

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6484
OFFERED BY MR. BILIRAKIS OF FLORIDA

Strike all after the enacting clause and insert the following:

1 SEC. 1 SHORT TITLE; TABLE OF CONTENTS.

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

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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.

6 SEC. 2. DEFINITIONS.

7 In this Act:

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

10 (2) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

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

7 (4) COVERED PLATFORM.—The term “covered
8 platform” means a platform that is a website, soft-
9 ware, application, or electronic service connected to
10 the internet that—

11 (A) is publicly available for use by con-
12 sumers;

13 (B) enables the creation of a username or
14 user identifier—

15 (i) that is searchable on the platform;

16 and

17 (ii) that can be followed by or is simi-
18 larly accessible to other users of the plat-
19 form;

20 (C) as the predominant purpose of the
21 platform, facilitates the sharing and access to
22 user-generated content through text, images,
23 video, audio, or any other interactive medium;

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

1 (E) uses the personal information of the
2 user to advertise, market, or make content rec-
3 ommendations.

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

6 (A) means any feature or component of a
7 covered platform that encourages or increases
8 the frequency, time spent, or activity of a user
9 on the covered platform; and

10 (B) includes any of the following:

11 (i) Infinite scrolling or auto play.

12 (ii) Rewards or incentives based on
13 the frequency, time spent, or activity of a
14 user on the covered platform.

15 (iii) Notifications and push alerts.

16 (iv) Badges or other visual award
17 symbols based on the frequency, time
18 spent, or activity of a minor on the covered
19 platform.

20 (v) Appearance altering filters.

21 (6) GEOLOCATION INFORMATION.—The term
22 “geolocation information” means information suffi-
23 cient to identify a street name and name of a city
24 or town.

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

4 (8) MINOR.—The term “minor” means an indi-
5 vidual who is under the age of 17.

6 (9) NARCOTIC DRUG.—The term “narcotic
7 drug” has the meaning given that term in section
8 102 of the Controlled Substances Act (21 U.S.C.
9 802).

10 (10) PARENT.—The term “parent” means the
11 legal guardian of a minor.

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

16 (12) PHYSICAL VIOLENCE.—The term “physical
17 violence” has the meaning given the term “crime of
18 violence” under section 16 of title 18, United States
19 Code.

20 (13) SEXUAL EXPLOITATION AND ABUSE.—The
21 term “sexual exploitation and abuse” means any of
22 the following:

23 (A) Any offense, including coercion and en-
24 ticement, as described in section 2422 of title
25 18, United States Code.

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

3 (C) Trafficking for the production of im-
4 ages, as described in section 2251 of title 18,
5 United States Code.

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

8 (14) STATE.—The term “State” means each
9 State of the United States, the District of Columbia,
10 each commonwealth, territory, or possession of the
11 United States, and each federally recognized Indian
12 Tribe.

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

17 (16) VERIFIABLE PARENTAL CONSENT.—The
18 term “verifiable parental consent” has the meaning
19 given that term in section 1302 of the Children’s
20 Online Privacy Protection Act of 1998 (15 U.S.C.
21 6501)).

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

23 (a) IN GENERAL.—A covered platform shall estab-
24 lish, implement, maintain, and enforce reasonable policies,

1 practices, and procedures that address the following
2 harms to minors:

3 (1) Threats of physical violence.

4 (2) Sexual exploitation and abuse.

5 (3) Distribution, sale, or use of narcotic drugs,
6 tobacco products, cannabis products, gambling, or
7 alcohol.

8 (4) Any financial harm caused by deceptive
9 practices.

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

13 (1) The size and complexity of the covered plat-
14 form.

15 (2) The technical feasibility of addressing the
16 harms described in subsection (a).

17 (c) RULES OF CONSTRUCTION.—

18 (1) SEARCH FOR INFORMATION AND RE-
19 SOURCES PERMITTED.—Nothing in subsection (a)
20 may be construed to require a covered platform to
21 prevent or preclude any minor from—

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

1 (B) accessing resources and information
2 regarding the prevention or mitigation of the
3 harms described in subsection (a).

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

10 **SEC. 4. SAFEGUARDS FOR MINORS.**

11 (a) SAFEGUARDS FOR MINORS.—

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

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

19 (B) Prevent the profile of a minor to be
20 recommended or suggested to a user who is not
21 a minor.

22 (C) Limit design features that result in
23 compulsive usage of the covered platform by the
24 minor.

1 (D) Restrict the sharing of geolocation in-
2 formation of the minor to a third-party that is
3 not a service provider and provide notice to the
4 minor and the parent of the minor that
5 geolocation information is collected.

6 (2) OPTION.—A covered platform shall provide
7 a user that the covered platform knows is a minor
8 with a readily accessible and easy-to-use option to
9 limit the amount of time spent by the minor on the
10 covered platform.

