

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 2073

To amend title 31, United States Code, to require agencies to include a list of outdated or duplicative reporting requirements in annual budget justifications, and for other purposes.

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 In lieu of the matter proposed to be inserted, insert
2 the following:

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—KEEPING KIDS SAFE ONLINE

Subtitle A—Kids Online Safety

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

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

Subtitle B—Filter Bubble Transparency

- Sec. 120. Definitions.
- Sec. 121. Requirement to allow users to see unmanipulated content on internet platforms.

Subtitle C—Relationship to State Laws; Severability

- Sec. 130. Relationship to State laws.
- Sec. 131. Severability.

TITLE II—CHILDREN AND TEENS’ ONLINE PRIVACY

- Sec. 201. Online collection, use, disclosure, and deletion of personal information of children and teens.
- Sec. 202. Study and reports of mobile and online application oversight and enforcement.
- Sec. 203. GAO study.
- Sec. 204. Severability.

TITLE III—ELIMINATING USELESS REPORTS

- Sec. 301. Sunsets for agency reports.

1 **TITLE I—KEEPING KIDS SAFE**
 2 **ONLINE**
 3 **Subtitle A—Kids Online Safety**

4 **SEC. 101. DEFINITIONS.**

5 In this subtitle:

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

8 (2) **COMPULSIVE USAGE.**—The term “compul-
 9 sive usage” means any response stimulated by exter-
 10 nal factors that causes an individual to engage in re-

1 petitive behavior reasonably likely to cause psycho-
2 logical distress.

3 (3) COVERED PLATFORM.—

4 (A) IN GENERAL.—The term “covered
5 platform” means an online platform, online
6 video game, messaging application, or video
7 streaming service that connects to the internet
8 and that is used, or is reasonably likely to be
9 used, by a minor.

10 (B) EXCEPTIONS.—The term “covered
11 platform” does not include—

12 (i) an entity acting in its capacity as
13 a provider of—

14 (I) a common carrier service sub-
15 ject to the Communications Act of
16 1934 (47 U.S.C. 151 et seq.) and all
17 Acts amendatory thereof and supple-
18 mentary thereto;

19 (II) a broadband internet access
20 service (as such term is defined for
21 purposes of section 8.1(b) of title 47,
22 Code of Federal Regulations, or any
23 successor regulation);

24 (III) an email service;

1 (IV) a teleconferencing or video
2 conferencing service that allows recep-
3 tion and transmission of audio or
4 video signals for real-time communica-
5 tion, provided that—

6 (aa) the service is not an on-
7 line platform, including a social
8 media service or social network;
9 and

10 (bb) the real-time commu-
11 nication is initiated by using a
12 unique link or identifier to facili-
13 tate access; or

14 (V) a wireless messaging service,
15 including such a service provided
16 through short messaging service or
17 multimedia messaging service proto-
18 cols, that is not a component of, or
19 linked to, an online platform and
20 where the predominant or exclusive
21 function is direct messaging consisting
22 of the transmission of text, photos or
23 videos that are sent by electronic
24 means, where messages are trans-
25 mitted from the sender to a recipient,

1 and are not posted within an online
2 platform or publicly;

3 (ii) an organization not organized to
4 carry on business for its own profit or that
5 of its members;

6 (iii) any public or private preschool,
7 elementary, or secondary school, or any in-
8 stitution of vocational, professional, or
9 higher education;

10 (iv) a library (as defined in section
11 213(1) of the Library Services and Tech-
12 nology Act (20 U.S.C. 9122(1)));

13 (v) a news or sports coverage website
14 or app where—

15 (I) the inclusion of video content
16 on the website or app is related to the
17 website or app's own gathering, re-
18 porting, or publishing of news content
19 or sports coverage; and

20 (II) the website or app is not
21 otherwise an online platform;

22 (vi) a product or service that pri-
23 marily functions as business-to-business
24 software, a cloud storage, file sharing, or
25 file collaboration service, provided that the

1 product or service is not an online plat-
2 form; or

3 (vii) a virtual private network or simi-
4 lar service that exists solely to route inter-
5 net traffic between locations.

6 (4) DESIGN FEATURE.—The term “design fea-
7 ture” means any feature or component of a covered
8 platform that will encourage or increase the fre-
9 quency, time spent, or activity of minors on the cov-
10 ered platform. Design features include but are not
11 limited to—

12 (A) infinite scrolling or auto play;

13 (B) rewards for time spent on the plat-
14 form;

15 (C) notifications;

16 (D) personalized recommendation systems;

17 (E) in-game purchases; or

18 (F) appearance altering filters.

19 (5) GEOLOCATION.—The term “geolocation”
20 has the meaning given the term “geolocation infor-
21 mation” in section 1302 of the Children’s Online
22 Privacy Protection Act of 1998 (15 U.S.C. 6501), as
23 added by section 201(a).

24 (6) KNOW OR KNOWS.—The term “know” or
25 “knows” means to have actual knowledge or knowl-

1 edge fairly implied on the basis of objective cir-
2 cumstances.

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

8 (8) MICROTRANSACTION.—

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

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

18 (C) EXCLUSIONS.—Such term does not in-
19 clude—

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

1 (12) PARENT.—The term “parent” has the
2 meaning given that term in section 1302 of the Chil-
3 dren’s Online Privacy Protection Act (15 U.S.C.
4 6501).

5 (13) PERSONAL DATA.—The term “personal
6 data” has the same meaning as the term “personal
7 information” as defined in section 1302 of the Chil-
8 dren’s Online Privacy Protection Act (15 U.S.C.
9 6501).

10 (14) PERSONALIZED RECOMMENDATION SYS-
11 TEM.—The term “personalized recommendation sys-
12 tem” means a fully or partially automated system
13 used to suggest, promote, or rank content, including
14 other users, hashtags, or posts, based on the per-
15 sonal data of users. A recommendation system that
16 suggests, promotes, or ranks content based solely on
17 the user’s language, city or town, or age shall not
18 be considered a personalized recommendation sys-
19 tem.

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

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

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

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

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

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

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

15 (a) PREVENTION OF HARM TO MINORS.—A covered
16 platform shall exercise reasonable care in the creation and
17 implementation of any design feature to prevent and miti-
18 gate the following harms to minors:

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

23 (2) Patterns of use that indicate or encourage
24 addiction-like behaviors by minors.

1 (B) prevent other users or visitors, wheth-
2 er registered or not, from viewing the minor's
3 personal data collected by or shared on the cov-
4 ered platform, in particular restricting public
5 access to personal data;

6 (C) limit design features that encourage or
7 increase the frequency, time spent, or activity of
8 minors on the covered platform, such as infinite
9 scrolling, auto playing, rewards for time spent
10 on the platform, notifications, and other design
11 features that result in compulsive usage of the
12 covered platform by the minor;

13 (D) control personalized recommendation
14 systems, including the ability for a minor to
15 have at least 1 of the following options—

16 (i) opt out of such personalized rec-
17 ommendation systems, while still allowing
18 the display of content based on a chrono-
19 logical format; or

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

22 (E) restrict the sharing of the geolocation
23 of the minor and provide notice regarding the
24 tracking of the minor's geolocation.

1 (2) OPTION.—A covered platform shall provide
2 a user that the covered platform knows is a minor
3 with a readily-accessible and easy-to-use option to
4 limit the amount of time spent by the minor on the
5 covered platform.

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

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 a user that the platform knows is a
18 minor with respect to the user’s use of the platform.

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

21 (A) the ability to manage a minor’s privacy
22 and account settings, including the safeguards
23 and options established under subsection (a), in
24 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 covered platform and restrict time
11 spent on the covered platform by the minor.

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

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

20 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
21 prior to the effective date of this subsection, a cov-
22 ered platform provided a parent of a user that the
23 platform knows is a child with notice and the ability
24 to enable the parental tools described under this
25 subsection in a manner that would otherwise comply

1 with this subsection, and the parent opted out of en-
2 abling such tools, the covered platform is not re-
3 quired to enable such tools with respect to such user
4 by default when this subsection takes effect.

