

118TH CONGRESS  
1ST SESSION

# H. R. 5778

To require 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 parent or legal guardian of a child may delegate permission to a third-party safety software provider to manage the online interactions, content, and account settings of such child on the large social media platform on the same terms as such child, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Ms. WASSERMAN SCHULTZ (for herself, Mr. CARTER of Georgia, Ms. SCHRIER, and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require 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 parent or legal guardian of a child may delegate permission to a third-party safety software provider to manage the online interactions, content, and account settings of such child on the large social media platform on the same terms as such child, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sammy’s Law of  
3 2023”.

4 **SEC. 2. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) parents and legal guardians should be em-  
7 powered to use the services of third-party safety  
8 software providers to protect the children of such  
9 parents and legal guardians from certain harms on  
10 large social media platforms; and

11 (2) dangers like cyberbullying, human traf-  
12 ficking, illegal drug distribution, sexual harassment,  
13 and violence perpetrated, facilitated, or exacerbated  
14 through the use of certain large social media plat-  
15 forms have harmed children on such platforms.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) CHILD.—The term “child” means any indi-  
19 vidual under the age of 17 years who has registered  
20 an account with a large social media platform.

21 (2) COMMERCE.—The term “commerce” has  
22 the meaning given such term in section 4 of the  
23 Federal Trade Commission Act (15 U.S.C. 44).

24 (3) COMMISSION.—The term “Commission”  
25 means the Federal Trade Commission.

1           (4) LARGE SOCIAL MEDIA PLATFORM.—The  
2 term “large social media platform”—

3           (A) means a service—

4           (i) provided through an internet  
5 website or a mobile application (or both);

6           (ii) the terms of service of which do  
7 not prohibit the use of the service by a  
8 child;

9           (iii) with any feature or features that  
10 enable a child to share images, text, or  
11 video through the internet with other users  
12 of the service whom such child has met,  
13 identified, or become aware of solely  
14 through the use of the service; and

15           (iv) that has more than 100,000,000  
16 monthly global active users or generates  
17 more than \$1,000,000,000 in gross rev-  
18 enue per year, adjusted yearly for inflation;  
19 and

20           (B) does not include—

21           (i) a service that primarily serves—

22           (I) to facilitate—

23           (aa) the sale or provision of  
24 professional services; or

1 (bb) the sale of commercial  
2 products; or

3 (II) to provide news or informa-  
4 tion, where the service does not offer  
5 the ability for content to be sent by a  
6 user directly to a child; or

7 (ii) a service that—

8 (I) has a feature that enables a  
9 user who communicates directly with  
10 a child through a message (including  
11 a text, audio, or video message) not  
12 otherwise available to other users of  
13 the service to add other users to that  
14 message that such child may not have  
15 otherwise met, identified, or become  
16 aware of solely through the use of the  
17 service; and

18 (II) does not have any feature or  
19 features described in subparagraph  
20 (A)(iii).

21 (5) LARGE SOCIAL MEDIA PLATFORM PRO-  
22 VIDER.—The term “large social media platform pro-  
23 vider” means any person who, for commercial pur-  
24 poses in or affecting commerce, provides, manages,  
25 operates, or controls a large social media platform.

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

6           (7) THIRD-PARTY SAFETY SOFTWARE PRO-  
7 VIDER.—The term “third-party safety software pro-  
8 vider” means any person who, for commercial pur-  
9 poses in or affecting commerce, is authorized by a  
10 child (if the child is 13 years of age or older) or a  
11 parent or legal guardian of a child to interact with  
12 a large social media platform to manage the online  
13 interactions, content, or account settings of such  
14 child for the sole purpose of protecting such child  
15 from harm, including physical or emotional harm.

16           (8) USER DATA.—The term “user data” means  
17 any information needed to have a profile on a large  
18 social media platform or content on a large social  
19 media platform, including images, video, audio, or  
20 text, that is created by or sent to a child on or  
21 through the account of such child with such plat-  
22 form, but only—

23                   (A) if the information or content is created  
24                   by or sent to such child while a delegation

1 under section 4(a) is in effect with respect to  
2 the account; and

3 (B) during a 30-day period beginning on  
4 the date on which the information or content is  
5 created by or sent to such child.

