

117TH CONGRESS  
2D SESSION

# S. 3663

To protect the safety of children on the internet.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2022

Mr. BLUMENTHAL (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To protect the safety of children on the internet.

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. Duty of care.
- Sec. 4. Safeguards for minors.
- Sec. 5. Disclosure.
- Sec. 6. Transparency.
- Sec. 7. Independent research.
- Sec. 8. Market research.
- Sec. 9. Age verification study and report.

Sec. 10. Enforcement.  
Sec. 11. Kids Online Safety Council.  
Sec. 12. Authorization of appropriations.  
Sec. 13. Effective date.  
Sec. 14. Severability.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ALGORITHMIC RECOMMENDATION SYS-**  
4 **TEM.**—The term “algorithmic recommendation sys-

5 tem” means a fully or partially automated system  
6 used to suggest, promote, or rank information.

7 (2) **COVERED PLATFORM.**—The term “covered  
8 platform” means a commercial software application  
9 or electronic service that connects to the internet  
10 and that is used, or is reasonably likely to be used,  
11 by a minor.

12 (3) **MINOR.**—The term “minor” means an indi-  
13 vidual who is age 16 or younger.

14 (4) **PARENT.**—The term “parent” includes a  
15 legal guardian or an individual with legal custody  
16 over a child.

17 (5) **PERSONAL DATA.**—The term “personal  
18 data” means information that identifies or is linked  
19 or reasonably linkable to an individual, household, or  
20 consumer device.

1 **SEC. 3. DUTY OF CARE.**

2 (a) BEST INTERESTS.—A covered platform has a  
3 duty to act in the best interests of a minor that uses the  
4 platform’s products or services.

5 (b) PREVENTION OF HARM TO MINORS.—In acting  
6 in the best interests of minors, a covered platform has a  
7 duty to prevent and mitigate the heightened risks of phys-  
8 ical, emotional, developmental, or material harms to mi-  
9 nors posed by materials on, or engagement with, the plat-  
10 form, including—

11 (1) promotion of self-harm, suicide, eating dis-  
12 orders, substance abuse, and other matters that pose  
13 a risk to physical and mental health of a minor;

14 (2) patterns of use that indicate or encourage  
15 addiction-like behaviors;

16 (3) physical harm, online bullying, and harass-  
17 ment of a minor;

18 (4) sexual exploitation, including enticement,  
19 grooming, sex trafficking, and sexual abuse of mi-  
20 nors and trafficking of online child sexual abuse ma-  
21 terial;

22 (5) promotion and marketing of products or  
23 services that are unlawful for minors, such as illegal  
24 drugs, tobacco, gambling, or alcohol; and

25 (6) predatory, unfair, or deceptive marketing  
26 practices.

1 **SEC. 4. SAFEGUARDS FOR MINORS.**

2 (a) SAFEGUARDS FOR MINORS.—

3 (1) IN GENERAL.—A covered platform shall  
4 provide a minor, or a parent acting on a minor’s be-  
5 half, with readily accessible and easy-to-use safe-  
6 guards to control their experience and personal data  
7 on the covered platform, including settings to—

8 (A) limit the ability of other individuals to  
9 contact or find a minor, in particular adults  
10 with no relationship to the minor;

11 (B) prevent other individuals from viewing  
12 the minor’s personal data collected by or shared  
13 on the covered platform, in particular restrict-  
14 ing public access to personal data;

15 (C) limit features that increase, sustain, or  
16 extend use of the covered platform by a minor,  
17 such as automatic playing of media, rewards for  
18 time spent on the platform, and notifications;

19 (D) opt out of algorithmic recommendation  
20 systems that use a minor’s personal data;

21 (E) delete the minor’s account and request  
22 removal of personal data;

23 (F) restrict the sharing of the geolocation  
24 of a minor and to provide notice regarding the  
25 tracking of a minor’s geolocation; and

1 (G) limit time spent by a minor on the cov-  
2 ered platform.