11 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-
12 NORS.—A covered platform shall provide that, in the
13 case of a user or visitor that the platform knows is
14 a minor, the default setting for any safeguard de-
15 scribed under paragraph (1) is the option available
16 on the platform that provides the most protective
17 level of control that is offered by the platform with
18 respect to privacy and safety for that user or visitor.

19 (b) PARENTAL TOOLS.—

20 (1) TOOLS.—A covered platform shall provide
21 readily accessible and easy-to-use parental tools for
22 parents to support a user that the platform knows
23 is a minor with respect to the use of the platform
24 by that user.

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

4 (A) The ability to manage the privacy and
5 account settings of a minor, including any safe-
6 guard and option established under subsection
7 (a), in a manner that allows parents to—

8 (i) view the privacy and account set-
9 tings; and

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

13 (B) The ability to restrict purchases and
14 financial transactions by the minor, if applica-
15 ble.

16 (C) The ability to view metrics of total
17 time spent on the covered platform and restrict
18 time spent on the covered platform by the
19 minor.

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

24 (4) DEFAULT TOOLS FOR CHILDREN.—In the
25 case of a user that the platform knows is a child, a

1 covered platform shall enable the tools required
2 under paragraph (1) by default.

3 (5) APPLICATION TO EXISTING ACCOUNTS.—If,
4 before the effective date of this subsection, a covered
5 platform provides a parent of a user that the plat-
6 form knows is a child with notice and the ability to
7 enable the parental tools described under this sub-
8 section in a manner that would otherwise comply
9 with this subsection, and the parent opted out of en-
10 abling such tools, the covered platform is not re-
11 quired to enable such tools with respect to such user
12 by default on and after the date on which this sub-
13 section takes effect.

14 (c) REPORTING MECHANISM.—

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

17 (A) A readily accessible and easy-to-use
18 means for a user and visitor to a covered plat-
19 form to submit a report to the covered platform
20 of any harm to a minor related to use of the
21 covered platform.

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

24 (C) Confirmation of the receipt of such re-
25 port and, within the applicable time period de-

1 scribed in paragraph (2), a substantive response
2 to the individual that submitted the report.

3 (2) **TIMING.**—A covered platform shall establish
4 an internal process to receive and substantively re-
5 spond to a report submitted under paragraph (1) in
6 a reasonable and timely manner, but in no case later
7 than—

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

10 (B) notwithstanding subparagraph (A), if
11 the report involves an imminent threat to the
12 safety of a minor, as promptly as needed to ad-
13 dress the reported threat to safety.

14 (d) **ADVERTISING OF ILLEGAL PRODUCTS.**—A cov-
15 ered platform shall not facilitate the advertising of nar-
16 cotic drugs, cannabis products, tobacco products, gam-
17 bling, or alcohol to an individual that the covered platform
18 knows is a minor.

19 (e) **RULES OF APPLICATION.**—

20 (1) **ACCESSIBILITY.**—With respect to safe-
21 guards and parental tools described under sub-
22 sections (a) and (b), a covered platform shall provide
23 each of the following:

24 (A) Information and control options in a
25 clear and conspicuous manner that takes into

1 consideration the differing ages, capacities, and
2 developmental needs of the minors most likely
3 to access the covered platform and does not en-
4 courage minors or parents to weaken or disable
5 safeguards or parental tools.

6 (B) Readily accessible and easy-to-use con-
7 trols to enable or disable safeguards or parental
8 tools, as appropriate.

9 (C) Information and control options in the
10 same language, form, and manner as the cov-
11 ered platform provides the product or service
12 used by minors and their parents.

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

20 (3) PROHIBITION.—A covered platform may not
21 knowingly employ a user interface with the purpose
22 of impairing the use by a minor or the parent of a
23 minor of safeguards or parental tools required under
24 this section.

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

3 (1) Prevent a covered platform from taking rea-
4 sonable measures to—

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

8 (B) block or filter spam, prevent criminal
9 activity, or protect the security of a platform or
10 service.

11 (2) Require the disclosure of the browsing be-
12 havior, search history, messages, contact list, or
13 other content or metadata of the communications of
14 a minor.

15 (3) Prevent a covered platform from entering
16 into an agreement with a third party, whose primary
17 or exclusive function is to provide the safeguards or
18 parental tools required under subsections (a) and (b)
19 or to assist with meeting the requirements described
20 under subsections (a) and (b).

21 (4) Prevent a parent or user from authorizing
22 a third party described in subparagraph (3) to im-
23 plement such safeguards or parental tools required
24 under subsections (a) and (b).

1 **SEC. 5. DISCLOSURE.**

2 (a) NOTICE.—

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

8 (A) The policies and practices of the cov-
9 ered platform with respect to safeguards for mi-
10 nors.