5 (c) REPORTING MECHANISM.—

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

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

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

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

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

23 (A) 10 days after the receipt of a report,
24 if, for the most recent calendar year, the plat-

1 form averaged more than 10,000,000 active
2 users on a monthly basis in the United States;

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

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

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

18 (e) RULES OF APPLICATION.—

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

23 (A) information and control options in a
24 clear and conspicuous manner that takes into
25 consideration the differing ages, capacities, and

1 developmental needs of the minors most likely
2 to access the covered platform and does not en-
3 courage minors or parents to weaken or disable
4 safeguards or parental tools;

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

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

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

19 (3) TIMING CONSIDERATIONS.—

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

1 (B) APPLICATION OF CHANGES TO OFF-
2 LINE DEVICES OR ACCOUNTS.—If a user’s de-
3 vice or user account does not have access to the
4 internet at the time of a change to parental
5 tools, a covered platform shall apply changes
6 the next time the device or user is connected to
7 the internet.

8 (4) 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 102(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 city the minor is located in; or

5 (iii) the minor's age; or

6 (D) prevent an online video game from dis-
7 closing a username or other user identification
8 for the purpose of competitive gameplay or to
9 allow for the reporting of users.

10 (f) DEVICE OR CONSOLE CONTROLS.—

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

19 (A) the controls or tools meet such require-
20 ments; and

21 (B) the minor or parent is provided suffi-
22 cient notice of the integration and use of the
23 parental tools.

24 (2) PRESERVATION OF PROTECTIONS.—In the
25 event of a conflict between the controls or tools of

1 a third-party system, including operating systems or
2 gaming consoles, and a covered platform, the cov-
3 ered platform is not required to override the controls
4 or tools of a third-party system if it would under-
5 mine the protections for minors from the safeguards
6 or parental tools imposed under subsections (a) and
7 (b).

8 **SEC. 104. DISCLOSURE.**

9 (a) NOTICE.—

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

15 (A) notice of the policies and practices of
16 the covered platform with respect to safeguards
17 for minors required under section 103;

18 (B) information about how to access the
19 safeguards and parental tools required under
20 section 103; and

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

1 (2) NOTIFICATION.—

2 (A) NOTICE AND ACKNOWLEDGMENT.—In
3 the case of an individual that a covered plat-
4 form knows is a child, the platform shall addi-
5 tionally provide information about the parental
6 tools and safeguards required under section 103
7 to a parent of the child and obtain verifiable
8 consent (as defined in section 1302(9) of the
9 Children’s Online Privacy Protection Act (15
10 U.S.C. 6501(9))) from the parent prior to the
11 initial use of the covered platform by the child.

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

22 (3) CONSOLIDATED NOTICES.—For purposes of
23 this subtitle, a covered platform may consolidate the
24 process for providing information under this sub-
25 section and obtaining verifiable consent or the con-

1 sent of the minor involved (as applicable) as re-
2 quired under this subsection with its obligations to
3 provide relevant notice and obtain verifiable consent
4 under the Children’s Online Privacy Protection Act
5 (15 U.S.C. 6501 et seq.).

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

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

15 (1) an overview of how such personalized rec-
16 ommendation system is used by the covered platform
17 to provide information to minors, including how such
18 systems use the personal data of minors; and

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

22 (c) ADVERTISING AND MARKETING INFORMATION
23 AND LABELS.—

24 (1) INFORMATION AND LABELS.—A covered
25 platform shall provide clear, conspicuous, and easy-

1 to-understand labels and information, which can be
2 provided through a link to another web page or dis-
3 closure, to minors on advertisements regarding—

4 (A) the name of the product, service, or
5 brand and the subject matter of an advertise-
6 ment; and

7 (B) whether particular media displayed to
8 the minor is an advertisement or marketing ma-
9 terial, including disclosure of endorsements of
10 products, services, or brands made for commer-
11 cial consideration by other users of the plat-
12 form.

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

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

1 (1) its policies and practices with respect to
2 safeguards for minors required under section 103;
3 and

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

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

12 **SEC. 105. TRANSPARENCY.**

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

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

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

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

7 (c) CONTENT.—

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

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

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

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

17 (i) the number of users using the cov-
18 ered platform that the platform knows to
19 be minors in the United States;

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

1 (iii) the amount of content being
2 accessed by users that the platform knows
3 to be minors in the United States that is
4 in English, and the top 5 non-English lan-
5 guages used by users accessing the plat-
6 form in the United States;

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

18 (E) a description of any material breaches
19 of parental tools or assurances regarding mi-
20 nors, representations regarding the use of the
21 personal data of minors, and other matters re-
22 garding non-compliance with this subtitle.

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

1 (A) an assessment of the reasonably fore-
2 seeable risk of harms to minors posed by the
3 covered platform, specifically identifying those
4 physical, mental, developmental, or financial
5 harms described in section 102(a);

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

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

18 (D) an evaluation of the efficacy of safe-
19 guards for minors and parental tools under sec-
20 tion 103, and any issues in delivering such safe-
21 guards and the associated parental tools;

22 (E) an evaluation of any other relevant
23 matters of public concern over risk of harms to
24 minors associated with the use of the covered
25 platform; and

1 (F) an assessment of differences in risk of
2 harm to minors across different English and
3 non-English languages and efficacy of safe-
4 guards in those languages.

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

11 (A) a description of the safeguards and pa-
12 rental tools available to minors and parents on
13 the covered platform;

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

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

23 (i) prevent harms to minors, including
24 adapting or removing design features or
25 addressing through parental tools;

1 (ii) provide the most protective level of
2 control over privacy and safety by default;
3 and

4 (iii) adapt recommendation systems to
5 mitigate reasonably foreseeable risk of
6 harms to minors, as described in section
7 102(a);

8 (D) a description of internal processes for
9 handling reports and automated detection
10 mechanisms for harms to minors, including the
11 rate, timeliness, and effectiveness of responses
12 under the requirement of section 103(c);

13 (E) the status of implementing prevention
14 and mitigation measures identified in prior as-
15 sessments; and

16 (F) a description of the additional meas-
17 ures to be taken by the covered platform to ad-
18 dress the circumvention of safeguards for mi-
19 nors and parental tools.

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

24 (1) take into consideration the function of per-
25 sonalized recommendation systems;

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

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

11 (4) take account of research, including research
12 regarding design features, marketing, or product in-
13 tegrity, industry best practices, or outside research;

14 (5) consider indicia or inferences of age of
15 users, in addition to any self-declared information
16 about the age of users; and

17 (6) take into consideration differences in risk of
18 reasonably foreseeable harms and effectiveness of
19 safeguards across English and non-English lan-
20 guages.

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

24 (1) provide or otherwise make available to the
25 independent third-party conducting the audit all in-

1 formation and material in its possession, custody, or
2 control that is relevant to the audit;

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

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

11 (f) PRIVACY SAFEGUARDS.—

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

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

24 (3) DEFINITION OF DE-IDENTIFIED.—As used
25 in this subsection, the term “de-identified” means

1 data that does not identify and is not linked or rea-
2 sonably linkable to a device that is linked or reason-
3 ably linkable to an individual, regardless of whether
4 the information is aggregated

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

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

9 (a) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

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

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

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

24 (c) MATTERS TO BE ADDRESSED.—In contracting
25 with the National Academy, the Commission, in consulta-

1 tion with the Secretary, shall seek to commission separate
2 studies and reports, using the Commission's authority
3 under section 6(b) of the Federal Trade Commission Act
4 (15 U.S.C. 46(b)), on the relationship between social
5 media and other online platforms as defined in this sub-
6 title on the following matters:

7 (1) Anxiety, depression, eating disorders, and
8 suicidal behaviors.

9 (2) Substance use disorders and the use of nar-
10 cotic drugs, tobacco products, gambling, or alcohol
11 by minors.

12 (3) Sexual exploitation and abuse.

13 (4) Addiction-like use of social media and de-
14 sign factors that lead to unhealthy and harmful
15 overuse of social media.

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

23 (e) CONTENT OF REPORTS.— The comprehensive
24 studies and reports conducted pursuant to this section
25 shall seek to evaluate impacts and advance understanding,

1 knowledge, and remedies regarding the harms to minors
2 posed by social media and other online platforms, and may
3 include recommendations related to public policy.

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

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

15 (h) ACCESS TO DATA.—

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

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

1 (3) CONFIDENTIAL ACCESS.—Notwithstanding
2 section 6(f) or 21 of the Federal Trade Commission
3 Act (15 U.S.C. 46, 57b–2), the Commission shall
4 enter in agreements with the National Academy to
5 share appropriate information received from a cov-
6 ered platform pursuant to an order under such sub-
7 section (b) for a comprehensive study under this sec-
8 tion in a confidential and secure manner, and to
9 prohibit the disclosure or sharing of such informa-
10 tion by the National Academy. Nothing in this para-
11 graph shall be construed to preclude the disclosure
12 of any such information if authorized or required by
13 any other law.