3 (2) DEFAULT SAFEGUARD SETTINGS FOR MI-  
4 NORS.—A covered platform shall provide that, in the  
5 case of a user that the platform knows or reasonably  
6 believes to be a minor, the default setting for any  
7 safeguard described under paragraph (1) shall be  
8 the strongest option available.

9 (3) ACCESSIBILITY FOR MINORS.—With respect  
10 to safeguards described under paragraph (1), a cov-  
11 ered platform shall provide information and control  
12 options in a manner that is age appropriate and  
13 does not encourage minors to weaken or turn off  
14 safeguards.

15 (b) PARENTAL TOOLS.—

16 (1) PARENTAL TOOLS.—A covered platform  
17 shall provide readily accessible and easy-to-use pa-  
18 rental tools for parents to appropriately supervise  
19 the use of the covered platform by a minor.

20 (2) REQUIREMENTS.—The parental tools pro-  
21 vided by a covered platform shall include—

22 (A) the ability to control privacy and ac-  
23 count settings, including the safeguards estab-  
24 lished under subsection (a)(1);

1 (B) the ability to restrict purchases and fi-  
2 nancial transactions by a minor;

3 (C) the ability to track total time spent on  
4 the platform;

5 (D) a clear and conspicuous mechanism for  
6 parents to opt out of or turn off any default pa-  
7 rental tools put in place by the covered plat-  
8 form; and

9 (E) access to other information regarding  
10 a minor's use of a covered platform and control  
11 options necessary to a parent's ability to ad-  
12 dress the harms described in section 3(b).

13 (3) NOTICE TO MINORS.—A covered platform  
14 shall provide clear and conspicuous notice to a minor  
15 when parental tools are in effect.

16 (4) DEFAULT PARENTAL TOOLS.—A covered  
17 platform shall provide that, in the case of a user  
18 that the platform knows or reasonably believes to be  
19 a minor, parental tools shall be enabled by default.

20 (c) REPORTING MECHANISM.—

21 (1) PARENTAL REPORTS.—A covered platform  
22 shall provide minors and parents with—

23 (A) a readily accessible and easy-to-use  
24 means to submit reports of harms to a minor,  
25 including harms described in section 3(b);

1 (B) an electronic point of contact specific  
2 to matters involving harms to a minor; and

3 (C) confirmation of the receipt of such a  
4 report and a means to track a submitted report.

5 (2) TIMING.—A covered platform shall establish  
6 an internal process to receive and respond to reports  
7 in a reasonable and timely manner.

8 (d) ILLEGAL CONTENT.—A covered platform shall  
9 not facilitate the advertising of products or services to mi-  
10 nors that are illegal to sell to minors based on applicable  
11 State or Federal law.

12 **SEC. 5. DISCLOSURE.**

13 (a) NOTICE.—

14 (1) REGISTRATION.—Prior to registration, use,  
15 or purchase of a covered platform by a minor, the  
16 platform shall provide clear, accessible, and easy-to-  
17 understand—

18 (A) notice of the policies and practices of  
19 the covered platform with respect to personal  
20 data and safeguards for minors;

21 (B) information about how to access the  
22 safeguards and parental tools required under  
23 section 4; and

24 (C) notice about whether the covered plat-  
25 form, including any algorithmic recommenda-

1           tion systems used by the platform, pose any  
2           heightened risks of harm to a minor, including  
3           harms described in section 3(b).

4           (2) PARENTAL NOTIFICATION.—For a minor, or  
5           an individual that a covered platform reasonably be-  
6           lieves is a minor, a covered platform shall addition-  
7           ally provide the notice, information, and statement  
8           described in paragraph (1) to a parent of the minor.

9           (3) ACKNOWLEDGMENT.—After providing the  
10          notice, information, and statement described in  
11          paragraph (1), but prior to initial use of the covered  
12          platform, the covered platform shall obtain acknowl-  
13          edgment from a minor, or a parent of the minor, of  
14          the receipt of information related to the heightened  
15          risks of harm to minors referenced in the statement  
16          in paragraph (1)(C).

