

THE KIDS INTERNET AND DIGITAL SAFETY (KIDS) ACT (CHAIRMAN GUTHRIE)

SECTION-BY-SECTION

Section 1. Short Title; Table of Contents.

This section provides the short title and the table of contents for the Act.

Section 2. Definitions.

This section provides definitions for terms used throughout the Act.

TITLE I. SHIELDING MINORS FROM OBSCENITY

This title includes sections 101-106, incorporating the Shielding Children’s Retinas from Egregious Exposure on the Net (SCREEN) Act (*H.R. 1623, Rep. Miller-IL*), which requires pornography websites to adopt technological age verification measures to ensure that a minor cannot access obscene content. Additionally, the title establishes data security requirements, prohibits pornographic websites from collecting data beyond what is minimally necessary to verify a user’s age, and prohibits retaining information longer than is necessary to demonstrate compliance.

TITLE II. ADDRESSING HARMS TO MINORS ON ONLINE PLATFORMS

Section 201. Definitions.

This section provides a definition for a covered platform.

Subtitle A. Kids Online Safety

This subtitle includes sections 201-221, incorporating the Kids Online Safety Act (KOSA) (*H.R. 6484, Rep. Bilirakis*), which mandates covered platforms adopt reasonable policies, practices, and procedures to address certain harms to minors. Covered platforms must also provide easy-to-use safeguards for minors and ensure that the most protective safeguards are enabled by default. A covered platform must provide tools for parents to help manage their child or teenager’s use of the platform, including safeguards that limit: communication features, the recommendation of a minor’s profile to other users, compulsive usage, sharing of geolocation information, and algorithm-powered personalized recommendation systems. A covered platform also must provide certain user disclosures and is prohibited from advertising illegal products to minors. This section increases transparency for covered platforms by requiring them to submit an independent audit to the Federal Trade Commission (FTC) outlining minors’ use of their platform, use of safeguards and parental tools, data collection practices, and other information.

Subtitle B. Safe Messaging for Kids

This subtitle includes sections 231-238, incorporating the Safe Messaging for Kids Act (*H.R. 6257, Rep. Dunn*), which prohibits covered platforms from offering disappearing messaging features on their platform for minors under the age of 17. This subtitle also prohibits direct messaging for children under the age of 13. It requires parental controls, activated and managed by verifiable parental consent, and default settings for minors related to direct messaging features.



Subtitle C. Stop Profiling Youth and Kids

This subtitle includes sections 241-245, incorporating the Stop Profiling Youth (SPY) and Kids Act (*H.R. 6273, Rep. Miller-Meeke*), which prohibits covered platforms from knowingly conducting product-focused or market research on individuals under 17 unless such research is used to improve the privacy, security, safety, and transparency of the covered platform.

TITLE III. SAFEGUARDING MINORS ON SOCIAL GAMING PLATFORMS

This title includes sections 301-304, incorporating the Safer Guarding of Adolescents from Malicious Interactions on Network Games (GAMING) Act (*H.R. 6265, Rep. Kean*), which requires a provider of an interactive online video game to offer safeguards to the parent of a user who is under the age of 17. The safeguards provided must allow the parent to limit communication between the minor and other users, the recommendation of a minor's profile to other users, financial transactions by the minor, and the amount of time spent by the minor playing the online video game. The communication safeguards must be enabled by default for minors to the most protective level of control, can only be disabled by the parent, and are able to be managed through a single interface.

TITLE IV. REQUIRING AI CHATBOT DISCLOSURES AND SAFEGUARDS

This title includes sections 401-407, incorporating the Safeguarding Adolescents From Exploitative (SAFE) Bots Act (*H.R. 6489, Rep. Houchin*), which requires chatbot platforms that knowingly interact with minors to disclose, in age-appropriate language, that the chatbot is an artificial intelligence system, along with suicide and crisis intervention hotline information. This section prohibits chatbots from stating that they are licensed professionals. The section also directs chatbot platforms to establish and implement policies to prevent certain harms to minors.

TITLE V. RESEARCH, EDUCATION, AND BEST PRACTICES FOR PROTECTING CHILDREN ONLINE

Section 501. Definitions.

This section provides definitions for terms used in this title.

Part 1, Subtitle A. Safe Social Media Act

This part includes sections 511-512, incorporating the Safe Social Media Act (*H.R. 6290, Reps. Bentz and Schrier*), which directs the FTC and the Department of Health and Human Services to study how social media use impacts kids' privacy, mental health, development and the impacts of extended social media use.

