Pursuant to sub-  
6           sections (b) and (f) of section 6 of the Federal  
7           Trade Commission Act (15 U.S.C. 46), the Commis-  
8           sion shall enter in agreements with the National  
9           Academy to share appropriate information received  
10          from a covered platform pursuant to an order under  
11          such subsection (b) for a comprehensive study under  
12          this section in a confidential and secure manner, and  
13          to prohibit the disclosure or sharing of such infor-  
14          mation by the National Academy.

15 **SEC. 8. MARKET RESEARCH.**

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

21               (1) a standard consent form that provides mi-  
22               nors and their parents a clear, conspicuous, and  
23               easy-to-understand explanation of the scope and pur-  
24               pose of the research to be conducted, and provides  
25               an opportunity for informed consent; and

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

4       (b) TIMING.—The Federal Trade Commission shall  
5       issue such guidance not later than 18 months after the  
6       date of enactment of this Act. In doing so, they shall seek  
7       input from members of the public and the representatives  
8       of the Kids Online Safety Council established under sec-  
9       tion 12.

10   **SEC. 9. AGE VERIFICATION STUDY AND REPORT.**

11       (a) STUDY.—The Director of the National Institute  
12       of Standards and Technology, in coordination with the  
13       Federal Communications Commission, Federal Trade  
14       Commission, and the Secretary of Commerce, shall con-  
15       duct a study evaluating the most technologically feasible  
16       methods and options for developing systems to verify age  
17       at the device or operating system level.

18       (b) CONTENTS.—Such study shall consider —

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

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

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

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

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

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

18 **SEC. 10. GUIDANCE.**

19          (a) IN GENERAL.—Not later than 18 months after  
20 the date of enactment of this Act, the Federal Trade Com-  
21 mission, in consultation with the Kids Online Safety Coun-  
22 cil established under section 12, shall issue guidance to—

23           (1) provide information and examples for cov-  
24           ered platforms and auditors regarding—

1 (A) identifying features that are used to  
2 increase, sustain, or extend use of the covered  
3 platform by a minor;

4 (B) safeguarding minors against the pos-  
5 sible misuse of parental tools;

6 (C) best practices in providing minors and  
7 parents the most protective level of control over  
8 privacy and safety;

9 (D) using indicia or inferences of age of  
10 users for assessing use of the covered platform  
11 by minors;

12 (E) methods for evaluating the efficacy of  
13 safeguards; and

14 (F) providing additional control options  
15 that allow parents to address the harms de-  
16 scribed in section 3(a); and

17 (2) outline conduct that does not have the pur-  
18 pose or substantial effect of subverting or impairing  
19 user autonomy, decision-making, or choice, or of  
20 causing, increasing, or encouraging compulsive usage  
21 for a minor, such as—

22 (A) de minimis user interface changes de-  
23 rived from testing consumer preferences, includ-  
24 ing different styles, layouts, or text, where such  
25 changes are not done with the purpose of weak-

1           ening or disabling safeguards or parental con-  
2           trols;

3           (B) algorithms or data outputs outside the  
4           control of a covered platform; and

5           (C) establishing default settings that pro-  
6           vide enhanced privacy protection to users or  
7           otherwise enhance their autonomy and decision-  
8           making ability.

9           (b) GUIDANCE TO SCHOOLS.—Not later than 18  
10          months after the date of enactment of this Act, the Sec-  
11          retary of Education, in consultation with the Federal  
12          Trade Commission and the Kids Online Safety Council es-  
13          tablished under section 12, shall issue guidance to assist  
14          to assist elementary and secondary schools in using the  
15          notice, safeguards and tools provided under this Act and  
16          providing information on online safety for students and  
17          teachers.

18          (c) GUIDANCE ON KNOWLEDGE STANDARD.—Not  
19          later than 18 months after the date of enactment of this  
20          Act, the Federal Trade Commission shall issue guidance  
21          to provide information, including best practices and exam-  
22          ples, for covered platforms to understand the Commis-  
23          sion's determination of whether a covered platform "had  
24          knowledge fairly implied on the basis of objective cir-  
25          cumstances" for purposes of this Act.