6 **SEC. 4. PROVIDING ACCESS TO THIRD-PARTY SAFETY SOFT-**  
7 **WARE.**

8 (a) DUTY OF LARGE SOCIAL MEDIA PLATFORM PRO-  
9 VIDERS.—

10 (1) IN GENERAL.—Not later than 30 days after  
11 the effective date of this Act (in the case of a service  
12 that is a large social media platform on such effec-  
13 tive date) or not later than 30 days after a service  
14 becomes a large social media platform (in the case  
15 of a service that becomes a large social media plat-  
16 form after such effective date), the large social  
17 media platform provider shall create, maintain, and  
18 make available to any third-party safety software  
19 provider registered with the Commission under sub-  
20 section (b)(1) a set of third-party-accessible real-  
21 time application programming interfaces, including  
22 any information necessary to use such interfaces, by  
23 which a child (if the child is 13 years of age or  
24 older) or a parent or legal guardian of a child may

1 delegate permission to the third-party safety soft-  
2 ware provider to—

3 (A) manage the online interactions, con-  
4 tent, and account settings of such child on the  
5 large social media platform on the same terms  
6 as such child; and

7 (B) initiate secure transfers of user data  
8 from the large social media platform in a com-  
9 monly-used and machine-readable format to the  
10 third-party safety software provider, where the  
11 frequency of such transfers may not be limited  
12 by the large social media platform provider to  
13 less than once per hour.

14 (2) REVOCATION.—Once a child or a parent or  
15 legal guardian of a child makes a delegation under  
16 paragraph (1), the large social media platform pro-  
17 vider shall make the application programming inter-  
18 faces and information described in such paragraph  
19 available to the third-party safety software provider  
20 on an ongoing basis until—

21 (A) the child (if the child made the delega-  
22 tion) or the parent or legal guardian of such  
23 child revokes the delegation;

24 (B) the child or a parent or legal guardian  
25 of such child revokes or disables the registra-

1           tion of the account of such child with the large  
2           social media platform;

3           (C) the third-party safety software pro-  
4           vider rejects the delegation; or

5           (D) one or more of the affirmations made  
6           by the third-party safety software provider  
7           under subsection (b)(1)(A) is no longer true.

8           (3) SECURE TRANSFER OF USER DATA.—A  
9           large social media platform provider shall establish  
10          and implement reasonable policies, practices, and  
11          procedures regarding the secure transfer of user  
12          data pursuant to a delegation under paragraph (1)  
13          from the large social media platform to a third-party  
14          safety software provider in order to mitigate any  
15          risks related to user data.

16          (4) DISCLOSURE.—In the case of a delegation  
17          made by a child or a parent or legal guardian of a  
18          child under paragraph (1) with respect to the ac-  
19          count of such child with a large social media plat-  
20          form, the large social media platform provider  
21          shall—

22                 (A) disclose to such child and (if the par-  
23                 ent or legal guardian made the delegation) the  
24                 parent or legal guardian the fact that the dele-  
25                 gation has been made;



1 (B) provide to such child and (if such par-  
2 ent or legal guardian made the delegation) such  
3 parent or legal guardian a summary of the user  
4 data that is transferred to the third-party safe-  
5 ty software provider; and

6 (C) update the summary provided under  
7 subparagraph (B) as necessary to reflect any  
8 change to the user data that is transferred to  
9 the third-party safety software provider.

10 (b) REGISTRATION WITH COMMISSION.—

11 (1) THIRD-PARTY SAFETY SOFTWARE PRO-  
12 VIDERS.—

13 (A) REGISTRATION.—A third-party safety  
14 software provider shall register with the Com-  
15 mission as a condition of accessing an applica-  
16 tion programming interface and any informa-  
17 tion under subsection (a). Such registration  
18 shall require the third-party safety software  
19 provider to affirm that the third-party safety  
20 software provider—

21 (i) is a company based in the United  
22 States;

23 (ii) is solely engaged in the business  
24 of internet safety;

1 (iii) will use any user data obtained  
2 under subsection (a) solely for the purpose  
3 of protecting a child from harm;

4 (iv) will only disclose user data ob-  
5 tained under subsection (a) as permitted  
6 by subsection (f); and

7 (v) will disclose, in an easy-to-under-  
8 stand, human-readable format, to each  
9 child with respect to whose account with a  
10 large social media platform the service of  
11 the third-party safety software provider is  
12 operating and (if a parent or legal guard-  
13 ian of the child made the delegation under  
14 subsection (a) with respect to the account)  
15 to the parent or legal guardian, sufficient  
16 information detailing the operation of the  
17 service and what information the third-  
18 party safety software provider is collecting  
19 to enable such child and (if applicable)  
20 such parent or legal guardian to make in-  
21 formed decisions regarding the use of the  
22 service.