14 **SEC. 107. MARKET RESEARCH.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 109. GUIDANCE.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Federal Trade Com-
4 mission, in consultation with the Kids Online Safety Coun-
5 cil established under section 111, shall issue guidance to—

6 (1) provide information and examples for cov-
7 ered platforms and auditors regarding the following,
8 with consideration given to differences across
9 English and non-English languages—

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

13 (B) safeguarding minors against the pos-
14 sible misuse of parental tools;

15 (C) best practices in providing minors and
16 parents the most protective level of control over
17 privacy and safety;

18 (D) using indicia or inferences of age of
19 users for assessing use of the covered platform
20 by minors;

21 (E) methods for evaluating the efficacy of
22 safeguards set forth in this subtitle; and

23 (F) providing additional parental tool op-
24 tions that allow parents to address the harms
25 described in section 102(a); and

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

6 (A) de minimis user interface changes de-
7 rived from testing consumer preferences, includ-
8 ing different styles, layouts, or text, where such
9 changes are not done with the purpose of weak-
10 ening or disabling safeguards or parental tools;

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

13 (C) establishing default settings that pro-
14 vide enhanced privacy protection to users or
15 otherwise enhance their autonomy and decision-
16 making ability.

17 (b) GUIDANCE ON KNOWLEDGE STANDARD.—Not
18 later than 18 months after the date of enactment of this
19 Act, the Federal Trade Commission shall issue guidance
20 to provide information, including best practices and exam-
21 ples, for covered platforms to understand how the Com-
22 mission would determine whether a covered platform “had
23 knowledge fairly implied on the basis of objective cir-
24 cumstances” for purposes of this subtitle.

1 (c) 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 subtitle 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 court, person, State, or lo-
10 cality to the approach recommended in such
11 guidance.

12 (2) USE IN ENFORCEMENT ACTIONS.—In any
13 enforcement action brought pursuant to this subtitle,
14 the Federal Trade Commission or a State attorney
15 general, as applicable—

16 (A) shall allege a violation of a provision of
17 this subtitle; and

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

1 For purposes of enforcing this subtitle, State attor-
2 neys general shall take into account any guidance
3 issued by the Commission under subsection (b).

4 **SEC. 110. ENFORCEMENT.**

5 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
6 SION.—

7 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-
8 TICES.—A violation of this subtitle shall be treated
9 as a violation of a rule defining an unfair or decep-
10 tive act or practice prescribed under section
11 18(a)(1)(B) of the Federal Trade Commission Act
12 (15 U.S.C. 57a(a)(1)(B)).

13 (2) POWERS OF THE COMMISSION.—

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

23 (B) PRIVILEGES AND IMMUNITIES.—Any
24 person that violates this subtitle shall be subject
25 to the penalties, and entitled to the privileges

1 and immunities, provided in the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.).

3 (3) AUTHORITY PRESERVED.—Nothing in this
4 subtitle shall be construed to limit the authority of
5 the Commission under any other provision of law.

6 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-
7 ERAL.—

8 (1) IN GENERAL.—

9 (A) CIVIL ACTIONS.—In any case in which
10 the attorney general of a State has reason to
11 believe that a covered platform has violated or
12 is violating section 103, 104, or 105, the State,
13 as *parens patriae*, may bring a civil action on
14 behalf of the residents of the State in a district
15 court of the United States or a State court of
16 appropriate jurisdiction to—

17 (i) enjoin any practice that violates
18 section 103, 104, or 105;

19 (ii) enforce compliance with section
20 103, 104, or 105;

21 (iii) on behalf of residents of the
22 State, obtain damages, restitution, or other
23 compensation, each of which shall be dis-
24 tributed in accordance with State law; or

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

3 (B) NOTICE.—

4 (i) IN GENERAL.—Before filing an ac-
5 tion under subparagraph (A), the attorney
6 general of the State involved shall provide
7 to the Commission—

8 (I) written notice of that action;
9 and

10 (II) a copy of the complaint for
11 that action.

12 (ii) EXEMPTION.—

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

21 (II) NOTIFICATION.—In an ac-
22 tion described in subclause (I), the at-
23 torney general of a State shall provide
24 notice and a copy of the complaint to

1 the Commission at the same time as
2 the attorney general files the action.

3 (2) INTERVENTION.—

4 (A) IN GENERAL.—On receiving notice
5 under paragraph (1)(B), the Commission shall
6 have the right to intervene in the action that is
7 the subject of the notice.

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

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

13 (ii) to file a petition for appeal.

14 (3) CONSTRUCTION.—For purposes of bringing
15 any civil action under paragraph (1), nothing in this
16 subtitle shall be construed to prevent an attorney
17 general of a State from exercising the powers con-
18 ferred on the attorney general by the laws of that
19 State to—

20 (A) conduct investigations;

21 (B) administer oaths or affirmations; or

22 (C) compel the attendance of witnesses or
23 the production of documentary and other evi-
24 dence.

1 (4) ACTIONS BY THE COMMISSION.—In any
2 case in which an action is instituted by or on behalf
3 of the Commission for violation of this subtitle, no
4 State may, during the pendency of that action, insti-
5 tute a separate action under paragraph (1) against
6 any defendant named in the complaint in the action
7 instituted by or on behalf of the Commission for
8 that violation.

9 (5) VENUE; SERVICE OF PROCESS.—

10 (A) VENUE.—Any action brought under
11 paragraph (1) may be brought in—

12 (i) the district court of the United
13 States that meets applicable requirements
14 relating to venue under section 1391 of
15 title 28, United States Code; or

16 (ii) a State court of competent juris-
17 diction.

18 (B) SERVICE OF PROCESS.—In an action
19 brought under paragraph (1) in a district court
20 of the United States, process may be served
21 wherever defendant—

22 (i) is an inhabitant; or

23 (ii) may be found.

24 (6) LIMITATION.—A violation of section 102
25 shall not form the basis of liability in any action

1 brought by the attorney general of a State under a
2 State law.

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

4 (a) ESTABLISHMENT.—Not later than 180 days after
5 the date of enactment of this Act, the Secretary of Com-
6 merce shall establish and convene the Kids Online Safety
7 Council for the purpose of providing advice on matters re-
8 lated to this subtitle.

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

11 (1) academic experts, health professionals, and
12 members of civil society with expertise in mental
13 health, substance use disorders, and the prevention
14 of harms to minors;

15 (2) representatives in academia and civil society
16 with specific expertise in privacy, free expression, ac-
17 cess to information, and civil liberties;

18 (3) parents and youth representation;

19 (4) representatives of covered platforms;

20 (5) representatives of the National Tele-
21 communications and Information Administration,
22 the National Institute of Standards and Technology,
23 the Federal Trade Commission, the Department of
24 Justice, and the Department of Health and Human
25 Services;

1 (6) State attorneys general or their designees
2 acting in State or local government;

3 (7) educators; and

4 (8) representatives of communities of socially
5 disadvantaged individuals (as defined in section 8 of
6 the Small Business Act (15 U.S.C. 637)).

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

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

11 (2) recommending measures and methods for
12 assessing, preventing, and mitigating harms to mi-
13 nors online;

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

17 (4) recommending best practices and clear, con-
18 sensus-based technical standards for transparency
19 reports and audits, as required under this subtitle,
20 including methods, criteria, and scope to promote
21 overall accountability.

22 (d) NON-APPLICABILITY OF FACA.—The Kids On-
23 line Safety Council shall not be subject to chapter 10 of
24 title 5, United States Code (commonly referred to as the
25 “Federal Advisory Committee Act”).

1 **SEC. 112. EFFECTIVE DATE.**

2 Except as otherwise provided in this subtitle, this
3 subtitle shall take effect on the date that is 18 months
4 after the date of enactment of this Act.

5 **SEC. 113. RULES OF CONSTRUCTION AND OTHER MATTERS.**

6 (a) RELATIONSHIP TO OTHER LAWS.—Nothing in
7 this subtitle shall be construed to—

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

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

16 (3) authorize any action that would conflict
17 with section 18(h) of the Federal Trade Commission
18 Act (15 U.S.C. 57a(h)); or

19 (4) expand or limit the scope of section 230 of
20 the Communications Act of 1934 (commonly known
21 as “section 230 of the Communications Decency Act
22 of 1996”) (47 U.S.C. 230).

