

[DISCUSSION DRAFT]

119TH CONGRESS
1ST SESSION

H. R. _____

To protect the safety of minors on the internet, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BILIRAKIS introduced the following bill; which was referred to the
Committee on _____

A BILL

To protect the safety of minors on the internet, 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; TABLE OF CONTENTS.**

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Preventing harm to minors.
- Sec. 4. Safeguards for minors.
- Sec. 5. Disclosure.

Sec. 6. Audit; report.
Sec. 7. Enforcement.
Sec. 8. Kids Online Safety Council.
Sec. 9. Rules of construction.
Sec. 10. Relationship to State laws.
Sec. 11. Effective date.
Sec. 12. Severability.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

5 (2) COMMISSION.—The term “Commission”
6 means the Federal Trade Commission.

7 (3) COMPULSIVE USAGE.—The term “compul-
8 sive usage” means a persistent and repetitive use of
9 a covered platform that substantially limits one or
10 more major life activities of an individual (described
11 in section 3(2) of the Americans with Disabilities
12 Act of 1990 (42 U.S.C. 12102(2))).

13 (4) COVERED PLATFORM.—The term “covered
14 platform” means a platform that is a website, soft-
15 ware, application, or electronic service connected to
16 the internet that—

17 (A) is publicly available for use by con-
18 sumers;

19 (B) enables the creation of a username or
20 user identifier—

21 (i) that is searchable on the platform;

22 and

1 (ii) that can be followed by or is simi-
2 larly accessible to other users of the plat-
3 form;

4 (C) as the predominant purpose of the
5 platform, facilitates the sharing and access to
6 user-generated content through text, images,
7 video, audio, or any other interactive medium;

8 (D) uses a design feature to promote
9 user engagement on the platform; and

10 (E) uses the personal information of the
11 user to advertise, market, or make content rec-
12 ommendations.

13 (5) DESIGN FEATURE.—The term “design fea-
14 ture”—

15 (A) means any feature or component of a
16 covered platform that encourages or increases
17 the frequency, time spent, or activity of a user
18 on the covered platform; and

19 (B) includes any of the following:

20 (i) Infinite scrolling or auto play.

21 (ii) Rewards or incentives based on
22 the frequency, time spent, or activity of a
23 user on the covered platform.

24 (iii) Notifications and push alerts.

1 (iv) Badges or other visual award
2 symbols based on the frequency, time
3 spent, or activity of a minor on the covered
4 platform.

5 (v) Appearance altering filters.

6 (6) KNOW; KNOWS.—The term “know” or
7 “knows” means to have actual knowledge or to have
8 acted in willful disregard.

9 (7) MINOR.—The term “minor” means an indi-
10 vidual who is under the age of 17.

11 (8) NARCOTIC DRUG.—The term “narcotic
12 drug” has the meaning given that term in section
13 102 of the Controlled Substances Act (21 U.S.C.
14 802).

15 (9) PARENT.—The term “parent” means the
16 legal guardian of a minor.

17 (10) PERSONAL INFORMATION.—The term
18 “personal information” has the meaning given that
19 term in section 1302 of the Children’s Online Pri-
20 vacy Protection Act of 1998 (15 U.S.C. 6501).

21 (11) PHYSICAL VIOLENCE.—The term “physical
22 violence” has the meaning given the term “crime of
23 violence” under section 16 of title 18, United States
24 Code.

1 (12) SEXUAL EXPLOITATION AND ABUSE.—The
2 term “sexual exploitation and abuse” means any of
3 the following:

4 (A) Any offense, including coercion and en-
5 ticement, as described in section 2422 of title
6 18, United States Code.

7 (B) Child pornography, as defined in sec-
8 tion 2256 of title 18, United States Code.

9 (C) Trafficking for the production of im-
10 ages, as described in section 2251 of title 18,
11 United States Code.

12 (D) Any offense described in section 1591
13 of title 18, United States Code.

14 (13) STATE.—The term “State” means each
15 State of the United States, the District of Columbia,
16 each commonwealth, territory, or possession of the
17 United States, and each federally recognized Indian
18 Tribe.

19 (14) USER.—The term “user” means, with re-
20 spect to a covered platform, an individual who reg-
21 isters an account or creates a profile on the covered
22 platform.

