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S. 5090

To require operating system providers to require users to indicate their age and developers of applications, covered internet website operators, and browser providers to request a signal from operating system providers that indicates a user’s age, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2026

Mr. KIM (for himself, Ms. LUMMIS, Mr. SCHIFF, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require operating system providers to require users to indicate their age and developers of applications, covered internet website operators, and browser providers to request a signal from operating system providers that indicates a user’s age, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Digital Age Assurance
5 Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AGE BRACKET DATA.—The term “age
2 bracket data” means non-personally identifiable data
3 derived from a user’s date of birth or age for the
4 purpose of sharing information to indicate the user’s
5 age range, including whether a user—

6 (A) has not attained 13 years of age;

7 (B) has attained 13 years of age but not
8 16 years of age;

9 (C) has attained 16 years of age but not
10 17 years of age; or

11 (D) has attained 17 years of age.

12 (2) APPLICATION.—

13 (A) IN GENERAL.—The term “application”
14 means a software program that may be run or
15 directed by a user on a covered device.

16 (B) EXCEPTIONS.—The term “applica-
17 tion” does not include—

18 (i) telecommunications services (as de-
19 fined in section 3(53) of the Communica-
20 tions Act of 1934 (47 U.S.C. 153(53))); or

21 (ii) a software component that is not
22 offered to users as a standalone software
23 program through an application store.

24 (3) APPLICATION STORE.—

1 (A) IN GENERAL.—The term “application
2 store” means an application, online service, or
3 platform that distributes and facilitates the
4 download of applications from third party devel-
5 opers by users of a covered device.

6 (B) EXCEPTION.—The term “application
7 store” does not include an online service or
8 platform that distributes extensions, plug-ins,
9 add-ons, or other software components that run
10 exclusively within a separate host application.

11 (4) BROWSER.—The term “browser” means an
12 application that enables a user to visit an internet
13 website.

14 (5) BROWSER PROVIDER .—The term “browser
15 provider” means a person that owns, maintains, or
16 controls a browser for use on a covered device.

17 (6) CHILD.—The term “child” means an indi-
18 vidual who has not attained 17 years of age.

19 (7) COMMISSION.—The term “Commission”
20 means the Federal Trade Commission.

21 (8) COVERED DEVICE.—The term “covered de-
22 vice” means a computer, mobile device, or other gen-
23 eral purpose computing device that has the capa-
24 bility to run an operating system.

1 (9) COVERED INTERNET WEBSITE.—The term
2 “covered internet website” means an internet
3 website that is required under Federal or State law
4 to verify the age of a user prior to granting such
5 user access to content or services provided on such
6 internet website.

7 (10) COVERED INTERNET WEBSITE OPER-
8 ATOR.—The term “covered internet website oper-
9 ator” means a person that owns, maintains, or con-
10 trols a covered internet website that is required
11 under Federal or State law to verify the age of a
12 user prior to granting to such user access to content
13 or services provided on such covered internet
14 website.

15 (11) DEVELOPER.—The term “developer”
16 means a person that owns, maintains, or controls an
17 application (including an application store).

18 (12) OPERATING SYSTEM PROVIDER.—The
19 term “operating system provider” means a person
20 that develops, licenses, or controls the operating sys-
21 tem software on a covered device.

22 (13) SIGNAL.—The term “signal” means the
23 age bracket data of a user—

24 (A) sent by a real-time secure application
25 programming interface or operating system to a

1 developer, browser provider, or covered internet
 2 website operator; or

3 (B) communicated by a browser provider
 4 to a covered internet website operator in any
 5 technically feasible manner.

6 (14) USER.—The term “user” means an indi-
 7 vidual who primarily uses a covered device.

8 (15) VERIFIABLE CREDENTIAL.—The term
 9 “verifiable credential” means a tamper-evident, cryp-
 10 tographically signed digital credential that—

11 (A) enables a user to demonstrate such
 12 user’s age or age bracket data; and

13 (B) discloses no other information regard-
 14 ing such user.