23 (b) DETERMINATION OF “FAIRLY IMPLIED ON THE
24 BASIS OF OBJECTIVE CIRCUMSTANCES”.—For purposes
25 of enforcing this subtitle, in making a determination as
26 to whether covered platform has knowledge fairly implied

1 on the basis of objective circumstances that a specific user
2 is a minor, the Federal Trade Commission or a State at-
3 torney general shall rely on competent and reliable evi-
4 dence, taking into account the totality of the cir-
5 cumstances, including whether a reasonable and prudent
6 person under the circumstances would have known that
7 the user is a minor.

8 (c) PROTECTIONS FOR PRIVACY.—Nothing in this
9 subtitle, including a determination described in subsection
10 (b), shall be construed to require—

11 (1) the affirmative collection of any personal
12 data with respect to the age of users that a covered
13 platform is not already collecting in the normal
14 course of business; or

15 (2) a covered platform to implement an age
16 gating or age verification functionality.

17 (d) COMPLIANCE.—Nothing in this subtitle shall be
18 construed to restrict a covered platform’s ability to—

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

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

1 (3) investigate, establish, exercise, respond to,
2 or defend against legal claims.

3 (e) APPLICATION TO VIDEO STREAMING SERVICES.—

4 A video streaming service shall be deemed to be in compli-
5 ance with this subtitle if it predominantly consists of news,
6 sports, entertainment, or other video programming con-
7 tent that is preselected by the provider and not user-gen-
8 erated, and—

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

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

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

17 (B) to limit the automatic playing of on-
18 demand content selected by a personalized rec-
19 ommendation system for an individual that the
20 service knows is a minor;

21 (C) for a parent to manage a minor's pri-
22 vacy and account settings, and restrict pur-
23 chases and financial transactions by a minor,
24 where applicable;

1 (D) to provide an electronic point of con-
2 tact specific to matters described in this para-
3 graph;

4 (E) to offer a clear, conspicuous, and easy-
5 to-understand notice of its policies and prac-
6 tices with respect to the capabilities described
7 in this paragraph; and

8 (F) when providing on-demand content, to
9 employ measures that safeguard against serving
10 advertising for narcotic drugs (as defined in
11 section 102 of the Controlled Substances Act
12 (21 U.S.C. 802)), tobacco products, gambling,
13 or alcohol directly to the account or profile of
14 an individual that the service knows is a minor.

15 **Subtitle B—Filter Bubble**

16 **Transparency**

17 **SEC. 120. DEFINITIONS.**

18 In this subtitle:

19 (1) **ALGORITHMIC RANKING SYSTEM.**—The
20 term “algorithmic ranking system” means a com-
21 putational process, including one derived from algo-
22 rithmic decision-making, machine learning, statis-
23 tical analysis, or other data processing or artificial
24 intelligence techniques, used to determine the selec-
25 tion, order, relative prioritization, or relative promi-

1 nence of content from a set of information that is
2 provided to a user on an online platform, including
3 the ranking of search results, the provision of con-
4 tent recommendations, the display of social media
5 posts, or any other method of automated content se-
6 lection.

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

12 (3) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

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

16 (A) is capable of connecting to the inter-
17 net, either directly or indirectly through a net-
18 work, to communicate information at the direc-
19 tion of an individual;

20 (B) has computer processing capabilities
21 for collecting, sending, receiving, or analyzing
22 data; and

23 (C) is primarily designed for or marketed
24 to consumers.

25 (5) INPUT-TRANSPARENT ALGORITHM.—

1 (A) IN GENERAL.—The term “input-trans-
2 parent algorithm” means an algorithmic rank-
3 ing system that does not use the user-specific
4 data of a user to determine the selection, order,
5 relative prioritization, or relative prominence of
6 information that is furnished to such user on
7 an online platform, unless the user-specific data
8 is expressly provided to the platform by the
9 user for such purpose.

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

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

1 (ii) shall include the user’s current ap-
2 proximate geolocation information;

3 (iii) shall include data submitted to
4 the platform by the user that expresses the
5 user’s desire to receive particular informa-
6 tion, such as the social media profiles the
7 user follows, the video channels the user
8 subscribes to, or other content or sources
9 of content on the platform the user has se-
10 lected;

11 (iv) shall not include the history of
12 the user’s connected device, including the
13 user’s history of web searches and brows-
14 ing, previous geographical locations, phys-
15 ical activity, device interaction, and finan-
16 cial transactions; and

17 (v) shall not include inferences about
18 the user or the user’s connected device,
19 without regard to whether such inferences
20 are based on data described in clause (i) or
21 (iii).

22 (6) ONLINE PLATFORM.—The term “online
23 platform” means any public-facing website, online
24 service, online application, or mobile application that
25 predominantly provides a community forum for user-

1 generated content, such as sharing videos, images,
2 games, audio files, or other content, including a so-
3 cial media service, social network, or virtual reality
4 environment.

5 (7) OPAQUE ALGORITHM.—

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

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

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

22 (ii) such information is only used to
23 restrict a user’s access to content on the
24 basis that the individual is not old enough
25 to access such content.

1 (8) PRECISE GEOLOCATION INFORMATION.—

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

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

9 **SEC. 121. REQUIREMENT TO ALLOW USERS TO SEE**
10 **UNMANIPULATED CONTENT ON INTERNET**
11 **PLATFORMS.**

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

17 (b) OPAQUE ALGORITHM REQUIREMENTS.—

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

22 (A) The person provides users of the plat-
23 form with the following notices:

24 (i) Notice that the platform uses an
25 opaque algorithm that uses user-specific

1 data to select the content the user sees.
2 Such notice shall be presented in a clear
3 and conspicuous manner on the platform
4 whenever the user interacts with an opaque
5 algorithm for the first time, and may be a
6 one-time notice that can be dismissed by
7 the user.

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

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

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

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

1 the features, inputs, or parameters
2 used by the algorithm; and

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

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

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

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

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

23 (C) that is privileged.

24 (3) PROHIBITION ON DIFFERENTIAL PRIC-
25 ING.—An online platform shall not deny, charge dif-

1 ferent prices or rates for, or condition the provision
2 of a service or product to a user based on the user's
3 election to use an input-transparent algorithm in
4 their use of the platform, as provided under para-
5 graph (1)(B).

6 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
7 SION.—

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

14 (2) POWERS OF COMMISSION.—

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

23 (B) PRIVILEGES AND IMMUNITIES.—Any
24 person who violates this section shall be subject
25 to the penalties and entitled to the privileges

1 and immunities provided in the Federal Trade
2 Commission Act (15 U.S.C. 41 et seq.).

3 (C) AUTHORITY PRESERVED.—Nothing in
4 this section shall be construed to limit the au-
5 thority of the Commission under any other pro-
6 vision of law.

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

14 **Subtitle C—Relationship to State**
15 **Laws; Severability**

16 **SEC. 130. RELATIONSHIP TO STATE LAWS.**

17 The provisions of this title shall preempt any State
18 law, rule, or regulation only to the extent that such State
19 law, rule, or regulation conflicts with a provision of this
20 title. Nothing in this title shall be construed to prohibit
21 a State from enacting a law, rule, or regulation that pro-
22 vides greater protection to minors than the protection pro-
23 vided by the provisions of this title.