23 (15) VERIFIABLE PARENTAL CONSENT.—The
24 term “verifiable parental consent” has the meaning
25 given that term in section 1302 of the Children’s

1 Online Privacy Protection Act of 1998 (15 U.S.C.
2 6501)).

3 **SEC. 3. PREVENTING HARM TO MINORS.**

4 (a) IN GENERAL.—A covered platform shall estab-
5 lish, implement, maintain, and enforce reasonable policies,
6 practices, and procedures that address the following
7 harms to minors:

8 (1) Threats of physical violence.

9 (2) Sexual exploitation and abuse.

10 (3) Distribution, sale, or use of narcotic drugs,
11 tobacco products, cannabis products, gambling, or
12 alcohol.

13 (4) Any financial harm caused by deceptive
14 practices.

15 (b) CONSIDERATIONS.—The policies, practices, and
16 procedures required under subsection (a) shall be appro-
17 priate to each of the following:

18 (1) The size and complexity of the covered plat-
19 form.

20 (2) The technological feasibility of addressing
21 the harms described in subsection (a).

22 (c) RULES OF CONSTRUCTION.—

23 (1) SEARCH FOR INFORMATION AND RE-
24 SOURCES PERMITTED.—Nothing in subsection (a)

1 may be construed to require a covered platform to
2 prevent or preclude any minor from—

3 (A) deliberately and independently search-
4 ing for, or specifically requesting, content; or

5 (B) accessing resources and information
6 regarding the prevention or mitigation of the
7 harms described in subsection (a).

8 (2) FIRST AMENDMENT.—Nothing in this sec-
9 tion may be construed to allow a government entity
10 to enforce subsection (a) based upon the viewpoint
11 of users expressed by or through any speech, expres-
12 sion, or information protected by the First Amend-
13 ment to the Constitution of the United States.

14 **SEC. 4. SAFEGUARDS FOR MINORS.**

15 (a) SAFEGUARDS FOR MINORS.—

16 (1) SAFEGUARDS.—A covered platform shall
17 provide a user or visitor to the covered platform,
18 that the covered platform knows is a minor, with
19 readily accessible and easy-to-use safeguards to, as
20 applicable, do each of the following:

21 (A) Limit the ability of other users or visi-
22 tors to communicate with the minor.

23 (B) Limit by default design features that
24 result in compulsive usage of the covered plat-
25 form by the minor.

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) is the option available
11 on the platform that provides the most protective
12 level of control that is offered by the platform with
13 respect to 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 parental tools for
17 parents to support a user that the platform knows
18 is a minor with respect to the use of the platform
19 by that user.

20 (2) REQUIREMENTS.—The parental tools pro-
21 vided by a covered platform under paragraph (1) in-
22 clude each of the following:

23 (A) The ability to manage the privacy and
24 account settings of a minor, including any safe-

1 guard and option established under subsection
2 (a), in a manner that allows parents to—

3 (i) view the privacy and account set-
4 tings; and

5 (ii) in the case of a user that the plat-
6 form knows is a child, change and control
7 the privacy and account settings.

8 (B) The ability to restrict purchases and
9 financial transactions by the minor, if applica-
10 ble.

11 (C) The ability to view metrics of total
12 time spent on the covered platform and restrict
13 time spent on the covered platform by the
14 minor.

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

19 (4) DEFAULT TOOLS FOR CHILDREN.—In the
20 case of a user that the platform knows is a child, a
21 covered platform shall enable the tools required
22 under paragraph (1) by default.

23 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
24 before the effective date of this subsection, a covered
25 platform provides a parent of a user that the plat-

1 form knows is a child with notice and the ability to
2 enable the parental tools described under this sub-
3 section in a manner that would otherwise comply
4 with this subsection, and the parent opted out of en-
5 abling such tools, the covered platform is not re-
6 quired to enable such tools with respect to such user
7 by default on and after the date on which this sub-
8 section takes effect.

9 (c) REPORTING MECHANISM.—

10 (1) REPORTING TOOLS.—A covered platform
11 shall provide each of the following:

12 (A) A readily accessible and easy-to-use
13 means for a user and visitor to a covered plat-
14 form to submit a report to the covered platform
15 of any harm to a minor related to use of the
16 covered platform.

17 (B) An electronic point of contact specific
18 to matters involving harms to a minor.

19 (C) Confirmation of the receipt of such re-
20 port and, within the applicable time period de-
21 scribed in paragraph (2), a substantive response
22 to the individual that submitted the report.