17          (b) ALGORITHMIC RECOMMENDATION SYSTEM.—A  
18          covered platform that uses an algorithmic recommenda-  
19          tion system shall set out in its terms and conditions, in  
20          a clear, accessible, and easy-to-understand manner—

21               (1) an overview of how algorithmic rec-  
22               ommendation systems are used by the covered plat-  
23               form to provide information to users of the platform  
24               who are minors, including how such systems use per-  
25               sonal data belonging to minors; and



1           (2) options for minors or their parents to mod-  
2       ify the results of the algorithmic recommendation  
3       system, including the right to opt out or down-rank  
4       types or categories of recommendations.

5       (c) ADVERTISING AND MARKETING.—A covered plat-  
6       form that facilitates advertising aimed at minors shall pro-  
7       vide clear, accessible, and easy-to-understand information  
8       and labels regarding—

9           (1) the name of the product, service, or brand  
10       and the subject matter of an advertisement or mar-  
11       keting material;

12          (2) why the minor is being targeted for a par-  
13       ticular advertisement or marketing material if the  
14       covered platform engages in targeted advertising, in-  
15       cluding meaningful information about how the per-  
16       sonal data of the minor was used to target the ad-  
17       vertisement or marketing material; and

18          (3) whether particular media displayed to a  
19       user is an advertisement or marketing material, in-  
20       cluding disclosure of endorsements of products, serv-  
21       ices, or brands made for commercial consideration  
22       by other users of the platform.

23       (d) RESOURCES FOR PARENTS AND MINORS.—A cov-  
24       ered platform shall provide to minors and parents clear,

1 accessible, easy-to-understand, and comprehensive infor-  
2 mation in a prominent location regarding—

3 (1) its policies and practices with respect to  
4 personal data and safeguards for minors; and

5 (2) how to access the safeguards and parental  
6 tools required under section 4.

7 **SEC. 6. TRANSPARENCY.**

8 (a) **AUDIT OF SYSTEMIC RISKS TO MINORS.—**

9 (1) **IN GENERAL.—**Not less frequently than  
10 once a year, a covered platform shall issue a public  
11 report identifying the foreseeable risks of harm to  
12 minors based on an independent, third-party audit  
13 conducted through reasonable inspection of the cov-  
14 ered platform and describe the prevention and miti-  
15 gation measures taken to address such risks.

16 (2) **CONTENT.—**

17 (A) **TRANSPARENCY.—**The public reports  
18 required of a covered platform under this sec-  
19 tion shall include—

20 (i) an assessment of whether the cov-  
21 ered platform is reasonably likely to be  
22 accessed by minors;

23 (ii) a description of the commercial in-  
24 terests of the covered platform in use by  
25 minors;

1 (iii) an accounting of the number of  
2 individuals using the covered platform rea-  
3 sonably believed to be minors in the United  
4 States, disaggregated by the age ranges of  
5 0–5, 6–9, 10–12, and 13–16;

6 (iv) an accounting of the time spent  
7 by the median and average minor in the  
8 United States on a daily, weekly, and  
9 monthly basis, disaggregated by the age  
10 ranges of 0–5, 6–9, 10–12, and 13–16;

11 (v) an accounting, disaggregated by  
12 category of harm, of—

13 (I) the total number of reports of  
14 the dissemination of illegal or harmful  
15 content involving minors; and

16 (II) the prevalence of content  
17 that is illegal or harmful to minors;  
18 and

19 (vi) a description of any material  
20 breaches of parental tools or assurances re-  
21 garding minors, unexpected use of the per-  
22 sonal data of minors, and other matters re-  
23 garding non-compliance.