11 (B) Information about how to access the
12 safeguards and parental tools required under
13 section 4.

14 (2) NOTIFICATION.—

15 (A) NOTICE AND ACKNOWLEDGMENT.—In
16 the case of an individual that a covered plat-
17 form knows is a child, the platform shall pro-
18 vide information about the parental tools and
19 safeguards required under section 4 to a parent
20 of the child and obtain verifiable parental con-
21 sent.

22 (B) REASONABLE EFFORT.—A covered
23 platform shall be deemed to have satisfied the
24 requirement described in subparagraph (A) if
25 the covered platform is in compliance with the
26 requirements of the Children’s Online Privacy

1 Protection Act of 1998 (15 U.S.C. 6501 et
2 seq.) to use reasonable efforts (taking into con-
3 sideration available technology) to provide a
4 parent with the information described in sub-
5 paragraph (A) and to obtain verifiable parental
6 consent.

7 (3) CONSOLIDATED NOTICES.—For purposes of
8 this section, a covered platform may consolidate the
9 process for providing information and obtaining
10 verifiable parental consent or the consent of the
11 minor involved (as applicable) required under this
12 subsection with the obligations of the covered plat-
13 form to provide relevant notice and obtain verifiable
14 parental consent under the Children’s Online Pri-
15 vacy Protection Act of 1998.

16 (b) ADVERTISING AND MARKETING INFORMATION
17 AND LABELS.—A covered platform shall provide clear,
18 conspicuous, and easy-to-understand labels and informa-
19 tion, which may be provided through a link to another web
20 page or disclosure, to minors on advertisements regarding
21 the disclosure of endorsements of products, services, or
22 brands made for commercial consideration by other users
23 of the platform.

1 **SEC. 6. AUDIT; REPORT.**

2 (a) **AUDIT REQUIRED.**—Not later than 1 year after
3 the date of the enactment of this Act, and annually there-
4 after, a covered platform shall have an independent, third-
5 party auditor conduct an independent, third-party audit
6 of the covered platform.

7 (b) **AUDIT SPECIFICATIONS.**—

8 (1) **CRITERIA.**—In conducting an audit required
9 by subsection (a), an independent, third-party audi-
10 tor shall do the following:

11 (A) Consider widely accepted or evidence-
12 based approaches, best practices, frameworks,
13 and methods related to the measures, safe-
14 guards for minors, and parental tools required
15 under this Act.

16 (B) Consider widely accepted or evidence-
17 based approaches, best practices, frameworks,
18 and methods related to identifying, preventing,
19 and mitigating the harms to minors listed in
20 section 3(a) of this Act.

21 (C) Consult with parents (including par-
22 ents with relevant experience), public health
23 and mental health nonprofit organizations,
24 health and development organizations, and ex-
25 perts in freedom of expression about methods to
26 identify, prevent, and mitigate such harms.

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

3 (A) An assessment of the extent to which
4 the relevant covered platform is likely to be
5 accessed by minors, including differences be-
6 tween children and teens.

7 (B) An accounting of the following:

8 (i) The number of users using such
9 covered platform that such covered plat-
10 form knows to be minors located in the
11 United States.

12 (ii) The median and mean amounts of
13 time spent on such covered platform by
14 such users during the year in which such
15 audit is conducted.

16 (iii) A description of the policies,
17 practices, and procedures implemented to
18 address the harms described in section 3.

19 (iv) The number of times that the
20 safeguards for minors described in section
21 4(a) have been exercised during the year in
22 which such audit is conducted.

23 (v) The number of times that the pa-
24 rental tools described in section 4(b) have

1 been exercised during the year in which
2 such audit is conducted.

3 (vi) The number of reports, cat-
4 egorized by types of harms to a minor, re-
5 ceived by such covered platform through
6 the reporting mechanism described in sec-
7 tion 4(c) during the year in which such
8 audit is conducted.

9 (C) A description of such safeguards for
10 minors and parental tools that are available to
11 minors and parents on such covered platform.

12 (D) A description of how such covered
13 platform handles reports received through such
14 reporting mechanism, including the rate of re-
15 sponse to such a report and the timeliness and
16 substantiveness of any such response.

17 (E) A description of whether, how, and for
18 what purpose such covered platform collects or
19 processes categories of personal information of
20 minors.

21 (F) If the covered platform has a process
22 used to create, implement, or evaluate the im-
23 pact of a design feature of the covered platform
24 used by minors, a description of such process.

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

5 (A) Provide or otherwise make available to
6 the independent, third-party auditor that con-
7 ducts such audit all information and materials
8 in the possession, custody, or control of such
9 covered platform relevant to such audit.

10 (B) Provide or otherwise make available to
11 such auditor access to all networks, systems,
12 and assets relevant to such audit.