23 (2) TIMING.—A covered platform shall establish
24 an internal process to receive and substantively re-
25 spond to a report submitted under paragraph (1) in

1 a reasonable and timely manner, but in no case later
2 than—

3 (A) 10 days after the date on which the re-
4 port is received; and

5 (B) notwithstanding subparagraph (A), if
6 the report involves an imminent threat to the
7 safety of a minor, as promptly as needed to ad-
8 dress the reported threat to safety.

9 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-
10 ered platform shall not facilitate the advertising of nar-
11 cotic drugs, cannabis products, tobacco products, gam-
12 bling, or alcohol to an individual that the covered platform
13 knows is a minor.

14 (e) RULES OF APPLICATION.—

15 (1) ACCESSIBILITY.—With respect to safe-
16 guards and parental tools described under sub-
17 sections (a) and (b), a covered platform shall provide
18 each of the following:

19 (A) Information and control options in a
20 clear and conspicuous manner that takes into
21 consideration the differing ages, capacities, and
22 developmental needs of the minors most likely
23 to access the covered platform and does not en-
24 courage minors or parents to weaken or disable
25 safeguards or parental tools.

1 (B) Readily accessible and easy-to-use con-
2 trols to enable or disable safeguards or parental
3 tools, as appropriate.

4 (C) Information and control options in the
5 same language, form, and manner as the cov-
6 ered platform provides the product or service
7 used by minors and their parents.

8 (2) TIMING CONSIDERATIONS; APPLICATION OF
9 CHANGES TO OFFLINE DEVICES OR ACCOUNTS.—If
10 the device of a user or user account does not have
11 access to the internet at the time of a change to pa-
12 rental tools, a covered platform shall apply changes
13 the next time the device or user is connected to the
14 internet.

15 (f) RULES OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to do any of the following:

17 (1) Prevent a covered platform from taking rea-
18 sonable measures to—

19 (A) block, detect, or prevent the distribu-
20 tion of unlawful, obscene, or other harmful ma-
21 terial to minors as described in section 3(a); or

22 (B) block or filter spam, prevent criminal
23 activity, or protect the security of a platform or
24 service.

1 (2) Require the disclosure of the browsing be-
2 havior, search history, messages, contact list, or
3 other content or metadata of the communications of
4 a minor.

5 (3) Prevent a covered platform from entering
6 into an agreement with a third party, whose primary
7 or exclusive function is to provide the safeguards or
8 parental tools required under subsections (a) and (b)
9 or to assist with meeting the requirements described
10 under subsections (a) and (b).

11 (4) Prevent a parent or user from authorizing
12 a third party described in subparagraph (3) to im-
13 plement such safeguards or parental tools required
14 under subsections (a) and (b).

15 **SEC. 5. DISCLOSURE.**

16 (a) NOTICE.—

17 (1) REGISTRATION OR PURCHASE.—Before any
18 registration or purchase on a covered platform by an
19 individual that the platform knows is a minor, the
20 platform shall provide clear, conspicuous, and easy-
21 to-understand notice on each of the following:

22 (A) The policies and practices of the cov-
23 ered platform with respect to safeguards for mi-
24 nors.

1 (B) Information about how to access the
2 safeguards and parental tools required under
3 section 4.

4 (2) NOTIFICATION.—

5 (A) NOTICE AND ACKNOWLEDGMENT.—In
6 the case of an individual that a covered plat-
7 form knows is a child, the platform shall pro-
8 vide information about the parental tools and
9 safeguards required under section 4 to a parent
10 of the child and obtain verifiable parental con-
11 sent.

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 of 1998 (15 U.S.C. 6501 et
18 seq.) to use reasonable efforts (taking into con-
19 sideration available technology) to provide a
20 parent with the information described in sub-
21 paragraph (A) and to obtain verifiable parental
22 consent.

23 (3) CONSOLIDATED NOTICES.—For purposes of
24 this section, a covered platform may consolidate the
25 process for providing information and obtaining

1 verifiable parental consent or the consent of the
2 minor involved (as applicable) required under this
3 subsection with the obligations of the covered plat-
4 form to provide relevant notice and obtain verifiable
5 parental consent under the Children’s Online Pri-
6 vacy Protection Act of 1998.