Part 2, Subtitle A. No Fentanyl on Social Media Act

This part includes sections 513-514, incorporating the No Fentanyl on Social Media Act (*H.R. 6259, Reps. Evans and Dingell*), which directs the FTC, in collaboration with the Departments of Justice and Health and Human Services, to produce a report on the role of social media in enabling access to fentanyl by minors. The report would examine aspects of the issue ranging from the impact of this access to minors and how drug traffickers use social media to sell fentanyl, to the role design characteristics of social media platforms play in facilitating access, along with actions by social media companies, law enforcement, and others that could help to prevent access to fentanyl. The report also directs the FTC to consult with relevant stakeholders and provide recommendations for Congress.



Part 3, Subtitle A. Assessing Safety Tools for Parents Act

This part includes sections 515-516, incorporating the Assessing Safety Tools for Parents Act (*H.R. 6499, Reps. Fulcher and Landsman*), which directs the FTC to evaluate what is effectively working to protect children online through education, parental controls, age-appropriate content labels, and privacy and safety settings. The FTC is required to submit a report to Congress on the review and include recommendations.

Part 4, Subtitle A. Study on Chatbots and Mental Health of Minors

This part includes sections 517-519, which direct the Secretary of Health and Human Services to conduct a longitudinal study on the effects of chatbots on the mental health of minors, including on loneliness, anxiety, social skill building, social isolation, depression, self-harm, and suicidal ideation

Part 1, Subtitle B. Promoting a Safe Internet for Minors Act

This part includes sections 521-522, incorporating the Promoting a Safe Internet for Minors Act (*H.R. 6289, Reps. Lee-FL and Soto*), which directs the FTC to conduct a nationwide education campaign to promote safe internet use by minors, including through encouraging best practices for educators, parents, platforms, and minors, facilitating information sharing on the latest trends negatively impacting minors online, and enabling access to publicly available online safety education and public awareness efforts. This section also requires the FTC to submit an annual report to Congress.

Part 2, Subtitle B. AI Warnings and Resources for Education (AWARE) Act

This part includes sections 523-524, incorporating the The AI Warnings And Resources for Education (AWARE) Act (*H.R. 5360, Reps. Houchin and Auchincloss*), which directs the FTC to develop and make publicly available educational resources for parents, educators, and minors on privacy and data collection practices, best practices for parental supervision of minors' use of AI chatbots, and how to identify safe and unsafe AI chatbot use. The educational resources must be modeled on those developed by the FTC's Youville program.

Subtitle C. Partnerships and Best Practices

This subtitle includes sections 525-526, incorporating The Kids Internet Safety Partnership Act (*H.R. 6437, Reps. Fry and Landsman*), which directs the Secretary of Commerce to form a partnership with Federal agencies and stakeholders to identify online harms to minors and share evidence-based solutions for keeping children safe. The Partnership is directed to publish a report on the efficacy of safeguards for minors and parental tools used by online services and mobile applications, along with a playbook of widely accepted or evidence-based best practices related to age verification, assurance, and estimation techniques; design features; parental tools; default privacy and account settings; third-party safety software services; and limitations and opt-outs related to personalized recommendation systems and chatbots.

TITLE VI. GENERAL PROVISIONS

This title includes Sections 601-605, which provide general provisions for the entire Act, including enforcement by the FTC and State Attorneys General, judicial review and exclusive jurisdiction, severability, effective date, and rules of construction.



ADDITIONAL LEGISLATION

I. H.R. 6291, COPPA 2.0 (Reps. Walberg, and Lee-FL)

The Children and Teens' Online Privacy Protection Act will update COPPA's existing protections and expand them to children and teens under 17. This will strengthen kids' online privacy protections related to the collection, use, maintenance, and disclosure of their personal information. The bill bans targeted advertising to kids and teens and requires direct notice if data is being stored or transferred to a foreign adversary. This bill is enforced by the FTC.

II. H.R. 2657, Sammy's Law (Reps. Wasserman Schultz and Carter-GA)

Sammy's Law requires large social media platform providers to create, maintain, and make available to third-party safety software providers a set of real-time application programming interfaces, through which a child or a child's parent or legal guardian may delegate permission to a third-party safety software provider to manage the child's online interactions, content, and account settings and provide visibility into the child's online engagement. Third-party safety software providers are required to register with the FTC, receive annual audits, take measures to protect a child's data, and are prohibited from selling data collected by the third-party safety software provider. This bill is enforced by the FTC.

III. H.R. 3149, App Store Accountability Act (Rep. James)

The App Store Accountability Act requires app store providers to request age information from individuals at the time of account creation, verify the individual's age, and, if that individual is a minor, obtain verifiable parental consent from an affiliated parental account to download apps or make in-app purchases. The bill places additional requirements on app store providers, which include protecting the confidentiality of personal data and prominently displaying any age rating information. The bill provides options for developers to signal to an app store that they do not want minors downloading their app at all and allows a developer to rely on their own age determination if they have clear and convincing evidence that their age signal is more accurate than the app store signal. The bill directs the FTC to issue guidance on compliance and is enforced by the FTC as well as State Attorneys General.