15 (16) ZERO-KNOWLEDGE PROOF.—The term
 16 “zero-knowledge proof” means a cryptographic
 17 method by which a user demonstrates the age brack-
 18 et data of a user without revealing any information
 19 beyond what is necessary to establish such age
 20 bracket data (such as the exact age, date of birth,
 21 or other personal information of the user).

22 **SEC. 3. REQUIREMENTS FOR OPERATING SYSTEM PRO-**
 23 **VIDERS.**

24 (a) IN GENERAL.—

1 (1) REQUIREMENTS.—Subject to paragraph
2 (2), each operating system provider shall—

3 (A) for each covered device, subject to
4 clause (ii), require that in order to use the oper-
5 ating system of the provider on such device—

6 (i) with respect to an account created
7 on or after the effective date, require each
8 user to establish an account with the pro-
9 vider through a process that requires the
10 user to indicate the date of birth and age
11 of the user; and

12 (ii) with respect to an account existing
13 as of the effective date, unless the oper-
14 ating system provider knows the age of the
15 user for purposes of compliance with any
16 legal obligation, administration of its own
17 terms of services or policies, or confirming
18 authorization for any purchase within an
19 application, require the user who is the ac-
20 count holder to provide the date of birth
21 and age of such user;

22 (B) using the information described in sub-
23 paragraph (A)—

1 (i) classify such information into age
2 bracket data associated with such user;
3 and

4 (ii) provide to a developer, browser
5 provider, or covered internet website oper-
6 ator who has requested a signal with re-
7 spect to a user a signal containing the age
8 bracket data of a user through a reliable
9 real-time application programming inter-
10 face, using, where technically feasible, in
11 an interoperable format, and subject to
12 paragraph (3), a verifiable credential or
13 zero-knowledge proof;

14 (C) if the information described in sub-
15 paragraph (A) indicates that a user is a child,
16 require that the child link their account to the
17 account of a parent or legal guardian; and

18 (D) provide each user or parent or legal
19 guardian of a user if such user is a child with
20 a mechanism to allow such user or parent or
21 legal guardian to view the age bracket data of
22 such user.

23 (2) EXCEPTIONS.—

24 (A) EMERGENCY PHONE CALLS.—The re-
25 quirements described in paragraph (1) shall not

1 apply in the event that a user is using an oper-
 2 ating system to make an emergency phone call.

3 (B) EMANCIPATED MINORS.—The require-
 4 ment described in paragraph (1)(C) shall not
 5 apply to a child who is an emancipated minor.

6 (3) CONSENSUS BASED INTEROPERABILITY
 7 STANDARDS.—An operating system provider that
 8 uses a verifiable credential or zero-knowledge proof
 9 to send a signal pursuant to paragraph (1)(B)(ii)
 10 shall send such signal in a manner that is consistent
 11 with widely adopted, consensus-based interoper-
 12 ability standards.

13 (b) LIMITATION ON USE AND DEIDENTIFICATION OF
 14 AGE BRACKET DATA.—An operating system provider —

15 (1) shall—

16 (A) only send age bracket data in accord-
 17 ance with subsection (a)(1)(B)(ii);

18 (B) employ reasonable security safeguards
 19 to protect such data;

20 (C) only retain such data that is necessary
 21 to generate and transmit a signal under sub-
 22 section (a)(1)(B)(ii); and

23 (D) when a user deletes the account associ-
 24 ated with the operating system of such pro-

1 vider, deidentify or securely delete such data as-
2 sociated with such account; and

3 (2) except as provided in subsection
4 (a)(1)(B)(ii), may not share such data with a third
5 party.

6 (c) OPERATING SYSTEM PROVIDER SAFE HARBOR.—

7 An operating system provider acting in good faith to com-
8 ply with this section shall not be liable if there is an elec-
9 trical or internet outage or other technical error that pre-
10 vents such provider from providing a signal to a developer
11 under subsection (a)(1)(B)(ii).