1 **SEC. 131. SEVERABILITY.**

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

6 **TITLE II—CHILDREN AND**
7 **TEEN’S ONLINE PRIVACY**

8 **SEC. 201. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**
9 **LETION OF PERSONAL INFORMATION OF**
10 **CHILDREN AND TEENS.**

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

14 (1) by amending paragraph (2) to read as fol-
15 lows:

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

17 “(A) means any person—

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

23 “(ii) who—

24 “(I) collects or maintains, either
25 directly or through a service provider,
26 personal information from or about

1 the users of that website, service, or
2 application;

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

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

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

18 (2) in paragraph (4)—

19 (A) by amending subparagraph (A) to read
20 as follows:

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

1 “(i) provides support for the internal
2 operations of the website, online service,
3 online application, or mobile application of
4 the operator, excluding any activity relat-
5 ing to individual-specific advertising to
6 children or teens; and

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

10 (B) in subparagraph (B)—

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

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

17 (iii) by striking “actual knowledge”
18 and inserting “actual knowledge or knowl-
19 edge fairly implied on the basis of objective
20 circumstances”;

21 (3) by striking paragraph (8) and inserting the
22 following:

23 “(8) PERSONAL INFORMATION.—

24 “(A) IN GENERAL.—The term ‘personal in-
25 formation’ means individually identifiable infor-

1 mation about an individual collected online, in-
2 cluding—

3 “(i) a first and last name;

4 “(ii) a home or other physical address
5 including street name and name of a city
6 or town;

7 “(iii) an e-mail address;

8 “(iv) a telephone number;

9 “(v) a Social Security number;

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

14 “(vii) a persistent identifier that can
15 be used to recognize a specific child or teen
16 over time and across different websites, on-
17 line services, online applications, or mobile
18 applications, including but not limited to a
19 customer number held in a cookie, an
20 Internet Protocol (IP) address, a processor
21 or device serial number, or unique device
22 identifier, but excluding an identifier that
23 is used by an operator solely for providing
24 support for the internal operations of the

1 website, online service, online application,
2 or mobile application;

3 “(viii) a photograph, video, or audio
4 file where such file contains a specific
5 child’s or teen’s image or voice;

6 “(ix) geolocation information;

7 “(x) information generated from the
8 measurement or technological processing of
9 an individual’s biological, physical, or phys-
10 iological characteristics that is used to
11 identify an individual, including—

12 “(I) fingerprints;

13 “(II) voice prints;

14 “(III) iris or retina imagery
15 scans;

16 “(IV) facial templates;

17 “(V) deoxyribonucleic acid
18 (DNA) information; or

19 “(VI) gait; or

20 “(xi) information linked or reasonably
21 linkable to a child or teen or the parents
22 of that child or teen (including any unique
23 identifier) that an operator collects online
24 from the child or teen and combines with

1 an identifier described in this subpara-
2 graph.

3 “(B) EXCLUSION.—The term ‘personal in-
4 formation’ shall not include an audio file that
5 contains a child’s or teen’s voice so long as the
6 operator—

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

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

13 “(iii) only uses the voice within the
14 audio file solely as a replacement for writ-
15 ten words, to perform a task, or engage
16 with a website, online service, online appli-
17 cation, or mobile application, such as to
18 perform a search or fulfill a verbal instruc-
19 tion or request; and

20 “(iv) only maintains the audio file
21 long enough to complete the stated purpose
22 and then immediately deletes the audio file
23 and does not make any other use of the
24 audio file prior to deletion.

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

4 “(i) IN GENERAL.—For purposes of
5 subparagraph (A)(vii), the term ‘support
6 for the internal operations of a website, on-
7 line service, online application, or mobile
8 application’ means those activities nec-
9 essary to—

10 “(I) maintain or analyze the
11 functioning of the website, online serv-
12 ice, online application, or mobile appli-
13 cation;

14 “(II) perform network commu-
15 nications;

16 “(III) authenticate users of, or
17 personalize the content on, the
18 website, online service, online applica-
19 tion, or mobile application;

20 “(IV) serve contextual adver-
21 tising, provided that any persistent
22 identifier is only used as necessary for
23 technical purposes to serve the contex-
24 tual advertisement, or cap the fre-
25 quency of advertising;

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

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

7 “(VII) fulfill a request of a child
8 or teen as permitted by subpara-
9 graphs (A) through (C) of section
10 1303(b)(2).

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

22 (4) by amending paragraph (9) to read as fol-
23 lows:

24 “(9) VERIFIABLE CONSENT.—The term
25 ‘verifiable consent’ means any reasonable effort (tak-

1 ing into consideration available technology), includ-
2 ing a request for authorization for future collection,
3 use, and disclosure described in the notice, to ensure
4 that, in the case of a child, a parent of the child,
5 or, in the case of a teen, the teen—

6 “(A) receives direct notice of the personal
7 information collection, use, and disclosure prac-
8 tices of the operator; and

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

12 “(i) the collection, use, and disclosure,
13 as applicable, of that personal information;
14 and

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

17 (5) in paragraph (10)—

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

23 (B) by striking “website or online service”
24 each place it appears and inserting “website,

1 online service, online application, or mobile ap-
2 plication”; and

3 (C) by adding at the end the following new
4 subparagraph:

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

15 (6) by adding at the end the following:

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

20 “(14) ONLINE APPLICATION.—The term ‘online
21 application’—

22 “(A) means an internet-connected software
23 program; and

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

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

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

5 “(i) a cellular telephone;

6 “(ii) a tablet computer; or

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

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

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

16 “(17) TEEN.—The term ‘teen’ means an indi-
17 vidual who has attained age 13 and is under the age
18 of 17.

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

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

1 linked or reasonably linkable to a child or teen
2 based on—

3 “(i) the personal information from—

4 “(I) the child or teen; or

5 “(II) a group of children or teens
6 who are similar in sex, age, household
7 income level, race, or ethnicity to the
8 specific child or teen to whom the
9 product or service is marketed;

10 “(ii) profiling of a child or teen or
11 group of children or teens; or

12 “(iii) a unique identifier of the con-
13 nected device.

14 “(B) EXCLUSIONS.—The term ‘individual-
15 specific advertising to children or teens’ shall
16 not include—

17 “(i) advertising or marketing to an in-
18 dividual or the device of an individual in
19 response to the individual’s specific request
20 for information or feedback, such as a
21 child’s or teen’s current search query;

22 “(ii) contextual advertising, such as
23 when an advertisement is displayed based
24 on the content of the website, online serv-
25 ice, online application, mobile application,

1 or connected device in which the advertise-
2 ment appears and does not vary based on
3 personal information related to the viewer;
4 or

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

10 “(C) RULE OF CONSTRUCTION.—Nothing
11 in subparagraph (A) shall be construed to pro-
12 hibit an operator with actual knowledge or
13 knowledge fairly implied on the basis of objec-
14 tive circumstances that a user is under the age
15 of 17 from delivering advertising or marketing
16 that is age-appropriate and intended for a child
17 or teen audience, so long as the operator does
18 not use any personal information other than
19 whether the user is under the age of 17.”.

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

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

5 (2) in subsection (a)—

6 (A) by amending paragraph (1) to read as
7 follows:

8 “(1) IN GENERAL.—It is unlawful for an oper-
9 ator of a website, online service, online application,
10 or mobile application directed to children or for any
11 operator of a website, online service, online applica-
12 tion, or mobile application with actual knowledge or
13 knowledge fairly implied on the basis of objective cir-
14 cumstances that a user is a child or teen—

15 “(A) to collect personal information from a
16 child or teen in a manner that violates the regu-
17 lations prescribed under subsection (b);

18 “(B) except as provided in subparagraphs
19 (B) and (C) of section 1302(18), to collect, use,
20 disclose to third parties, or maintain personal
21 information of a child or teen for purposes of
22 individual-specific advertising to children or
23 teens (or to allow another person to collect, use,
24 disclose, or maintain such information for such
25 purpose);

1 “(C) to collect the personal information of
2 a child or teen except when the collection of the
3 personal information is—

4 “(i) consistent with the context of a
5 particular transaction or service or the re-
6 lationship of the child or teen with the op-
7 erator, including collection necessary to
8 fulfill a transaction or provide a product or
9 service requested by the child or teen; or

10 “(ii) required or specifically author-
11 ized by Federal or State law; or

12 “(D) to store or transfer the personal in-
13 formation of a child or teen outside of the
14 United States unless the operator provides di-
15 rect notice to the parent of the child, in the
16 case of a child, or to the teen, in the case of
17 a teen, that the child’s or teen’s personal infor-
18 mation is being stored or transferred outside of
19 the United States; or

20 “(E) to retain the personal information of
21 a child or teen for longer than is reasonably
22 necessary to fulfill a transaction or provide a
23 service requested by the child or teen except as
24 required or specifically authorized by Federal or
25 State law.”; and

1 (B) in paragraph (2)—

2 (i) in the header, by striking “PAR-
3 ENT” and inserting “‘PARENT OR TEEN’”

4 (ii) by striking “Notwithstanding
5 paragraph (1)” and inserting “Notwith-
6 standing paragraph (1)(A)”;

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

9 (iv) by striking “subsection
10 (b)(1)(B)(iii) to the parent of a child” and
11 inserting “subsection (b)(1)(B)(iv) to the
12 parent of a child or under subsection
13 (b)(1)(C)(iv) to a teen”;