1 (B) SYSTEMIC RISKS ASSESSMENT.—The  
2 public reports required of a covered platform  
3 under this section shall include—

4 (i) an audit of the known and emerg-  
5 ing risks to minors posed by the covered  
6 platform, including the harms described in  
7 section 3(b);

8 (ii) an assessment of how algorithmic  
9 recommendation systems and targeted ad-  
10 vertising systems can contribute to harms  
11 to minors;

12 (iii) a description of whether and how  
13 the covered platform uses system design  
14 features to increase, sustain, or extend use  
15 of a product or service by a minor, such as  
16 automatic playing of media, rewards for  
17 time spent, and notifications;

18 (iv) a description of whether, how,  
19 and for what purpose the platform collects  
20 or processes geolocation, contact informa-  
21 tion, health data, or other categories of  
22 personal data of heightened concern re-  
23 garding minors, as determined by the  
24 Commission;

1 (v) an evaluation of the efficacy and  
2 any issues in delivering safeguards to mi-  
3 nors under section 4; and

4 (vi) an evaluation of any other rel-  
5 evant matters of public concern over risks  
6 to minors.

7 (C) MITIGATION.—The public reports re-  
8 quired of a covered platform under this section  
9 shall include—

10 (i) a description of the safeguards and  
11 parental tools available to minors and par-  
12 ents on the covered platform;

13 (ii) a description of interventions by  
14 the covered platform when it had or has  
15 reason to believe that harm could occur to  
16 minors;

17 (iii) a description of the prevention  
18 and mitigation measures intended to be  
19 taken in response to the known and emerg-  
20 ing risks identified in its audit of system  
21 risks, including steps taken to—

22 (I) adapt or remove system de-  
23 sign features that expose minors to  
24 risks;

1 (II) set safeguards to their most  
2 safe settings by default;

3 (III) prevent the presence of ille-  
4 gal and illicit content on the covered  
5 platform; and

6 (IV) adapt algorithmic rec-  
7 ommendation system to prioritize the  
8 best interests of users who are mi-  
9 nors;

10 (iv) a description of internal processes  
11 for handling reports and automated detec-  
12 tion mechanisms for harms to minors, in-  
13 cluding the rate, timeliness, and effective-  
14 ness of responses under the requirement of  
15 section 4(c);

16 (v) the status of implementing preven-  
17 tion and mitigation measures identified in  
18 prior assessments; and

19 (vi) a description of the additional  
20 measures to be taken by the covered plat-  
21 form to address the circumvention of safe-  
22 guards and parental tools.

23 (3) REASONABLE INSPECTION.—In conducting  
24 an inspection of the systemic risks of harm to mi-  
25 nors, a covered platform shall—

1 (A) take into consideration the function of  
2 algorithmic recommendation systems;

3 (B) consult parents, experts, and civil soci-  
4 ety with respect to the prevention of harms to  
5 minors;

6 (C) conduct research based on experiences  
7 of minors that use the covered platform, includ-  
8 ing harms reported under section 4(c);

9 (D) take account of research, including re-  
10 search regarding system design features, mar-  
11 keting, or product integrity, industry best prac-  
12 tices, or outside research; and

13 (E) consider indicia or inferences of age of  
14 users, in addition to any self-declared informa-  
15 tion about the age of individuals.

16 (4) PRIVACY SAFEGUARDS.—In issuing the pub-  
17 lic reports required under this section, a covered  
18 platform shall take steps to safeguard the privacy of  
19 its users, including ensuring that data is presented  
20 in a de-anonymized, aggregated format.

21 **SEC. 7. INDEPENDENT RESEARCH.**

22 (a) DEFINITIONS.—In this section:

23 (1) ASSISTANT SECRETARY.—The term “Assist-  
24 ant Secretary” means the Assistant Secretary of  
25 Commerce for Communications and Information.