12 (d) CONFLICTING AGE INFORMATION.—If an oper-
13 ating system provider receives clear and convincing infor-
14 mation that a user’s age is different than the age range
15 indicated in the age bracket data contained in the signal
16 provided pursuant to subsection (a)(1)(B) from a devel-
17 oper or covered internet website operator under section
18 4(c)(1)(B), such operating system provider shall—

19 (1) verify the age of the user; and

20 (2) provide an updated signal regarding such
21 user to each developer, browser provider, or covered
22 internet website operator that was provided the
23 original signal with respect to such user.

1 **SEC. 4. REQUIREMENTS FOR DEVELOPERS AND COVERED**
2 **INTERNET WEBSITE OPERATORS.**

3 (a) REQUESTING AGE BRACKET DATA.—

4 (1) IN GENERAL.—A developer and covered
5 internet website operator shall—

6 (A) for each application of the developer or
7 covered internet website of a covered internet
8 website operator published or updated on or
9 after the effective date of this Act, each time a
10 user downloads and uses such application or ac-
11 cesses such covered internet website on a cov-
12 ered device for the first time, request a signal
13 from an operating system provider or, with re-
14 spect to a covered internet website operator, the
15 browser provider from which the covered inter-
16 net website is being accessed;

17 (B) for each application of the developer or
18 covered internet website of a covered internet
19 website operator published or updated before
20 the effective date of this Act, not later than 7
21 months after such date, with respect to an ap-
22 plication, each time a user uses such application
23 request a signal from an operating system pro-
24 vider or, with respect to a covered internet
25 website operator, request a signal once from the

1 browser provider from which the website is
2 being accessed; and

3 (C) use the age bracket data contained in
4 a signal—

5 (i) except as described under sub-
6 section (c) and subject to paragraph (2),
7 as the primary indicator of a user's age;
8 and

9 (ii) to comply with any applicable law
10 or policy of an application store regarding
11 age requirements for a user of such appli-
12 cation or covered internet website.

13 (2) ACTUAL KNOWLEDGE.—If a developer or
14 covered internet website operator has received a sig-
15 nal with respect to a user pursuant to paragraph
16 (1), such developer or covered internet website oper-
17 ator shall be deemed to have actual knowledge of the
18 age bracket data of such user across all platforms
19 and points of access of the application of the devel-
20 oper or covered internet website of the covered inter-
21 net website operator.

22 (b) COMPLYING WITH INTERNAL POLICIES.—It shall
23 be unlawful for a developer or covered internet website op-
24 erator to allow a user to access an application of such de-
25 veloper or covered internet website of such operator if—

1 (1) the developer or covered internet website op-
 2 erator has determined that access to such applica-
 3 tion, a feature of such application, or covered inter-
 4 net website is inappropriate for users within a cer-
 5 tain age bracket; and

6 (2) the age bracket data of such user contained
 7 in a signal indicates that the user falls within such
 8 age bracket.

9 (c) OTHER AGE INFORMATION.—

10 (1) IN GENERAL.—Subject to paragraph (2), if
 11 a developer or covered internet website operator has
 12 clear and convincing information that a user’s age is
 13 different than the age range indicated in the age
 14 bracket data contained in the signal requested under
 15 subparagraph (A) or (B) of subsection (a)(1), such
 16 developer or covered internet website operator
 17 shall—

18 (A) until the developer or covered internet
 19 website operator receives an updated signal
 20 from an operating system provider pursuant to
 21 paragraph (2), use such clear and convincing
 22 information as the primary indicator of the age
 23 of such user;

24 (B) to the extent technically feasible,
 25 transmit such clear and convincing information

1 to the operating system provider from which
2 such developer or covered internet website oper-
3 ator received the signal regarding such user by
4 using the same mechanism such developer or
5 covered internet website operator used to re-
6 ceive such signal; and

7 (C) provide a notice containing a general
8 description of such clear and convincing infor-
9 mation to—

10 (i) such user; or

11 (ii) if such user is a child, the parent
12 or legal guardian whose account is linked
13 to the account of the user pursuant to sec-
14 tion 3(a)(1)(C).