14 (3) in subsection (b)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (A)—

17 (I) by striking “operator of any
18 website” and all that follows through
19 “from a child” and inserting “oper-
20 ator of a website, online service, on-
21 line application, or mobile application
22 directed to children or that has actual
23 knowledge or knowledge fairly implied
24 on the basis of objective circumstances
25 that a user is a child or teen”;

1 (II) in clause (i)—

2 (aa) by striking “notice on
3 the website” and inserting “clear
4 and conspicuous notice on the
5 website”;

6 (bb) by inserting “or teens”
7 after “children”;

8 (cc) by striking “, and the
9 operator’s” and inserting “, the
10 operator’s”; and

11 (dd) by striking “; and” and
12 inserting “, the rights and oppor-
13 tunities available to the parent of
14 the child or teen under subpara-
15 graphs (B) and (C), and the pro-
16 cedures or mechanisms the oper-
17 ator uses to ensure that personal
18 information is not collected from
19 children or teens except in ac-
20 cordance with the regulations
21 promulgated under this para-
22 graph;”;

23 (III) in clause (ii)—

24 (aa) by striking “parental”;

1 (bb) by inserting “or teens”
2 after “children”;

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

6 (IV) by inserting after clause (ii)
7 the following new clause:

8 “(iii) to obtain verifiable consent from
9 a parent of a child or from a teen before
10 using or disclosing personal information of
11 the child or teen for any purpose that is a
12 material change from the original purposes
13 and disclosure practices specified to the
14 parent of the child or the teen under
15 clause (i);”;

16 (ii) in subparagraph (B)—

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

20 (II) in clause (i), by inserting
21 “and the method by which the oper-
22 ator obtained the personal informa-
23 tion, and the purposes for which the
24 operator collects, uses, discloses, and

1 retains the personal information” be-
2 fore the semicolon;

3 (III) in clause (ii)—

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

12 (bb) by striking “; and” and
13 inserting a semicolon;

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

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

23 (V) in clause (iv), as so redesign-
24 nated, by inserting “, if such informa-
25 tion is available to the operator at the

1 time the parent makes the request”

2 before the semicolon;

3 (iii) by redesignating subparagraphs

4 (C) and (D) as subparagraphs (D) and

5 (E), respectively;

6 (iv) by inserting after subparagraph

7 (B) the following new subparagraph:

8 “(C) require the operator to provide, upon

9 the request of a teen under this subparagraph

10 who has provided personal information to the

11 operator, upon proper identification of that

12 teen—

13 “(i) a description of the specific types

14 of personal information collected from the

15 teen by the operator, the method by which

16 the operator obtained the personal infor-

17 mation, and the purposes for which the op-

18 erator collects, uses, discloses, and retains

19 the personal information;

20 “(ii) the opportunity at any time to

21 delete personal information collected from

22 the teen or content or information sub-

23 mitted by the teen to a website, online

24 service, online application, or mobile appli-

25 cation and to refuse to permit the opera-

1 tor’s further use or maintenance in retriev-
2 able form, or online collection, of personal
3 information from the teen;

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

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

15 (v) in subparagraph (D), as so redes-
16 igned—

17 (I) by striking “a child’s” and in-
18 serting “a child’s or teen’s”; and

19 (II) by inserting “or teen” after
20 “the child”; and

21 (vi) by amending subparagraph (E),
22 as so redesignated, to read as follows:

23 “(E) require the operator to establish, im-
24 plement, and maintain reasonable security prac-
25 tices to protect the confidentiality, integrity,

1 and accessibility of personal information of chil-
2 dren or teens collected by the operator, and to
3 protect such personal information against unau-
4 thorized access.”;

5 (B) in paragraph (2)—

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

10 (ii) in subparagraph (A)—

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

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

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

18 (iii) in subparagraph (B)—

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

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

24 (iv) in subparagraph (C)—

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

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

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

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

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

11 “(3) APPLICATION TO OPERATORS ACTING
12 UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES
13 OR INSTITUTIONS.—The regulations may provide
14 that verifiable consent under paragraph (1)(A)(ii) is
15 not required for an operator that is acting under a
16 written agreement with an educational agency or in-
17 stitution (as defined in section 444 of the General
18 Education Provisions Act (commonly known as the
19 ‘Family Educational Rights and Privacy Act of
20 1974’) (20 U.S.C. 1232g(a)(3)) that, at a minimum,
21 requires the—

22 “(A) operator to—

23 “(i) limit its collection, use, and dis-
24 closure of the personal information from a

1 child or teen to solely educational purposes
2 and for no other commercial purposes;

3 “(ii) provide the educational agency or
4 institution with a notice of the specific
5 types of personal information the operator
6 will collect from the child or teen, the
7 method by which the operator will obtain
8 the personal information, and the purposes
9 for which the operator will collect, use, dis-
10 close, and retain the personal information;

11 “(iii) provide the educational agency
12 or institution with a link to the operator’s
13 online notice of information practices as
14 required under subsection (b)(1)(A)(i); and

15 “(iv) provide the educational agency
16 or institution, upon request, with a means
17 to review the personal information collected
18 from a child or teen, to prevent further use
19 or maintenance or future collection of per-
20 sonal information from a child or teen, and
21 to delete personal information collected
22 from a child or teen or content or informa-
23 tion submitted by a child or teen to the op-
24 erator’s website, online service, online ap-
25 plication, or mobile application;

1 “(B) representative of the educational
2 agency or institution to acknowledge and agree
3 that they have authority to authorize the collec-
4 tion, use, and disclosure of personal information
5 from children or teens on behalf of the edu-
6 cational agency or institution, along with such
7 authorization, their name, and title at the edu-
8 cational agency or institution; and

9 “(C) educational agency or institution to—

10 “(i) provide on its website a notice
11 that identifies the operator with which it
12 has entered into a written agreement
13 under this subsection and provides a link
14 to the operator’s online notice of informa-
15 tion practices as required under paragraph
16 (1)(A)(i);

17 “(ii) provide the operator’s notice re-
18 garding its information practices, as re-
19 quired under subparagraph (A)(ii), upon
20 request, to a parent, in the case of a child,
21 or a parent or teen, in the case of a teen;
22 and

23 “(iii) upon the request of a parent, in
24 the case of a child, or a parent or teen, in
25 the case of a teen, request the operator

1 provide a means to review the personal in-
2 formation from the child or teen and pro-
3 vide the parent, in the case of a child, or
4 parent or teen, in the case of the teen, a
5 means to review the personal informa-
6 tion.”;

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

9 “(4) TERMINATION OF SERVICE.—The regula-
10 tions shall permit the operator of a website, online
11 service, online application, or mobile application to
12 terminate service provided to a child whose parent
13 has refused, or a teen who has refused, under the
14 regulations prescribed under paragraphs (1)(B)(ii)
15 and (1)(C)(ii), to permit the operator’s further use
16 or maintenance in retrievable form, or future online
17 collection of, personal information from that child or
18 teen.”; and

19 (E) by adding at the end the following new
20 paragraphs:

21 “(5) CONTINUATION OF SERVICE.—The regula-
22 tions shall prohibit an operator from discontinuing
23 service provided to a child or teen on the basis of
24 a request by the parent of the child or by the teen,
25 under the regulations prescribed under subpara-

1 graph (B) or (C) of paragraph (1), respectively, to
2 delete personal information collected from the child
3 or teen, to the extent that the operator is capable of
4 providing such service without such information.

5 “(6) RULE OF CONSTRUCTION.—A request
6 made pursuant to subparagraph (B) or (C) of para-
7 graph (1) to delete or correct personal information
8 of a child or teen shall not be construed—

9 “(A) to limit the authority of a law en-
10 forcement agency to obtain any content or in-
11 formation from an operator pursuant to a law-
12 fully executed warrant or an order of a court of
13 competent jurisdiction;

14 “(B) to require an operator or third party
15 delete or correct information that—

16 “(i) any other provision of Federal or
17 State law requires the operator or third
18 party to maintain; or

19 “(ii) was submitted to the website, on-
20 line service, online application, or mobile
21 application of the operator by any person
22 other than the user who is attempting to
23 erase or otherwise eliminate the content or
24 information, including content or informa-

1 tion submitted by the user that was repub-
2 lished or resubmitted by another person; or
3 “(C) to prohibit an operator from—

4 “(i) retaining a record of the deletion
5 request and the minimum information nec-
6 essary for the purposes of ensuring compli-
7 ance with a request made pursuant to sub-
8 paragraph (B) or (C);

9 “(ii) preventing, detecting, protecting
10 against, or responding to security inci-
11 dents, identity theft, or fraud, or reporting
12 those responsible for such actions;

13 “(iii) protecting the integrity or secu-
14 rity of a website, online service, online ap-
15 plication or mobile application; or

16 “(iv) ensuring that the child’s or
17 teen’s information remains deleted.