1           (2) ELIGIBLE RESEARCHER.—The term “eligi-  
2 ble researcher” means an individual or group of in-  
3 dividuals affiliated with or employed by—

4                   (A) an institution of higher education (as  
5 defined in section 101 of the Higher Education  
6 Act of 1965 (20 U.S.C. 1001)); or

7                   (B) a nonprofit organization, including any  
8 organization described in section 501(c) of the  
9 Internal Revenue Code of 1986.

10          (3) PROGRAM.—The term “Program” means  
11 the program established under subsection (b)(1).

12          (4) PUBLIC INTEREST RESEARCH.—The term  
13 “public interest research” means the scientific or  
14 historical analysis of information that is performed  
15 for the primary purpose of advancing a broadly rec-  
16 ognized public interest.

17          (5) QUALIFIED RESEARCHER.—The term  
18 “qualified researcher” means an eligible researcher  
19 who is approved by the Assistant Secretary to con-  
20 duct public interest research regarding harms to mi-  
21 nors under the Program.

22          (b) ACCESS TO DATA ON HARMS TO MINORS.—

23                  (1) ESTABLISHMENT.—The Assistant Secretary  
24 shall establish a program under which an eligible re-  
25 searcher may apply for, and a covered platform shall



1 provide, access to data assets from the covered plat-  
2 form for the sole purpose of conducting public inter-  
3 est research regarding harms to the safety and well-  
4 being of minors, including matters described in sec-  
5 tion 3(b).

6 (2) APPLICATION REQUIREMENTS.—In order to  
7 be approved to access data assets from a covered  
8 platform, an eligible researcher shall, in the applica-  
9 tion submitted under paragraph (1)—

10 (A) conduct the research for noncommer-  
11 cial purposes;

12 (B) demonstrate a proven record of exper-  
13 tise on the proposed research topic and related  
14 research methodologies; and

15 (C) commit to fulfill, and demonstrate a  
16 capacity to fulfill, the specific data security and  
17 confidentiality requirements corresponding to  
18 the application.

19 (3) DUTIES AND RIGHTS OF COVERED PLAT-  
20 FORMS.—

21 (A) ACCESS TO DATA ASSETS.—

22 (i) IN GENERAL.—If the Assistant  
23 Secretary approves an application under  
24 paragraph (1) with respect to a covered  
25 platform, the covered platform shall, in a

1           timely manner, provide the qualified re-  
2           searcher with access to data assets nec-  
3           essary to conduct public interest research  
4           described in that paragraph.

5           (ii) FORM OF ACCESS.—A covered  
6           platform shall provide to a qualified re-  
7           searcher access to data assets under clause  
8           (i) through online databases, application  
9           programming interfaces, and data files as  
10          appropriate for the qualified researcher to  
11          undertake public interest research.

12          (B) NONDISCLOSURE AGREEMENT.—A  
13          covered platform may require, as a condition of  
14          access to the data assets of the covered plat-  
15          form, that a qualified researcher enter into a  
16          nondisclosure agreement regarding the release  
17          of data assets, provided that—

18                 (i) the agreement does not restrict the  
19                 publication of the qualified researcher’s  
20                 findings; and

21                 (ii) the terms of the agreement allow  
22                 the qualified researcher to provide the  
23                 original agreement or a copy of the agree-  
24                 ment to the Assistant Secretary.

1 (C) APPEAL.—A covered platform may ap-  
2 peal the granting of an application under para-  
3 graph (1) on the grounds that, and the Assist-  
4 ant Secretary shall grant such appeal if—

5 (i) the covered platform does not have  
6 access to the requested data assets; or

7 (ii) providing access to the data assets  
8 will lead to significant vulnerabilities in the  
9 security of the covered platform’s service.