23 (B) NOTIFICATION OF CHANGES.—Not  
24 later than 30 days after the date on which  
25 there is a change to an affirmation made under

1           subparagraph (A) by a third-party safety soft-  
2           ware provider that is registered under such sub-  
3           paragraph, the provider shall notify the fol-  
4           lowing about such change:

5                   (i) The Commission.

6                   (ii) Each child with respect to whose  
7                   account with a large social media platform  
8                   the service of the third-party safety soft-  
9                   ware provider is operating and (if a parent  
10                  or legal guardian of the child made the del-  
11                  egation under subsection (a) with respect  
12                  to the account) the parent or legal guard-  
13                  ian.

14           (C) DEREGISTRATION BY COMMISSION.—

15           The Commission shall establish a process to  
16           deregister a third-party safety software provider  
17           that the Commission determines—

18                   (i) has violated or misrepresented the  
19                   affirmations made under subparagraph  
20                   (A); or

21                   (ii) has not notified the Commission,  
22                   a child, or a parent or legal guardian of a  
23                   child of a change to such an affirmation as  
24                   required by subparagraph (B).

1 (D) NOTIFICATION OF  
2 DEREGISTRATION.—

3 (i) NOTIFICATION OF LARGE SOCIAL  
4 MEDIA PLATFORM PROVIDERS BY COMMIS-  
5 SION.—If the Commission deregisters a  
6 third-party safety software provider under  
7 subparagraph (C), the Commission shall  
8 notify each large social media platform  
9 provider of—

10 (I) the deregistration of the  
11 third-party safety software provider;  
12 and

13 (II) the specific reason for the  
14 deregistration.

15 (ii) NOTIFICATION OF CHILDREN AND  
16 PARENTS OR LEGAL GUARDIANS BY LARGE  
17 SOCIAL MEDIA PLATFORM PROVIDERS.—A  
18 large social media platform provider that  
19 receives a notification from the Commis-  
20 sion under clause (i) that a third-party  
21 safety software provider has been  
22 deregistered by the Commission under sub-  
23 paragraph (C) shall notify each child with  
24 respect to whose account with the large so-  
25 cial media platform the service of the

1 third-party safety software provider was  
2 operating and (if a parent or legal guard-  
3 ian of the child made the delegation under  
4 subsection (a) with respect to the account)  
5 the parent or legal guardian of—

6 (I) the deregistration of such  
7 third-party safety software provider;  
8 and

9 (II) the specific reason for such  
10 deregistration provided by the Com-  
11 mission under clause (i)(II).

12 (2) LARGE SOCIAL MEDIA PLATFORMS.—

13 (A) REGISTRATION.—Not later than 30  
14 days after the effective date of this Act (in the  
15 case of a service that is a large social media  
16 platform on such effective date) or not later  
17 than 30 days after a service becomes a large so-  
18 cial media platform (in the case of a service  
19 that becomes a large social media platform  
20 after such effective date), the large social media  
21 platform provider of the platform shall register  
22 the platform with the Commission by submit-  
23 ting to the Commission a statement indicating  
24 that the platform is a large social media plat-  
25 form.

1 (B) DEREGISTRATION BY COMMISSION.—

2 The Commission shall establish a process to  
3 deregister a service registered under subpara-  
4 graph (A) if the service is no longer a large so-  
5 cial media platform. The Commission shall per-  
6 mit the person who provides, manages, oper-  
7 ates, or controls a service registered under sub-  
8 paragraph (A) to submit to the Commission in-  
9 formation indicating that the service is no  
10 longer a large social media platform.