15 (2) CONFLICTING AGE INFORMATION.—If a de-
16 veloper or covered internet website operator receives
17 an updated signal from an operating system provider
18 pursuant to section 3(d)(2), such developer or cov-
19 ered internet website operator shall use the age
20 bracket data contained in such updated signal with
21 respect to such user.

22 (3) OPPORTUNITY TO CORRECT.—A developer
23 or internet website operator that provides a notice
24 described in paragraph (1)(C) shall—

1 (A) provide a mechanism through which a
2 user or the parent or legal guardian of a user
3 whose account is linked to a user pursuant to
4 section 3(a)(1)(C) may provide updated age in-
5 formation; and

6 (B) not later than 30 days after receiving
7 such updated age information, provide such
8 user or parent or legal guardian with a deter-
9 mination with respect to the age information of
10 the user.

11 (d) USE OF INFORMATION.—A developer or covered
12 internet website operator may not—

13 (1) request more information about a user from
14 an operating system provider than the signal de-
15 scribed in subparagraph (A) or (B) of subsection
16 (a)(1); or

17 (2) share the signal or age bracket data con-
18 tained in the signal with a third party.

19 (e) DEVELOPER AND COVERED INTERNET WEBSITE
20 OPERATOR SAFE HARBOR.—A developer or covered inter-
21 net website operator acting in good faith to comply with
22 this section shall not be liable for conduct resulting from
23 an erroneous signal indicating a user's age range received
24 from an operating system provider pursuant to section

1 3(a)(B)(ii) or an application store pursuant to section
 2 5(a).

3 **SEC. 5. REQUIREMENTS FOR DEVELOPERS OF APPLICA-**
 4 **TION STORES AND BROWSER PROVIDERS.**

5 (a) DEVELOPERS OF APPLICATION STORES.—A de-
 6 veloper of an application store shall—

7 (1) the first time a user accesses the application
 8 store on a covered device, request a signal from an
 9 operating system provider; and

10 (2) provide such signal to another developer
 11 upon request.

12 (b) BROWSER PROVIDERS.—A browser provider
 13 shall—

14 (1) the first time a user accesses the browser
 15 on a covered device, request a signal from an oper-
 16 ating system provider; and

17 (2) provide such signal to a covered internet
 18 website operator upon request.

19 **SEC. 6. REQUIREMENTS FOR DEVELOPERS, COVERED**
 20 **INTERNET WEBSITE OPERATORS, AND OPER-**
 21 **ATING SYSTEM PROVIDERS REGARDING**
 22 **DATA USE MINIMIZATION.**

23 A developer, covered internet website operator, or op-
 24 erating system provider may not—

1 (1) collect more data regarding a user than is
 2 necessary to—

3 (A) generate age bracket data and trans-
 4 mit or receive a signal; or

5 (B) perform the basic functions of an ap-
 6 plication, covered internet website, or operating
 7 system;

8 (2) sell age bracket data contained in a signal;

9 (3) use age bracket data for profiling, engage-
 10 ment optimization, or targeted advertising; or

11 (4) combine age bracket data with other per-
 12 sonal or inferred information regarding a user.

13 **SEC. 7. PROHIBITING TARGETED ADVERTISING TO, AND**
 14 **DATA MONETIZATION OF, CHILDREN.**

15 (a) TARGETED ADVERTISING.—

16 (1) IN GENERAL.—It shall be unlawful for any
 17 person to engage in targeted advertising to a user
 18 the person knows, or reasonably should know, is a
 19 child.

20 (2) CLARIFICATION.—Nothing in this sub-
 21 section shall be construed to prohibit contextual ad-
 22 vertising that does not rely on personal data or be-
 23 havioral profiling.

24 (b) DATA MONETIZATION.—It shall be unlawful for
 25 any person to sell, license, rent, trade, transfer, release,

1 disclose, provide access to, or otherwise make available to
2 a data broker the personal data of a user the person
3 knows, or reasonably should know, is a child.