10 (4) PROCESSES, PROCEDURES, AND STAND-  
11 ARDS.—Not later than 1 year after the date of en-  
12 actment of this Act, the Assistant Secretary shall es-  
13 tablish—

14 (A)(i) a process by which an eligible re-  
15 searcher may submit an application described in  
16 paragraph (1); and

17 (ii) an appeals process for eligible research-  
18 ers to appeal adverse decisions on applications  
19 described in paragraph (1) (including a decision  
20 to grant an appeal under paragraph (3)(C));

21 (B) procedures for implementation of the  
22 Program, including methods for—

23 (i) participation by covered platforms;  
24 and

1 (ii) verification by the Assistant Sec-  
2 retary of the credentials of eligible re-  
3 searchers;

4 (C) standards for privacy, security, and  
5 confidentiality required to participate in the  
6 Program; and

7 (D) standards for transparency regarding  
8 the operation and administration of the Pro-  
9 gram.

10 (5) DUTY OF CONFIDENTIALITY.—To protect  
11 user privacy, a qualified researcher shall have a duty  
12 of confidentiality with respect to data assets pro-  
13 vided by a covered platform, which may be defined  
14 by the Assistant Secretary.

15 (6) FEDERAL AGENCIES.—Nothing in this sub-  
16 section shall be construed to authorize a Federal  
17 agency to seek access to the data of a covered plat-  
18 form through the Program.

19 (c) SAFE HARBOR FOR INDEPENDENT COLLEC-  
20 TION.—With respect to public interest research conducted  
21 regarding harms to minors, including matters described  
22 in section 3(b), no cause of action related to terms of serv-  
23 ice violations undertaken while collecting data assets in  
24 the course of such research shall lie or be maintained in  
25 any court against the researcher conducting the research.

1 (d) RULEMAKING.—The Assistant Secretary, in con-  
2 sultation with the Secretary of Commerce and the Director  
3 of the National Institute of Standards and Technology,  
4 shall promulgate rules in accordance with section 553 of  
5 title 5, United States Code, as necessary to implement this  
6 section.

7 **SEC. 8. MARKET RESEARCH.**

8 (a) MARKET RESEARCH BY COVERED PLATFORMS.—  
9 The Federal Trade Commission, in coordination with the  
10 Secretary of Commerce, shall establish guidelines for cov-  
11 ered platforms seeking to conduct market- and product-  
12 focused research on minors or individuals it reasonably be-  
13 lieves to be minors. Such guidelines shall include—

14 (1) a standard consent form that provides mi-  
15 nors and their parents a clear and easy-to-under-  
16 stand explanation of the scope and purpose of the  
17 research to be conducted, and provides an oppor-  
18 tunity for informed consent; and

19 (2) recommendations for research practices for  
20 studies that may include minors, disaggregated by  
21 the age ranges of 0–5, 6–9, 10–12, 13–15, and 16–  
22 17.

23 (b) GUIDELINES.—The Federal Trade Commission  
24 shall promulgate such guidelines not later than 18 months  
25 after the date of enactment of this Act. In doing so, they

1 shall seek input from members of the public and the rep-  
2 resentatives of the Kids Online Safety Council established  
3 under section 11.

4 **SEC. 9. AGE VERIFICATION STUDY AND REPORT.**

5 (a) STUDY.—The Director of the National Institute  
6 of Standards and Technology, in coordination with the  
7 Federal Communications Commission, Federal Trade  
8 Commission, and the Secretary of Commerce, shall con-  
9 duct a study evaluating the most technologically feasible  
10 options for developing systems to verify age at the device  
11 or operating system level.

12 (b) CONTENTS.—Such study shall consider—

13 (1) the benefits of creating a device or oper-  
14 ating system level age verification system;

15 (2) what information may need to be collected  
16 to create this type of age verification system;

17 (3) the accuracy of such systems and their im-  
18 pact or steps to improve accessibility, including for  
19 individuals with disabilities;

20 (4) how such a system or systems could verify  
21 age while mitigating risks to user privacy and data  
22 security and safeguarding minors' personal data;  
23 and

24 (5) the technical feasibility, including the need  
25 for potential hardware and software changes, includ-

1       ing for devices currently in commerce and owned by  
2       consumers.