7 (b) ADVERTISING AND MARKETING INFORMATION
8 AND LABELS.—A covered platform shall provide clear,
9 conspicuous, and easy-to-understand labels and informa-
10 tion, which may be provided through a link to another web
11 page or disclosure, to minors on advertisements regarding
12 the disclosure of endorsements of products, services, or
13 brands made for commercial consideration by other users
14 of the platform.

15 **SEC. 6. AUDIT; REPORT.**

16 (a) AUDIT REQUIRED.—Not later than 1 year after
17 the date of the enactment of this Act, and annually there-
18 after, a covered platform shall have an independent, third-
19 party auditor conduct an independent, third-party audit
20 of the covered platform.

21 (b) AUDIT SPECIFICATIONS.—

22 (1) CRITERIA.—In conducting an audit required
23 by subsection (a), an independent, third-party audi-
24 tor shall do the following:

1 (A) Consider widely accepted or evidence-
2 based approaches, best practices, frameworks,
3 and methods related to the measures, safe-
4 guards for minors, and parental tools required
5 under this Act.

6 (B) Consider widely accepted or evidence-
7 based approaches, best practices, frameworks,
8 and methods related to identifying, preventing,
9 and mitigating the harms to minors listed in
10 section 3(a) of this Act.

11 (C) Consult with parents (including par-
12 ents with relevant experience), public health
13 and mental health nonprofit organizations,
14 health and development organizations, and ex-
15 perts in freedom of expression about methods to
16 identify, prevent, and mitigate such harms.

17 (2) CONTENTS.—An audit required by sub-
18 section (a) shall include the following:

19 (A) An assessment of the extent to which
20 the relevant covered platform is likely to be
21 accessed by minors, including differences be-
22 tween children and teens.

23 (B) An accounting of the following:

24 (i) The number of users using such
25 covered platform that such covered plat-

1 form knows to be minors located in the
2 United States.

3 (ii) The median and mean amounts of
4 time spent on such covered platform by
5 such users during the year in which such
6 audit is conducted.

7 (iii) A description of the policies,
8 practices, and procedures implemented to
9 address the harms described in section 3.

10 (iv) The number of times that the
11 safeguards for minors described in section
12 4(a) have been exercised during the year in
13 which such audit is conducted.

14 (v) The number of times that the pa-
15 rental tools described in section 4(b) have
16 been exercised during the year in which
17 such audit is conducted.

18 (vi) The number of reports received
19 by such covered platform through the re-
20 porting mechanism described in section
21 4(c) during the year in which such audit is
22 conducted.

23 (C) A description of such safeguards for
24 minors and parental tools that are available to
25 minors and parents on such covered platform.

1 (D) A description of how such covered
2 platform handles reports received through such
3 reporting mechanism, including the rate of re-
4 sponse to such a report and the timeliness and
5 substantiveness of any such response.

6 (E) A description of whether, how, and for
7 what purpose such covered platform collects or
8 processes categories of personal information of
9 minors.

10 (F) If the covered platform has a process
11 used to evaluate the impact of a design feature
12 of the covered platform used by minors, a de-
13 scription of such process.

14 (3) COOPERATION BY COVERED PLATFORM.—A
15 covered platform shall facilitate an audit of the cov-
16 ered platform required by subsection (a) by doing
17 the following:

18 (A) Provide or otherwise make available to
19 the independent, third-party auditor that con-
20 ducts such audit all information and materials
21 in the possession, custody, or control of such
22 covered platform relevant to such audit.

23 (B) Provide or otherwise make available to
24 such auditor access to all networks, systems,
25 and assets relevant to such audit.

1 (C) Disclose all material facts to such
2 auditor and not misrepresent any material fact.

3 (c) REPORT TO COMMISSION.—Not later than 30
4 days after the date on which an audit required by sub-
5 section (a) is completed, the relevant covered platform
6 shall submit to the Commission the results of the audit.

7 **SEC. 7. ENFORCEMENT.**

8 (a) ENFORCEMENT BY COMMISSION.—

9 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
10 TICES.—A violation of this Act shall be treated as
11 a violation of a regulation under section 18(a)(1)(B)
12 of the Federal Trade Commission Act (15 U.S.C.
13 57a(a)(1)(B)) regarding unfair or deceptive acts or
14 practices.