18 “(7) COMMON VERIFIABLE CONSENT MECHA-
19 NISM.—

20 “(A) IN GENERAL.—

21 “(i) FEASIBILITY OF MECHANISM.—
22 The Commission shall assess the feasi-
23 bility, with notice and public comment, of
24 allowing operators the option to use a com-

1 mon verifiable consent mechanism that
2 fully meets the requirements of this title.

3 “(ii) REQUIREMENTS.—The feasibility
4 assessment described in clause (i) shall
5 consider whether a single operator could
6 use a common verifiable consent mecha-
7 nism to obtain verifiable consent, as re-
8 quired under this title, from a parent of a
9 child or from a teen on behalf of multiple,
10 listed operators that provide a joint or re-
11 lated service.

12 “(B) REPORT.—Not later than 1 year
13 after the date of enactment of this paragraph,
14 the Commission shall submit a report to the
15 Committee on Commerce, Science, and Trans-
16 portation of the Senate and the Committee on
17 Energy and Commerce of the House of Rep-
18 resentatives with the findings of the assessment
19 required by subparagraph (A).

20 “(C) REGULATIONS.—If the Commission
21 finds that the use of a common verifiable con-
22 sent mechanism is feasible and would meet the
23 requirements of this title, the Commission shall
24 issue regulations to permit the use of a common

1 verifiable consent mechanism in accordance
2 with the findings outlined in such report.”;

3 (4) in subsection (c), by striking “a regulation
4 prescribed under subsection (a)” and inserting “sub-
5 paragraph (B), (C), (D), or (E) of subsection (a)(1),
6 or of a regulation prescribed under subsection (b),”;
7 and

8 (5) by striking subsection (d) and inserting the
9 following:

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

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

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

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

23 “(d) PUBLICATION.—

24 “(1) IN GENERAL.—Subject to the restrictions
25 described in paragraph (2), the Commission shall

1 publish on the internet website of the Commission
2 any report or documentation required by regulation
3 to be submitted to the Commission to carry out this
4 section.

5 “(2) RESTRICTIONS ON PUBLICATION.—The re-
6 strictions described in section 6(f) and section 21 of
7 the Federal Trade Commission Act (15 U.S.C.
8 46(f), 57b–2) applicable to the disclosure of infor-
9 mation obtained by the Commission shall apply in
10 same manner to the disclosure under this subsection
11 of information obtained by the Commission from a
12 report or documentation described in paragraph
13 (1).”.

14 (d) ACTIONS BY STATES.—Section 1305 of the Chil-
15 dren’s Online Privacy Protection Act of 1998 (15 U.S.C.
16 6504) is amended—

17 (1) in subsection (a)(1)—

18 (A) in the matter preceding subparagraph
19 (A), by inserting “section 1303(a)(1) or” before
20 “any regulation”; and

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

24 (2) in subsection (d)—

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

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

5 (e) ADMINISTRATION AND APPLICABILITY OF ACT.—

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

8 (1) in subsection (b)—

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

17 (B) by striking paragraph (2) and redesignig-
18 nating paragraphs (3) through (6) as para-
19 graphs (2) through (5), respectively;

20 (2) in subsection (d)—

21 (A) by inserting “section 1303(a)(1) or”
22 before “a rule”; and

23 (B) by striking “such rule” and inserting
24 “section 1303(a)(1) or a rule of the Commis-
25 sion under section 1303”; and

1 (3) by adding at the end the following new sub-
2 sections:

3 “(f) DETERMINATION OF WHETHER AN OPERATOR
4 HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF
5 OBJECTIVE CIRCUMSTANCES.—

6 “(1) RULE OF CONSTRUCTION.—For purposes
7 of enforcing this title or a regulation promulgated
8 under this title, in making a determination as to
9 whether an operator has knowledge fairly implied on
10 the basis of objective circumstances that a specific
11 user is a child or teen, the Commission or State at-
12 torneys general shall rely on competent and reliable
13 evidence, taking into account the totality of the cir-
14 cumstances, including whether a reasonable and pru-
15 dent person under the circumstances would have
16 known that the user is a child or teen. Nothing in
17 this title, including a determination described in the
18 preceding sentence, shall be construed to require an
19 operator to—

20 “(A) affirmatively collect any personal in-
21 formation with respect to the age of a child or
22 teen that an operator is not already collecting
23 in the normal course of business; or

24 “(B) implement an age gating or age
25 verification functionality.

1 “(2) COMMISSION GUIDANCE.—

2 “(A) IN GENERAL.—Within 180 days of
3 enactment, the Commission shall issue guidance
4 to provide information, including best practices
5 and examples for operators to understand the
6 Commission’s determination of whether an op-
7 erator has knowledge fairly implied on the basis
8 of objective circumstances that a user is a child
9 or teen.

10 “(B) LIMITATION.—No guidance issued by
11 the Commission with respect to this title shall
12 confer any rights on any person, State, or local-
13 ity, nor shall operate to bind the Commission or
14 any person to the approach recommended in
15 such guidance. In any enforcement action
16 brought pursuant to this title, the Commission
17 or State attorney general, as applicable, shall
18 allege a specific violation of a provision of this
19 title. The Commission or State attorney gen-
20 eral, as applicable, may not base an enforce-
21 ment action on, or execute a consent order
22 based on, practices that are alleged to be incon-
23 sistent with any such guidance, unless the prac-
24 tices allegedly violate this title. For purposes of
25 enforcing this title or a regulation promulgated

1 under this title, State attorneys general shall
2 take into account any guidance issued by the
3 Commission under subparagraph (A).

4 “(g) **ADDITIONAL REQUIREMENT.**—Any regulations
5 issued under this title shall include a description and anal-
6 ysis of the impact of proposed and final Rules on small
7 entities per the Regulatory Flexibility Act of 1980 (5
8 U.S.C. 601 et seq.).”.

9 **SEC. 202. STUDY AND REPORTS OF MOBILE AND ONLINE**
10 **APPLICATION OVERSIGHT AND ENFORCE-**
11 **MENT.**

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

22 (1) this title, the amendments made by this
23 title, and rules promulgated under this title; and

24 (2) rules promulgated by the Commission under
25 section 18 of the Federal Trade Commission Act (15

1 U.S.C. 57a) relating to unfair or deceptive acts or
2 practices in marketing.

3 (b) ENFORCEMENT REPORT.—Not later than 1 year
4 after the date of enactment of this Act, and each year
5 thereafter, the Federal Trade Commission shall submit to
6 the Committee on Commerce, Science, and Transportation
7 of the Senate and the Committee on Energy and Com-
8 merce of the House of Representatives a report that ad-
9 dresses, at a minimum—

10 (1) the number of actions brought by the Com-
11 mission during the reporting year to enforce the
12 Children’s Online Privacy Protection Act of 1998
13 (15 U.S.C. 6501) (referred to in this subsection as
14 the “Act”) and the outcome of each such action;

15 (2) the total number of investigations or inquir-
16 ies into potential violations of the Act; during the re-
17 porting year;

18 (3) the total number of open investigations or
19 inquiries into potential violations of the Act as of the
20 time the report is submitted;

21 (4) the number and nature of complaints re-
22 ceived by the Commission relating to an allegation
23 of a violation of the Act during the reporting year;
24 and

1 (5) policy or legislative recommendations to
2 strengthen online protections for children and teens.

3 **SEC. 203. GAO STUDY.**

4 (a) **STUDY.**—The Comptroller General of the United
5 States (in this section referred to as the “Comptroller
6 General”) shall conduct a study on the privacy of teens
7 who use financial technology products. Such study shall—

8 (1) identify the type of financial technology
9 products that teens are using;

10 (2) identify the potential risks to teens’ privacy
11 from using such financial technology products; and

12 (3) determine whether existing laws are suffi-
13 cient to address such risks to teens’ privacy.

