

S.L.C.


AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.

S. 414

To require covered digital advertising platforms to report
their public service advertisements.

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 Mr. SULLIVAN

Viz:

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advancing Digital Sup-
5 port for Mental Health Services Act” or the “ADS for
6 Mental Health Services Act”.

7 **SEC. 2. DIGITAL ADVERTISING PLATFORMS PUBLIC SERV-
8 ICE ADVERTISING REPORTING.**

9 (a) IN GENERAL.—Subject to subsection (e), not
10 later than 1 year after the date of enactment of this sec-
11 tion and annually thereafter, a covered digital advertising

1 platform shall submit to the Commission a report that in-
2 cludes the following:

3 (1) The number and percentage of total adver-
4 tisements on the platform during the previous 12-
5 month period that were public service advertise-
6 ments.

7 (2) The estimated dollar value of such public
8 service advertisements.

9 (3) The number of such public service adver-
10 tisements that focus on local or regional mental and
11 behavioral health care resources.

12 (4) The number of such public service adver-
13 tisements that promote free mental or behavioral
14 health care resources.

15 (5) A description of how such advertisements
16 meet the definition of a public service advertisement
17 as described in subsection (c)(2).

18 (b) REPORT TO CONGRESS.—Not later than 180 days
19 after receiving the reports required under subsection (a),
20 and annually thereafter, the Commission shall submit to
21 the Committee on Commerce, Science, and Transportation
22 of the Senate and the Committee on Energy and Com-
23 merce of the House of Representatives a publicly available
24 report summarizing the information reported under such
25 subsection.

1 (c) DEFINITIONS.—In this Act:

2 (1) COMMISSION.—The term “Commission”
3 means the Federal Trade Commission.

4 (2) PUBLIC SERVICE ADVERTISEMENT.—The
5 term “public service advertisement” means an adver-
6 tisement that—

7 (A) a covered digital advertising platform
8 electronically serves to a user over the internet
9 for free and without receiving any payment or
10 other consideration in exchange;

11 (B) promotes mental or behavioral health
12 care resources that—

13 (i) raise awareness of community
14 events to address social isolation; or

15 (ii) promote local or regional mental
16 health care resources that are approved by
17 the Substance Abuse and Mental Health
18 Services Administration that mitigate—

19 (I) self-harm, suicide, eating dis-
20 orders, substance abuse, and similar
21 matters that cause harm to physical
22 and mental health;

23 (II) patterns of behavioral addic-
24 tion; or

25 (III) social isolation; and

1 (C) is relevant and accessible to targeted
2 audiences.

3 (3) COVERED DIGITAL ADVERTISING PLAT-
4 FORM.—The term “covered digital advertising plat-
5 form” means a social media platform, public-facing
6 website, online service, online application, or mobile
7 application that—

8 (A) derives revenue from advertising;

9 (B) as its primary function provides a
10 community forum for user-generated content,
11 including messages, videos, and audio files
12 among users where such content is primarily in-
13 tended for viewing, resharing, or platform-en-
14 abled distributed social endorsement or com-
15 ment; and

16 (C) has more than 100,000,000 unique
17 monthly users or visitors.

18 (4) USER.—The term “user” means, with re-
19 spect to a covered digital advertising platform, an
20 individual who registers an account or creates a pro-
21 file on such platform.

22 (d) RELATIONSHIP TO OTHER LAWS.—Nothing in
23 this Act shall be construed to supersede any applicable pri-
24 vacy or data security laws.

1 (e) SUNSET.—This Act and all requirements, respon-
2 sibilities, and obligations under this Act shall terminate
3 on the date that is 5 years after the date of the enactment
4 of this Act.