15 (2) POWERS OF COMMISSION.—The Commis-
16 sion shall enforce this Act in the same manner, by
17 the same means, and with the same jurisdiction,
18 powers, and duties as though all applicable terms
19 and provisions of the Federal Trade Commission Act
20 (15 U.S.C. 41 et seq.) were incorporated into and
21 made a part of this Act. Any person who violates
22 this Act shall be subject to the penalties and entitled
23 to the privileges and immunities provided in the
24 Federal Trade Commission Act.

25 (b) ACTIONS BY STATES.—

1 (1) IN GENERAL.—In any case in which the at-
2 torney general of a State, or an official or agency of
3 a State, has reason to believe that an interest of the
4 residents of such State has been or is threatened or
5 adversely affected by an act or practice in violation
6 of this Act, the State, as *parens patriae*, may bring
7 a civil action on behalf of the residents of the State
8 in an appropriate State court or an appropriate dis-
9 trict court of the United States to—

10 (A) enjoin such act or practice;

11 (B) enforce compliance with this Act;

12 (C) obtain damages, restitution, or other
13 compensation on behalf of residents of the
14 State; or

15 (D) obtain such other legal and equitable
16 relief as the court may consider to be appro-
17 priate.

18 (2) NOTICE.—Before filing an action under this
19 subsection, the attorney general, official, or agency
20 of the State involved shall provide to the Commis-
21 sion a written notice of such action and a copy of
22 the complaint for such action. If the attorney gen-
23 eral, official, or agency determines that it is not fea-
24 sible to provide the notice described in this para-
25 graph before the filing of the action, the attorney

1 general, official, or agency shall provide written no-
2 tice of the action and a copy of the complaint to the
3 Commission immediately upon the filing of the ac-
4 tion.

5 (3) AUTHORITY OF COMMISSION.—

6 (A) IN GENERAL.—On receiving notice
7 under paragraph (2) of an action under this
8 subsection, the Commission shall have the
9 right—

10 (i) to intervene in the action; and

11 (ii) upon so intervening—

12 (I) to be heard on all matters
13 arising therein; and

14 (II) to file petitions for appeal.

15 (B) LIMITATION ON STATE ACTION WHILE
16 FEDERAL ACTION IS PENDING.—If the Commis-
17 sion or the Attorney General of the United
18 States has instituted a civil action for violation
19 of this Act (referred to in this subparagraph as
20 the “Federal action”), no State attorney gen-
21 eral, official, or agency may bring an action
22 under this subsection during the pendency of
23 the Federal action against any defendant
24 named in the complaint in the Federal action

1 for any violation of this Act alleged in such
2 complaint.

3 (4) RULE OF CONSTRUCTION.—For purposes of
4 bringing a civil action under this subsection, nothing
5 in this Act shall be construed to prevent an attorney
6 general, official, or agency of a State from exercising
7 the powers conferred on the attorney general, offi-
8 cial, or agency by the laws of such State to conduct
9 investigations, administer oaths and affirmations, or
10 compel the attendance of witnesses or the production
11 of documentary and other evidence.

12 **SEC. 8. KIDS ONLINE SAFETY COUNCIL.**

13 (a) ESTABLISHMENT.—The Secretary of Commerce
14 shall establish a Kids Online Safety Council (in this sec-
15 tion referred to as the “Council”).

16 (b) DUTIES.—The duties of the Council shall be to
17 submit to Congress reports with recommendations and ad-
18 vice on matters related to the safety of minors online, in-
19 cluding the following:

20 (1) An identification of risks, including emerg-
21 ing risks, for minors who engage with covered plat-
22 forms.

23 (2) An identification of the benefits for minors
24 who engaged with covered platforms.

1 (3) Recommendations with respect to methods
2 for assessing, preventing, and mitigating harms to
3 minors online.

4 (4) Recommendations with respect to methods
5 and themes for research regarding harms to minors
6 online.

7 (5) Recommendations with respect to best prac-
8 tices and clear, consensus-based standards for the
9 reports and audits required under this Act, including
10 best practices and standards with respect to meth-
11 ods, criteria, and scope that promote accountability.

12 (c) PARTICIPATION.—In appointing members under
13 subsection (c), the Secretary shall seek to ensure that the
14 Council includes representatives of the following:

15 (1) Academic experts with specific expertise in
16 the prevention of harms to minors online.

17 (2) Researchers with specific expertise with re-
18 spect to social media.