4 **SEC. 8. ENFORCEMENT.**

5 (a) ENFORCEMENT BY THE COMMISSION.—

6 (1) UNFAIR OR DECEPTIVE ACTS.—A violation
7 of section 3, 4, 5, 6, or 7, or a regulation promul-
8 gated thereunder shall be treated as a violation of a
9 rule defining an unfair or deceptive act or practice
10 prescribed under section 18(a)(1)(B) of the Federal
11 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

12 (2) POWERS OF COMMISSION.—

13 (A) IN GENERAL.—The Commission shall
14 enforce this Act and any regulation promul-
15 gated under this Act, by the same means, and
16 with the same jurisdiction, powers, and duties
17 as though all applicable terms and provisions of
18 the Federal Trade Commission Act (15 U.S.C.
19 41 et seq.) were incorporated into and made a
20 part of this Act.

21 (B) PRIVILEGES AND IMMUNITIES.—Ex-
22 cept as provided in subparagraph (D), any per-
23 son who violates section 3, 4, 5, 6, or 7 or any
24 regulation promulgated thereunder, shall be
25 subject to the penalties and entitled to the

1 privileges and immunities provided in the Fed-
2 eral Trade Commission Act (15 U.S.C. 41 et
3 seq.).

4 (C) AUTHORITY PRESERVED.—Nothing in
5 this Act shall be construed to limit the author-
6 ity of the Commission under any other provi-
7 sion of law.

8 (D) CIVIL PENALTIES.—

9 (i) IN GENERAL.—In addition to any
10 other penalties as may be prescribed by
11 law, each violation of section 3, 4, 5, 6, or
12 7 or a regulation promulgated thereunder,
13 shall carry a civil penalty not to exceed—

14 (I) for a negligent violation,

15 \$2,500; and

16 (II) for a knowing or intentional
17 violation, \$7,500.

18 (ii) AFFECTED CHILDREN.—In any
19 case in which a violation of section 3, 4, 5,
20 6, or 7 affected a child (as determined by
21 the Commission), the penalties described in
22 clause (i) may be multiplied by the number
23 of children affected.

24 (E) RULEMAKING.—Not later than 1 year
25 after the date of enactment of this Act, the

1 Commission shall promulgate in accordance
2 with section 553 of title 5, United States Code,
3 such rules as may be necessary to carry out this
4 Act.

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

7 (1) IN GENERAL.—In any case in which the at-
8 torney general of a State has reason to believe that
9 an interest of the residents of the State has been or
10 is threatened or adversely affected by the engage-
11 ment of any person in an act or practice that vio-
12 lates section 3, 4, 5, 6, or 7, the attorney general
13 of the State may, as *parens patriae*, bring a civil ac-
14 tion on behalf of the residents of the State in an ap-
15 propriate district court of the United States or a
16 State court of appropriate jurisdiction to—

17 (A) enjoin any further such violation by
18 such person;

19 (B) enforce compliance with such section;

20 (C) obtain a permanent, temporary, or pre-
21 liminary injunction;

22 (D) obtain damages, restitution, or other
23 compensation on behalf of residents of the
24 State; or

1 (E) obtain such other relief as the court
2 may consider appropriate.

3 (2) RIGHTS OF THE COMMISSION.—

4 (A) NOTICE TO THE COMMISSION.—

5 (i) IN GENERAL.—Except as provided
6 in clause (ii), before initiating a civil action
7 under paragraph (1), the attorney general
8 of a State shall provide to the Commission
9 a written notice of such action and a copy
10 of the complaint for such action.

11 (ii) EXCEPTION.—If the attorney gen-
12 eral determines that it is not feasible to
13 provide the notice described in clause (i)
14 before initiating a civil action under para-
15 graph (1), the attorney general shall pro-
16 vide written notice of the action and a copy
17 of the complaint to the Commission imme-
18 diately upon initiating the civil action.