3       (c) REPORT.—Not later than 1 year after the date  
4 of enactment of this Act, the agencies described in sub-  
5 section (a) shall submit a report containing the results of  
6 the study conducted under such subsection to the Com-  
7 mittee on Commerce, Science, and Transportation of the  
8 Senate and the Committee on Energy and Commerce of  
9 the House of Representatives.

10 **SEC. 10. ENFORCEMENT.**

11       (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-  
12 SION.—

13           (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-  
14 TICES.—A violation of this Act or a regulation pro-  
15 mulgated under this Act by any person shall be  
16 treated as a violation of a rule defining an unfair or  
17 deceptive act or practice prescribed under section  
18 18(a)(1)(B) of the Federal Trade Commission Act  
19 (15 U.S.C. 57a(a)(1)(B)).

20           (2) POWERS OF THE COMMISSION.—

21           (A) IN GENERAL.—Except as provided in  
22 subparagraph (B) and subsection (b), the Fed-  
23 eral Trade Commission (referred to in this sec-  
24 tion as the “Commission”) shall enforce this  
25 Act and any regulation promulgated under this

1 Act in the same manner, by the same means,  
2 and with the same jurisdiction, powers, and du-  
3 ties as though all applicable terms and provi-  
4 sions of the Federal Trade Commission Act (15  
5 U.S.C. 41 et seq.) were incorporated into and  
6 made a part of this Act.

7 (B) APPLICATION TO COMMON CARRIERS  
8 AND NONPROFIT ORGANIZATIONS.—Notwith-  
9 standing section 4, 5(a)(2), or 6 of the Federal  
10 Trade Commission Act (15 U.S.C. 44, 45(a)(2),  
11 46) or any jurisdictional limitation of the Com-  
12 mission, the Commission shall also enforce this  
13 Act and the regulations promulgated under this  
14 Act, in the manner provided under this sub-  
15 section, with respect to—

16 (i) common carriers subject to the  
17 Communications Act of 1934 (47 U.S.C.  
18 151 et seq.) and all Acts amendatory  
19 thereof and supplementary thereto; and

20 (ii) organizations not organized to  
21 carry on business for their own profit or  
22 that of their members.

23 (C) PRIVILEGES AND IMMUNITIES.—Any  
24 person that violates this Act or a regulation  
25 promulgated under this Act shall be subject to



1 the penalties, and entitled to the privileges and  
2 immunities, provided in the Federal Trade  
3 Commission Act (15 U.S.C. 41 et seq.).

4 (3) REGULATIONS.—The Commission may pro-  
5 mulgate regulations under section 553 of title 5,  
6 United States Code, to carry out sections 4, 5, and  
7 6 of this Act.

8 (4) AUTHORITY PRESERVED.—Nothing in this  
9 section shall be construed to limit the authority of  
10 the Commission under any other provision of law.

11 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-  
12 ERAL.—

13 (1) IN GENERAL.—

14 (A) CIVIL ACTIONS.—In any case in which  
15 the attorney general of a State has reason to  
16 believe that an interest of the residents of that  
17 State has been or is threatened or adversely af-  
18 fected by the engagement of any person in a  
19 practice that violates this Act or a regulation  
20 promulgated under this Act, the State, as  
21 *parens patriae*, may bring a civil action on be-  
22 half of the residents of the State in a district  
23 court of the United States or a State court of  
24 appropriate jurisdiction to—

25 (i) enjoin that practice;

1 (ii) enforce compliance with this Act  
2 or such regulation;

3 (iii) on behalf of residents of the  
4 State, obtain damages, statutory damages,  
5 restitution, or other compensation, each of  
6 which shall be distributed in accordance  
7 with State law; or

8 (iv) obtain such other relief as the  
9 court may consider to be appropriate.

10 (B) NOTICE.—

11 (i) IN GENERAL.—Before filing an ac-  
12 tion under subparagraph (A), the attorney  
13 general of the State involved shall provide  
14 to the Commission—

15 (I) written notice of that action;

16 and

17 (II) a copy of the complaint for  
18 that action.