11 (3) PUBLIC AVAILABILITY OF REGISTRATION

12 LISTS.—The Commission shall make publicly avail-  
13 able on the internet website of the Commission a list  
14 of the third-party safety software providers reg-  
15 istered under paragraph (1), a list of the large social  
16 media platforms registered under paragraph (2), and  
17 a list of the third-party safety software providers  
18 deregistered by the Commission under paragraph  
19 (1)(C).

20 (c) AUTHENTICATION.—Not later than 180 days  
21 after the date of the enactment of this Act, the Commis-  
22 sion shall issue guidance to facilitate the ability of a third-  
23 party safety software provider to obtain user data or ac-  
24 cess under subsection (a) in a manner that ensures that

1 a request for user data or access on behalf of a child is  
2 a verifiable request.

3 (d) GUIDANCE AND CONSUMER EDUCATION.—The  
4 Commission shall—

5 (1) not later than 180 days after the date of  
6 the enactment of this Act, issue guidance for large  
7 social media platform providers and third-party safe-  
8 ty software providers regarding the maintenance of  
9 reasonable safety standards to protect user data;  
10 and

11 (2) educate consumers regarding the rights of  
12 consumers under this Act.

13 (e) INDEMNIFICATION.—In any civil action in Fed-  
14 eral or State court (other than an action brought by the  
15 Commission), a large social media platform provider may  
16 not be held liable for damages arising out of the transfer  
17 of user data to a third-party safety software provider  
18 under subsection (a), if the large social media platform  
19 provider has in good faith complied with the requirements  
20 of this Act and the guidance issued by the Commission  
21 under this Act.

22 (f) USER DATA DISCLOSURE.—

23 (1) PERMITTED DISCLOSURES.—A third-party  
24 safety software provider may not disclose any user

1 data obtained under subsection (a) to any other per-  
2 son except—

3 (A) pursuant to a lawful request from a  
4 government body, including for law enforcement  
5 purposes or for judicial or administrative pro-  
6 ceedings by means of a court order or a court-  
7 ordered warrant, a subpoena or summons  
8 issued by a judicial officer, or a grand jury sub-  
9 poena;

10 (B) to the extent that such disclosure is re-  
11 quired by law and such disclosure complies with  
12 and is limited to the relevant requirements of  
13 such law;

14 (C) to the child or a parent or legal guard-  
15 ian of the child who made a delegation under  
16 such subsection and whose data is at issue, with  
17 such third-party safety software provider mak-  
18 ing a good faith effort to ensure that such dis-  
19 closure includes only the user data necessary  
20 for a reasonable parent or caregiver to under-  
21 stand that such child is experiencing (or is at  
22 foreseeable risk to experience) the following  
23 harms—

24 (i) suicide;

25 (ii) anxiety;



- 1 (iii) depression;
- 2 (iv) eating disorders;
- 3 (v) violence, including being the victim  
4 of or planning to commit or facilitate as-  
5 sault;
- 6 (vi) substance abuse;
- 7 (vii) fraud;
- 8 (viii) severe forms of trafficking in  
9 persons (as defined in section 103 of the  
10 Trafficking Victims Protection Act of 2000  
11 (22 U.S.C. 7102));
- 12 (ix) sexual abuse;
- 13 (x) physical injury;
- 14 (xi) harassment;
- 15 (xii) sexually explicit conduct or child  
16 pornography (as defined in section 2256 of  
17 title 18, United States Code);
- 18 (xiii) terrorism (as defined in section  
19 140(d) of the Foreign Relations Authoriza-  
20 tion Act, Fiscal Years 1988 and 1989 (22  
21 U.S.C. 2656f(d))), including communica-  
22 tions with or in support of a foreign ter-  
23 rorist organization (as designated by the  
24 Secretary of State under section 219(a) of

1 the Immigration and Nationality Act (8  
2 U.S.C. 1189(a));

3 (xiv) academic dishonesty, including  
4 cheating, plagiarism, and other forms of  
5 academic dishonesty that are intended to  
6 gain an unfair academic advantage; and

7 (xv) sharing personal information,  
8 limited to—

9 (I) home address;

10 (II) phone number;

11 (III) social security number; and

12 (IV) personal banking informa-  
13 tion;

14 (D) in the case of a reasonably foreseeable  
15 serious and imminent threat to the health or  
16 safety of any individual, if the disclosure is  
17 made to a person or persons reasonably able to  
18 prevent or lessen the threat; or

19 (E) to a public health authority or other  
20 appropriate government authority authorized by  
21 law to receive reports of child abuse or neglect.