19 (3) Parents and minors with demonstrated ex-
20 perience with respect to the safety of minors online.

21 (4) Educators with demonstrated experience
22 with respect to the safety of minors online.

23 (5) Covered platforms.

1 (6) Experts in academia and civil society with
2 specific expertise in constitutional law, privacy, free
3 expression, access to information, and civil liberties.

4 (7) State attorneys general or designees thereof
5 who work in State or local government.

6 (d) TIMING OF APPOINTMENTS.—Each appointment
7 under subsection (c) shall be made not later than the date
8 that is 180 days after the date on which this Act takes
9 effect (as specified in section 14).

10 (e) TERMS; VACANCIES.—Each member of the Coun-
11 cil shall be appointed for the life of the Council and a
12 vacancy in the Council shall be filled in the manner in
13 which the original appointment was made.

14 (f) CHAIR; VICE CHAIR.—The Council, once fully ap-
15 pointed, shall select a Chair and Vice Chair of the Council.

16 (g) FINAL REPORT.—Not later than 3 years after the
17 date on which this Act takes effect (as specified in section
18 14), the Council shall submit to Congress a final report
19 that includes the following:

20 (1) A detailed statement of the findings and
21 conclusions of the Council with respect to the rec-
22 ommendations and advice described in subsection
23 (b).

1 (2) The dissenting opinions of any member of
2 the Council who does not support the findings and
3 conclusions described in paragraph (1).

4 (3) Any recommendations for legislative or ad-
5 ministrative actions to address the online safety of
6 minors.

7 (h) **TERMINATION.**—The Council shall terminate on
8 the date that is 30 days after the date on which the Coun-
9 cil submits the final report of the Council under subsection
10 (h).

11 (i) **NONAPPLICABILITY OF FACA.**—Chapter 10 of
12 title 5, United States Code, does not apply to the Council.

13 **SEC. 9. RULES OF CONSTRUCTION.**

14 (a) **RELATIONSHIP TO OTHER LAWS.**—Nothing in
15 this Act may be construed to—

16 (1) limit or impair the Children’s Online Pri-
17 vacy Protection Act of 1998 (15 U.S.C. 6501 et
18 seq.) or any rule or regulation promulgated under
19 such Act;

20 (2) authorize any action in conflict with section
21 18(h) of the Federal Trade Commission Act (15
22 U.S.C. 57a(h)); or

23 (3) expand, limit the scope of, or alter the
24 meaning of section 230 of the Communications Act
25 of 1934 (47 U.S.C. 230).

1 (b) COMPLIANCE.—Nothing in this Act may be con-
2 strued to restrict the ability of a covered platform to—

3 (1) cooperate with a law enforcement agency re-
4 garding activity that the covered platform reasonably
5 and in good faith believes may violate a Federal,
6 State, or local law, rule, or regulation;

7 (2) comply with a lawful civil, criminal, or regu-
8 latory inquiry, subpoena, or summons from a Fed-
9 eral, State, local, or other government authority;

10 (3) investigate, establish, exercise, respond to,
11 or defend against a legal claim;

12 (4) prevent, detect, or respond to security inci-
13 dents, identity theft, fraud, harassment, or any other
14 malicious, deceptive, or illegal activity; or

15 (5) investigate or report an individual or entity
16 responsible for an activity described in paragraph
17 (4).

18 (c) PROTECTIONS FOR PRIVACY.—Nothing in this
19 Act may be construed to require the affirmative collection
20 of any personal information with respect to the age of
21 users that a covered platform is not already collecting in
22 the normal course of business.

23 **SEC. 10. RELATIONSHIP TO STATE LAWS.**

24 No State or political subdivision of a State may pre-
25 scribe, maintain, or enforce any law, rule, regulation, re-

1 quirement, standard, or other provision having the force
2 and effect of law, if such law, rule, regulation, require-
3 ment, standard, or other provision relates to the provisions
4 of this Act.

5 **SEC. 11. EFFECTIVE DATE.**

6 Except as otherwise provided in this Act, this Act
7 shall take effect on the date that is 18 months after the
8 date of the enactment of this Act.

9 **SEC. 12. SEVERABILITY.**

10 If any provision of this Act or the application of this
11 Act to any person or circumstance is held invalid, the re-
12 maining provisions of this Act and the application of this
13 Act to other persons or circumstances shall not be af-
14 fected.