19 (ii) EXEMPTION.—

20 (I) IN GENERAL.—Clause (i)  
21 shall not apply with respect to the fil-  
22 ing of an action by an attorney gen-  
23 eral of a State under this paragraph  
24 if the attorney general of the State  
25 determines that it is not feasible to

1 provide the notice described in that  
2 clause before the filing of the action.

3 (II) NOTIFICATION.—In an ac-  
4 tion described in subclause (I), the at-  
5 torney general of a State shall provide  
6 notice and a copy of the complaint to  
7 the Commission at the same time as  
8 the attorney general files the action.

9 (2) INTERVENTION.—

10 (A) IN GENERAL.—On receiving notice  
11 under paragraph (1)(B), the Commission shall  
12 have the right to intervene in the action that is  
13 the subject of the notice.

14 (B) EFFECT OF INTERVENTION.—If the  
15 Commission intervenes in an action under para-  
16 graph (1), it shall have the right—

17 (i) to be heard with respect to any  
18 matter that arises in that action; and

19 (ii) to file a petition for appeal.

20 (3) CONSTRUCTION.—For purposes of bringing  
21 any civil action under paragraph (1), nothing in this  
22 Act shall be construed to prevent an attorney gen-  
23 eral of a State from exercising the powers conferred  
24 on the attorney general by the laws of that State  
25 to—

- 1 (A) conduct investigations;
- 2 (B) administer oaths or affirmations; or
- 3 (C) compel the attendance of witnesses or
- 4 the production of documentary and other evi-
- 5 dence.

6 (4) ACTIONS BY THE COMMISSION.—In any

7 case in which an action is instituted by or on behalf

8 of the Commission for violation of this Act or a reg-

9 ulation promulgated under this Act, no State may,

10 during the pendency of that action, institute an ac-

11 tion under paragraph (1) against any defendant

12 named in the complaint in the action instituted by

13 or on behalf of the Commission for that violation.

14 (5) VENUE; SERVICE OF PROCESS.—

15 (A) VENUE.—Any action brought under

16 paragraph (1) may be brought in—

17 (i) the district court of the United

18 States that meets applicable requirements

19 relating to venue under section 1391 of

20 title 28, United States Code; or

21 (ii) a State court of competent juris-

22 diction.

23 (B) SERVICE OF PROCESS.—In an action

24 brought under paragraph (1) in a district court

1 of the United States, process may be served  
2 wherever defendant—

3 (i) is an inhabitant; or

4 (ii) may be found.

5 **SEC. 11. KIDS ONLINE SAFETY COUNCIL.**

6 (a) ESTABLISHMENT.—Not later than 1 year after  
7 the date of enactment of this Act, the Secretary of Com-  
8 merce shall establish and convene the Kids Online Safety  
9 Council for the purpose of providing advice on the imple-  
10 mentation of this Act.

11 (b) PARTICIPATION.—The Kids Online Safety Coun-  
12 cil shall include participation from—

13 (1) parents, academic experts, health profes-  
14 sionals, and members of civil society with respect to  
15 the prevention of harms to minors;

16 (2) youth representation;

17 (3) representatives of covered platforms;

18 (4) representatives of the National Tele-  
19 communications and Information Administration,  
20 the National Institute of Standards and Technology,  
21 the Federal Trade Commission, and the Department  
22 of Justice; and

23 (5) State attorneys general or their representa-  
24 tives.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Fed-  
3 eral Trade Commission such sums as may be necessary  
4 to carry out this Act.

5 **SEC. 13. 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 enactment of this Act.

9 **SEC. 14. SEVERABILITY.**

10       If any provision of this Act, or an amendment made  
11 by this Act, is determined to be unenforceable or invalid,  
12 the remaining provisions of this Act and the amendments  
13 made by this Act shall not be affected.

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