1 (d) LIMITATION ON FEDERAL TRADE COMMISSION  
2 GUIDANCE.—

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

6 (A) confer any rights on any person, State,  
7 or locality; or

8 (B) operate to bind the Federal Trade  
9 Commission or any person to the approach rec-  
10 ommended in such guidance.

11 (2) USE IN ENFORCEMENT ACTIONS.—In any  
12 enforcement action brought pursuant to this Act, the  
13 Federal Trade Commission—

14 (A) shall allege a violation of a provision of  
15 this Act; and

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

23 **SEC. 11. ENFORCEMENT.**

24 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
25 SION.—

1           (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-  
2           TICES.—A violation of this Act shall be treated as  
3           a violation of a rule defining an unfair or deceptive  
4           act or practice prescribed under section 18(a)(1)(B)  
5           of the Federal Trade Commission Act (15 U.S.C.  
6           57a(a)(1)(B)).

7           (2) POWERS OF THE COMMISSION.—

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

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

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

1 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-  
2 ERAL.—

3 (1) IN GENERAL.—

4 (A) CIVIL ACTIONS.—In any case in which  
5 the attorney general of a State has reason to  
6 believe that an interest of the residents of that  
7 State has been or is threatened or adversely af-  
8 fected by the engagement of any person in a  
9 practice that violates this Act, the State, as  
10 parens patriae, may bring a civil action on be-  
11 half of the residents of the State in a district  
12 court of the United States or a State court of  
13 appropriate jurisdiction to—

14 (i) enjoin that practice;

15 (ii) enforce compliance with this Act;

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

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

22 (B) NOTICE.—

23 (i) IN GENERAL.—Before filing an ac-  
24 tion under subparagraph (A), the attorney



1                   general of the State involved shall provide  
2                   to the Commission—

3                   (I) written notice of that action;

4                   and

5                   (II) a copy of the complaint for  
6                   that action.

7                   (ii) EXEMPTION.—

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

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

22                  (2) INTERVENTION.—

23                  (A) IN GENERAL.—On receiving notice  
24                  under paragraph (1)(B), the Commission shall

1           have the right to intervene in the action that is  
2           the subject of the notice.

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

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

8                   (ii) to file a petition for appeal.

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

15                   (A) conduct investigations;

16                   (B) administer oaths or affirmations; or

17                   (C) compel the attendance of witnesses or  
18          the production of documentary and other evi-  
19          dence.

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

1 tuted by or on behalf of the Commission for that  
2 violation.

3 (5) VENUE; SERVICE OF PROCESS.—

4 (A) VENUE.—Any action brought under  
5 paragraph (1) may be brought in—

6 (i) the district court of the United  
7 States that meets applicable requirements  
8 relating to venue under section 1391 of  
9 title 28, United States Code; or

10 (ii) a State court of competent juris-  
11 diction.

12 (B) SERVICE OF PROCESS.—In an action  
13 brought under paragraph (1) in a district court  
14 of the United States, process may be served  
15 wherever defendant—

16 (i) is an inhabitant; or

17 (ii) may be found.

18 **SEC. 12. KIDS ONLINE SAFETY COUNCIL.**

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

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

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

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

7           (3) parents and youth representation;

8           (4) representatives of covered platforms;

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

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

17           (7) educators; and

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

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

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

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

4           (3) recommending methods and themes for con-  
5           ducting research regarding online harms to minors;  
6           and

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

12 **SEC. 13. EFFECTIVE DATE.**

13          Except as otherwise provided in this Act, this Act  
14          shall take effect on the date that is 18 months after the  
15          date of enactment of this Act.