19 (B) INTERVENTION.—The Commission
20 may—

21 (i) intervene in any civil action
22 brought by the attorney general under
23 paragraph (1); and

24 (ii) upon intervening—

1 (I) if applicable, remove the ac-
2 tion to an appropriate United States
3 district court;

4 (II) be heard on all matters aris-
5 ing in the civil action; and

6 (III) file petitions for appeal of a
7 decision in the civil action.

8 (3) INVESTIGATORY POWERS.—Nothing in this
9 subsection may be construed to prevent the attorney
10 general of a State from exercising the powers con-
11 ferred on the attorney general by the laws of the
12 State to conduct investigations, to administer oaths
13 or affirmations, or to compel the attendance of wit-
14 nesses or the production of documentary or other
15 evidence.

16 (4) LIMITATION ON STATE ACTION WHILE FED-
17 ERAL ACTION IS PENDING.—If the Commission has
18 instituted a civil action for a violation of section 3,
19 4, 5, 6, or 7, no State attorney general may, without
20 the approval of the Commission, bring an action
21 under this subsection during the pendency of that
22 action against any defendant named in the com-
23 plaint of the Commission for any violation of this
24 section alleged in the complaint.

25 (5) VENUE; SERVICE OF PROCESS.—

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

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

7 (ii) another court of competent juris-
8 diction.

9 (B) SERVICE OF PROCESS.—In an action
10 brought under paragraph (1) in a district court
11 of the United States, process may be served in
12 any district in which—

13 (i) the defendant is an inhabitant,
14 may be found, or transacts business; or

15 (ii) venue is proper under section
16 1391 of title 28, United States Code.

17 (c) SAFE HARBOR.—An operating system provider,
18 covered internet website operator, or developer acting in
19 good faith to comply with this Act shall not be liable under
20 this Act if a user inputs inaccurate information under sec-
21 tion 3(a)(1).

22 **SEC. 9. PROHIBITION ON ANTICOMPETITIVE PRACTICES.**

23 (a) CONSISTENT AGE-RELATED REQUIREMENTS.—
24 An operating system provider or an application store pro-
25 vider shall, with respect to an application developed by a

1 third party, impose age-related restrictions and obligations
2 on the application and distribution of the application that
3 are the same as or less restrictive than the restrictions
4 and obligations it imposes on its own applications and dis-
5 tribution of its own applications.

6 (b) USE OF COLLECTED DATA.—An operating sys-
7 tem provider or an application store may not use age
8 bracket data collected from a third party with respect to
9 the applications or distribution of the applications of the
10 third party to engage in anticompetitive behavior with re-
11 spect to the third party, including by—

12 (1) offering the applications or services of the
13 operating system provider or application store at
14 terms and conditions such that users will prefer such
15 applications or services to the applications or serv-
16 ices of a third party; and

17 (2) using age bracket data.

18 (c) INTEROPERABLE CREDENTIALING.—An oper-
19 ating system provider or application store may not require
20 a developer, browser provider, or covered internet website
21 operator to use a proprietary software development kit,
22 licensing agreement, or other exclusive technical depend-
23 ency as a condition of verifying a signal, unless such re-
24 quirement is reasonably necessary to ensure security, pri-

1 vacy, fraud prevention, or the integrity of the verification
2 process.

3 (d) ENFORCEMENT.—

4 (1) UNLAWFUL METHOD OF COMPETITION.—A
5 violation of this section or a regulation promulgated
6 under this section shall be deemed to be an unlawful
7 method of competition in violation of section 5 of the
8 Federal Trade Commission Act (15 U.S.C. 45) and
9 a per se violation of section 1 of the Sherman Act
10 (15 U.S.C. 1).

11 (2) ENFORCEMENT.—

12 (A) IN GENERAL.—The Commission shall
13 enforce this section and any regulation promul-
14 gated under this section in the same manner,
15 by the same means, and with the same jurisdic-
16 tion, powers, and duties as though all applicable
17 terms and provisions of the Federal Trade
18 Commission Act (15 U.S.C. 41 et seq.) were in-
19 corporated into and made a part of this section.