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

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

19 (d) PUBLIC REPORT.—Not later than 45 days after
20 the date on which an audit required by subsection (a) is
21 completed—

22 (1) a covered platform shall issue a public re-
23 port that includes the information in clauses (i), (ii),
24 (iv), (v), and (vi) of subsection (b)(2)(B); and

1 (2) notwithstanding paragraph (1), a covered
2 platform may include in a public report any other
3 information required by this section.

4 **SEC. 7. ENFORCEMENT.**

5 (a) ENFORCEMENT BY COMMISSION.—

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

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

22 (b) ACTIONS BY STATES.—

23 (1) IN GENERAL.—In any case in which the at-
24 torney general of a State, or an official or agency of
25 a State, has reason to believe that an interest of the

1 residents of such State has been or is threatened or
2 adversely affected by an act or practice in violation
3 of this Act, the State, as *parens patriae*, may bring
4 a civil action on behalf of the residents of the State
5 in an appropriate State court or an appropriate dis-
6 trict court of the United States to—

7 (A) enjoin such act or practice;

8 (B) enforce compliance with this Act;

9 (C) obtain damages, restitution, or other
10 compensation on behalf of residents of the
11 State; or

12 (D) obtain such other legal and equitable
13 relief as the court may consider to be appro-
14 priate.

15 (2) NOTICE.—Before filing an action under this
16 subsection, the attorney general, official, or agency
17 of the State involved shall provide to the Commis-
18 sion a written notice of such action and a copy of
19 the complaint for such action. If the attorney gen-
20 eral, official, or agency determines that it is not fea-
21 sible to provide the notice described in this para-
22 graph before the filing of the action, the attorney
23 general, official, or agency shall provide written no-
24 tice of the action and a copy of the complaint to the

1 Commission immediately upon the filing of the ac-
2 tion.

3 (3) AUTHORITY OF COMMISSION.—

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

8 (i) to intervene in the action; and

9 (ii) upon so intervening—

10 (I) to be heard on all matters
11 arising therein; and

12 (II) to file petitions for appeal.

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

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

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

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

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

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

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

23 (3) Recommendations with respect to methods
24 for assessing, preventing, and mitigating harms to
25 minors online.

1 (4) Recommendations with respect to methods
2 and themes for research regarding harms to minors
3 online.

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

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

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

14 (2) Researchers with specific expertise with re-
15 spect to social media.

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

18 (4) Educators with demonstrated experience
19 with respect to the safety of minors online.

20 (5) Covered platforms.

21 (6) Experts in academia and civil society with
22 specific expertise in constitutional law, privacy, free
23 expression, access to information, and civil liberties.

24 (7) State attorneys general or designees thereof
25 who work in State or local government.

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

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

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

11 (g) FINAL REPORT.—Not later than 2 years after the
12 effective date of this Act, and every 2 years thereafter,
13 the Council shall submit to Congress a report that includes
14 the following:

15 (1) A detailed statement of the findings and
16 conclusions of the Council with respect to the rec-
17 ommendations and advice described in subsection
18 (b).

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

22 (3) Any recommendations for legislative or ad-
23 ministrative actions to address the online safety of
24 minors.

1 (h) TERMINATION.—The Council shall terminate on
2 the date that is 10 years after the date of the enactment
3 of this Act.

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

6 **SEC. 9. RULES OF CONSTRUCTION.**

7 (a) RELATIONSHIP TO OTHER LAWS.—Nothing in
8 this Act may be construed to—

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

13 (2) authorize any action in conflict with section
14 18(h) of the Federal Trade Commission Act (15
15 U.S.C. 57a(h)); or

16 (3) expand, limit the scope of, or alter the
17 meaning of section 230 of the Communications Act
18 of 1934 (47 U.S.C. 230).

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

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

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

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

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

9 (5) investigate or report an individual or entity
10 responsible for an activity described in paragraph
11 (4).

12 (c) PROTECTIONS FOR PRIVACY.—Nothing in this
13 Act may be construed to require the affirmative collection
14 of any personal information with respect to the age of
15 users that a covered platform is not already collecting in
16 the normal course of business.

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

18 No State or political subdivision of a State may pre-
19 scribe, maintain, or enforce any law, rule, regulation, re-
20 quirement, standard, or other provision having the force
21 and effect of law, if such law, rule, regulation, require-
22 ment, standard, or other provision relates to the provisions
23 of this Act.

1 **SEC. 11. EFFECTIVE DATE.**

2 Except as otherwise provided in this Act, this Act
3 shall take effect on the date that is 18 months after the
4 date of the enactment of this Act.

5 **SEC. 12. SEVERABILITY.**

6 If any provision of this Act or the application of this
7 Act to any person or circumstance is held invalid, the re-
8 maining provisions of this Act and the application of this
9 Act to other persons or circumstances shall not be af-
10 fected.