16 **SEC. 14. RULES OF CONSTRUCTION AND OTHER MATTERS.**

17          (a) **RELATIONSHIP TO OTHER LAWS.**—Nothing in  
18          this Act shall be construed to—

19               (1) preempt section 444 of the General Edu-  
20               cation Provisions Act (20 U.S.C. 1232g, commonly  
21               known as the “Family Educational Rights and Pri-  
22               vacy Act of 1974”) or other Federal or State laws  
23               governing student privacy;

1           (2) preempt the Children’s Online Privacy Pro-  
2           tection Act of 1998 (15 U.S.C. 6501 et seq.) or any  
3           rule or regulation promulgated under such Act; or

4           (3) authorize any action that would conflict  
5           with section 18(h) of the Federal Trade Commission  
6           Act (15 U.S.C. 57a(h)).

7           (b) DETERMINATION OF “FAIRLY IMPLIED ON THE  
8           BASIS OF OBJECTIVE CIRCUMSTANCES”.—For purposes  
9           of enforcing this Act, in making a determination as to  
10          whether covered platform has knowledge fairly implied on  
11          the basis of objective circumstances that a user is a minor,  
12          the Federal Trade Commission shall rely on competent  
13          and reliable empirical evidence, taking into account the to-  
14          tality of the circumstances, including consideration of  
15          whether the operator, using available technology, exercised  
16          reasonable care.

17          (c) PROTECTIONS FOR PRIVACY.—Nothing in this  
18          Act shall be construed to require—

19               (1) the affirmative collection of any personal  
20               data with respect to the age of users that a covered  
21               platform is not already collecting in the normal  
22               course of business; or

23               (2) a covered platform to implement an age  
24               gating or age verification functionality.

1 (d) COMPLIANCE.—Nothing in this Act shall be con-  
2 strued to restrict a covered platform’s ability to—

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

7 (2) comply with a civil, criminal, or regulatory  
8 inquiry or any investigation, subpoena, or summons  
9 by Federal, State, local, or other government au-  
10 thorities; or

11 (3) investigate, establish, exercise, respond to,  
12 or defend against legal claims.

13 (e) APPLICATION TO VIDEO STREAMING SERVICES.—  
14 A video streaming service shall be deemed to be in compli-  
15 ance with this Act if it predominantly consists of news,  
16 sports, entertainment, or other video programming con-  
17 tent that is preselected by the provider and not user-gen-  
18 erated, and—

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

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

1 (A) to limit a minor's access to the service,  
2 which may utilize a system of age-rating;

3 (B) to limit the automatic playing of on-  
4 demand content selected by a personalized rec-  
5 ommendation system for an individual that the  
6 service knows is a minor;

7 (C) to provide an individual that the serv-  
8 ice knows is a minor with readily-accessible and  
9 easy-to-use options to delete an account held by  
10 the minor and delete any personal data col-  
11 lected from the minor on the service, or, in the  
12 case of a service that allows a parent to create  
13 a profile for a minor, to allow a parent to delete  
14 the minor's profile, and to delete any personal  
15 data collected from the minor on the service;

16 (D) for a parent to manage a minor's pri-  
17 vacy and account settings, and restrict pur-  
18 chases and financial transactions by a minor,  
19 where applicable;

20 (E) to provide an electronic point of con-  
21 tact specific to matters described in this para-  
22 graph;

23 (F) to offer a clear, conspicuous, and easy-  
24 to-understand notice of its policies and prac-



1           tices with respect to personal data and the ca-  
2           pabilities described in this paragraph; and

3                   (G) when providing on-demand content, to  
4           employ measures that safeguard against serving  
5           advertising for narcotic drugs (as defined in  
6           section 102 of the Controlled Substances Act  
7           (21 U.S.C. 802)), tobacco products, gambling,  
8           or alcohol directly to the account or profile of  
9           an individual that the service knows is a minor.

10 **SEC. 15. SEVERABILITY.**

11           If any provision of this Act, or an amendment made  
12 by this Act, is determined to be unenforceable or invalid,  
13 the remaining provisions of this Act and the amendments  
14 made by this Act shall not be affected.