20 (B) ENFORCEMENT AUTHORITIES.—

21 (i) FEDERAL TRADE COMMISSION.—If
22 the Federal Trade Commission has reason
23 to believe that a person violated this sec-
24 tion, and in so doing, committed a viola-
25 tion of section 5 of the Federal Trade

1 Commission Act (15 U.S.C. 45), the Com-
2 mission may commence a civil action, in its
3 own name by any of its attorneys des-
4 ignated by it for such purpose, to recover
5 a civil penalty and seek other appropriate
6 relief.

7 (ii) ATTORNEY GENERAL.—The Attor-
8 ney General shall enforce this section in
9 the same manner, by the same means, and
10 with the same jurisdiction, powers and du-
11 ties as though all applicable terms of the
12 Sherman Act (15 U.S.C. 1 et seq.), Clay-
13 ton Act (15 U.S.C. 12 et seq.), and Anti-
14 trust Civil Process Act (15 U.S.C. 1311 et
15 seq.) were incorporated into and made a
16 part of this section.

17 (iii) STATE ATTORNEYS GENERAL.—
18 Any attorney general of a State shall en-
19 force this section in the same manner, by
20 the same means, and with the same juris-
21 diction, powers and duties as though all
22 applicable terms of the Sherman Act (15
23 U.S.C. 1 et seq.) and the Clayton Act (15
24 U.S.C. 12 et seq.) were incorporated into
25 and made a part of this section.

1 **SEC. 10. RULES OF CONSTRUCTION AND OTHER MATTERS.**

2 Nothing in this Act shall be construed to—

3 (1) preempt section 444 of the General Edu-
4 cational Provisions Act (20 U.S.C. 1232g) (com-
5 monly known as the “Family Educational Rights
6 and Privacy Act of 1974”) or any other Federal or
7 State law governing student privacy;

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

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

14 (4) expand, limit, or alter the meaning or scope
15 of section 230 of the Communications Act of 1934
16 (47 U.S.C. 230);

17 (5) require—

18 (A) except as provided in sections 3, 4, and
19 5 an operating system provider, covered inter-
20 net website operator, application store, browser
21 provider, or developer to affirmatively collect
22 personal data with respect to a user’s age be-
23 yond what an operating system provider, cov-
24 ered internet website operator, application
25 store, browser provider, or developer collects in
26 their normal course of business; or

1 (B) any person to verify the age of a user
2 through—

3 (i) the collection of a government-
4 issued identification document, biometric
5 information, or other sensitive personal in-
6 formation; or

7 (ii) facial age estimation technology;

8 (6) restrict the ability of an operating system
9 provider, covered internet website operator, devel-
10 oper, browser provider, or application store to—

11 (A) cooperate with law-enforcement agen-
12 cies regarding activity reasonably believed to
13 violate Federal, State, or local law;

14 (B) comply with lawful civil, criminal, or
15 regulatory process, including a subpoena or
16 summons;

17 (C) investigate, establish, or defend legal
18 claims; or

19 (D) prevent, detect, or respond to security
20 incidents, fraud, or other illegal activity; or

21 (7) require a particular technological method of
22 generating, transmitting, or verifying a signal.

23 **SEC. 11. EFFECTIVE DATE.**

24 This Act shall take effect on the date that is 18
25 months after the date of the enactment of this Act.

1 **SEC. 12. SEVERABILITY.**

2 If any provision or application of this Act is held in-
3 valid, the remainder of such Act shall remain in effect.

4 **SEC. 13. RELATIONSHIP TO OTHER LAWS.**

5 The provisions of this Act shall preempt any State
6 law or regulation only to the extent that such State law
7 or regulation conflicts with a provision of this Act. Noth-
8 ing in this Act or any regulation promulgated thereunder
9 shall be construed to prohibit or otherwise affect the en-
10 actment or enforcement of any Federal law or regulation
11 or State law or regulation that is at least as protective
12 of individuals as this Act and the regulations promulgated
13 thereunder.

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