14 (b) **REPORT.**—Not later than 1 year after the date
15 of enactment of this section, the Comptroller General shall
16 submit to Congress a report containing the results of the
17 study conducted under subsection (a), together with rec-
18 ommendations for such legislation and administrative ac-
19 tion as the Comptroller General determines appropriate.

20 **SEC. 204. SEVERABILITY.**

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

1 **TITLE III—ELIMINATING**
2 **USELESS REPORTS**

3 **SEC. 301. SUNSETS FOR AGENCY REPORTS.**

4 (a) IN GENERAL.—Section 1125 of title 31, United
5 States Code, is amended—

6 (1) by redesignating subsection (c) as sub-
7 section (d);

8 (2) by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) DEFINITIONS.—In this section:

11 “(1) BUDGET JUSTIFICATION MATERIALS.—
12 The term ‘budget justification materials’ has the
13 meaning given the term in section 3(b)(2) of the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note; Public Law 109–
16 282).

17 “(2) PLAN OR REPORT.—The term ‘plan or re-
18 port’ means any plan or report submitted to Con-
19 gress, any committee of Congress, or subcommittee
20 thereof, by not less than 1 agency—

21 “(A) in accordance with Federal law; or

22 “(B) at the direction or request of a con-
23 gressional report.

1 issued by the Clerk of the House of Rep-
2 resentatives concerning the reports that
3 any agency is required by law or directed
4 or requested by a committee report to
5 make to Congress, any committee of Con-
6 gress, or subcommittee thereof.

7 “(iii) If applicable, the unique alpha-
8 numeric identifier for the recurring plan or
9 report as required by section
10 7243(b)(1)(C)(vii) of the James M. Inhofe
11 National Defense Authorization Act for
12 Fiscal Year 2023 (Public Law 117–263).

13 “(iv) The identification of any recur-
14 ring plan or report the head of the agency
15 determines to be outdated or duplicative.

16 “(B) With respect to each recurring plan
17 or report identified in subparagraph (A)(iv), the
18 following:

19 “(i) A recommendation on whether to
20 sunset, modify, consolidate, or reduce the
21 frequency of the submission of the recur-
22 ring plan or report.

23 “(ii) A citation to each provision of
24 law or directive or request in a congres-

1 sional report that requires or requests the
2 submission of the recurring plan or report.

3 “(iii) A list of the relevant congress-
4 sional committees for the recurring plan or
5 report.

6 “(C) A justification explaining, with re-
7 spect to each recommendation described in sub-
8 paragraph (B)(i) relating to a recurring plan or
9 report—

10 “(i) why the head of the agency made
11 the recommendation, which may include an
12 estimate of the resources expended by the
13 agency to prepare and submit the recur-
14 ring plan or report; and

15 “(ii) the understanding of the head of
16 the agency of the purpose of the recurring
17 plan or report.

18 “(2) AGENCY CONSULTATION.—

19 “(A) IN GENERAL.—In preparing the list
20 required under paragraph (1)(A), if, in submit-
21 ting a recurring plan or report, an agency is re-
22 quired to coordinate or consult with another
23 agency or entity, the head of the agency sub-
24 mitting the recurring plan or report shall con-

1 sult with the head of each agency or entity with
2 whom consultation or coordination is required.

3 “(B) INCLUSION IN LIST.—If, after a con-
4 sultation under subparagraph (A), the head of
5 each agency or entity consulted under that sub-
6 paragraph agrees that a recurring plan or re-
7 port is outdated or duplicative, the head of the
8 agency required to submit the recurring plan or
9 report shall—

10 “(i) include the recurring plan or re-
11 port in the list described in paragraph
12 (1)(A); and

13 “(ii) identify each agency or entity
14 with which the head of the agency is re-
15 quired to coordinate or consult in submit-
16 ting the recurring plan or report.

17 “(C) DISAGREEMENT.—If the head of any
18 agency or entity consulted under subparagraph
19 (A) does not agree that a recurring plan or re-
20 port is outdated or duplicative, the head of the
21 agency required to submit the recurring plan or
22 report shall not include the recurring plan or
23 report in the list described in paragraph (1)(A).

24 “(3) GOVERNMENT-WIDE OR MULTI-AGENCY
25 PLAN AND REPORT SUBMISSIONS.—With respect to

1 a recurring plan or report required to be submitted
2 by not less than 2 agencies, the Director of the Of-
3 fice of Management and Budget shall—

4 “(A) determine whether the requirement to
5 submit the recurring plan or report is outdated
6 or duplicative; and

7 “(B) make recommendations to Congress
8 accordingly.

9 “(4) PLAN AND REPORT SUBMISSIONS CON-
10 FORMITY TO THE ACCESS TO CONGRESSIONALLY
11 MANDATED REPORTS ACT.—With respect to an
12 agency recommendation, citation, or justification
13 made under subparagraph (B) or (C) of paragraph
14 (1) or a recommendation by the Director of the Of-
15 fice of Management and Budget under paragraph
16 (3), the agency or Director, as applicable, shall also
17 provide this information to the Director of the Gov-
18 ernment Publishing Office in conformity with the
19 agency submission requirements under section
20 7244(a) of the James M. Inhofe National Defense
21 Authorization Act for Fiscal Year 2023 (Public Law
22 117–263; chapter 41 of title 44 note) in conformity
23 with guidance issued by the Director of the Office of
24 Management and Budget under section 7244(b) of
25 such Act.

1 “(c) RULE OF CONSTRUCTION ON AGENCY REQUIRE-
2 MENTS.—Nothing in this section shall be construed to ex-
3 empt the head of an agency from a requirement to submit
4 a recurring plan or report.”; and

5 (3) in subsection (d), as so redesignated, by
6 striking “in the budget of the United States Govern-
7 ment, as provided by section 1105(a)(37)” and in-
8 serting “in the budget justification materials of each
9 agency”.

10 (b) BUDGET CONTENTS.—Section 1105(a) of title
11 31, United States Code, is amended by striking paragraph
12 (39).

13 (c) CONFORMITY TO THE ACCESS TO CONGRESSION-
14 ALLY MANDATED REPORTS ACT.—

15 (1) AMENDMENT.—Subsections (a) and (b) of
16 section 7244 of the James M. Inhofe National De-
17 fense Authorization Act for Fiscal Year 2023 (Pub-
18 lic Law 117–263; chapter 41 of title 44, United
19 States Code, note), are amended to read as follows:

20 “(a) SUBMISSION OF ELECTRONIC COPIES OF RE-
21 PORTS.—Not earlier than 30 days or later than 60 days
22 after the date on which a congressionally mandated report
23 is submitted to either House of Congress or to any com-
24 mittee of Congress or subcommittee thereof, the head of
25 the Federal agency submitting the congressionally man-

1 dated report shall submit to the Director the information
2 required under subparagraphs (A) through (D) of section
3 7243(b)(1) with respect to the congressionally mandated
4 report. Notwithstanding section 7246, nothing in this sub-
5 title shall relieve a Federal agency of any other require-
6 ment to publish the congressionally mandated report on
7 the online portal of the Federal agency or otherwise sub-
8 mit the congressionally mandated report to Congress or
9 specific committees of Congress, or subcommittees thereof.

10 “(b) GUIDANCE.—Not later than 180 days after the
11 date of the enactment of this subsection and periodically
12 thereafter as appropriate, the Director of the Office of
13 Management and Budget, in consultation with the Direc-
14 tor, shall issue guidance to agencies on the implementation
15 of this subtitle as well as the requirements of section
16 1125(b) of title 31, United States Code.”.

17 (2) UPDATED OMB GUIDANCE.—Not later than
18 180 days after the date of the enactment of this Act,
19 the Director of the Office of Management and Budg-
20 et shall issue updated guidance to agencies to ensure
21 that the requirements under subsections (a) and (b)
22 of section 1125 of title 31, United States Code, as
23 amended by this Act, for agency submissions of rec-
24 ommendations and justifications for plans and re-
25 ports to sunset, modify, consolidate, or reduce the

1 frequency of the submission of are also submitted as
2 a separate attachment in conformity with the agency
3 submission requirements of electronic copies of re-
4 ports submitted by agencies under section 7244(a)
5 of the James M. Inhofe National Defense Authoriza-
6 tion Act for Fiscal Year 2023 (Public Law 117–263;
7 chapter 41 of title 44, United States Code, note) for
8 publication on the online portal established under
9 section 7243 of such Act.