22 (2) DISCLOSURE REPORTING.—A third-party  
23 safety software provider that makes a disclosure per-  
24 mitted by paragraph (1)(A), (1)(B), (1)(D), or  
25 (1)(E) shall promptly inform the child with respect

1 to whose account with a large social media platform  
2 the delegation was made under subsection (a) and  
3 (if a parent or legal guardian of the child made the  
4 delegation) the parent or legal guardian that such a  
5 disclosure has been or will be made, except if—

6 (A) the third-party safety software pro-  
7 vider, in the exercise of professional judgment,  
8 believes informing such child or parent or legal  
9 guardian would place such child at risk of seri-  
10 ous harm; or

11 (B) the third-party safety software pro-  
12 vider is prohibited by law (including a valid  
13 order by a court or administrative body) from  
14 informing such child or parent or legal guard-  
15 ian.

16 **SEC. 5. IMPLEMENTATION AND ENFORCEMENT.**

17 (a) ENFORCEMENT.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
19 TICES.—A violation of this Act shall be treated as  
20 a violation of a rule defining an unfair or deceptive  
21 act or practice prescribed under section 18(a)(1)(B)  
22 of the Federal Trade Commission Act (15 U.S.C.  
23 57a(a)(1)(B)).

24 (2) POWERS OF COMMISSION.—

1           (A) IN GENERAL.—The Commission shall  
2           enforce this Act in the same manner, by the  
3           same means, and with the same jurisdiction,  
4           powers, and duties as though all applicable  
5           terms and provisions of the Federal Trade  
6           Commission Act (15 U.S.C. 41 et seq.) were in-  
7           corporated into and made a part of this Act.

8           (B) PRIVILEGES AND IMMUNITIES.—Any  
9           person who violates this Act shall be subject to  
10          the penalties and entitled to the privileges and  
11          immunities provided in the Federal Trade Com-  
12          mission Act (15 U.S.C. 41 et seq.).

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

16          (b) FTC GUIDANCE.—Not later than 180 days after  
17          the date of the enactment of this Act, the Commission  
18          shall issue guidance to assist large social media platform  
19          providers and third-party safety software providers in  
20          complying with this Act.

21          (c) COMPLIANCE ASSESSMENT.—The Commission,  
22          on a biannual basis, shall assess compliance by large social  
23          media platform providers and third-party safety software  
24          providers with the provisions of this Act.

1 (d) COMPLAINTS.—The Commission shall establish  
2 procedures under which a child, or the parent or legal  
3 guardian of such child, a large social media platform pro-  
4 vider, or a third-party safety software provider may file  
5 a complaint alleging that a large social media platform  
6 provider or a third-party safety software provider has vio-  
7 lated this Act.

8 **SEC. 6. ONE NATIONAL STANDARD.**

9 (a) IN GENERAL.—No State or political subdivision  
10 of a State may maintain, enforce, prescribe, or continue  
11 in effect any law, rule, regulation, requirement, standard,  
12 or other provision having the force and effect of law of  
13 the State, or political subdivision of a State, related to  
14 requiring large social media platform providers to create,  
15 maintain, and make available to third-party safety soft-  
16 ware providers a set of real-time application programming  
17 interfaces, through which a child or a parent or legal  
18 guardian of a child may delegate permission to a third-  
19 party safety software provider to manage the online inter-  
20 actions, content, and account settings of such child on a  
21 large social media platform on the same terms as such  
22 child.

23 (b) RULE OF CONSTRUCTION.—This section may not  
24 be construed to—

1           (1) limit the enforcement of any consumer pro-  
2           tection law of a State or political subdivision of a  
3           State;

4           (2) preempt the applicability of State trespass,  
5           contract, or tort law; or

6           (3) preempt the applicability of any State law  
7           to the extent that the law relates to acts of fraud,  
8           unauthorized access to personal information, or noti-  
9           fication of unauthorized access to personal informa-  
10          tion.

11 **SEC. 7. EFFECTIVE DATE.**

12          This Act shall take effect on the date on which the  
13          Commission issues guidance under section 5(b).

○