AN ACT

To amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes.
To amend the Communications Act of 1934 to require persons who are engaged in the business of distributing, by means of the World Wide Web, material that is harmful to minors to restrict access to such material by minors, and for other purposes.
Be it enacted by the Senate and House of Reprepara-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Online Protec-
tion Act”.

TITLE I—PROTECTION FROM
MATERIAL THAT IS HARMFUL
TO MINORS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) while custody, care, and nurture of the child
resides first with the parent, the widespread avail-
ability of the Internet presents opportunities for mi-
nors to access materials through the World Wide
Web in a manner that can frustrate parental super-
vision or control;

(2) the protection of the physical and psycho-
logical well-being of minors by shielding them from
materials that are harmful to them is a compelling
governmental interest;

(3) to date, while the industry has developed in-
novative ways to help parents and educators restrict
material that is harmful to minors through parental
control protections and self-regulation, such efforts
have not provided a national solution to the problem
of minors accessing harmful material on the World
Wide Web;

(4) a prohibition on the distribution of material
harmful to minors, combined with legitimate de-
fenses, is currently the most effective and least re-
strictive means by which to satisfy the compelling
government interest; and

(5) notwithstanding the existence of protections
that limit the distribution over the World Wide Web
of material that is harmful to minors, parents, edu-
cators, and industry must continue efforts to find
ways to protect children from being exposed to
harmful material found on the Internet.

SEC. 102. REQUIREMENT TO RESTRICT ACCESS BY MINORS
TO MATERIALS COMMERCIALLY DISTRIBUTED
 BY MEANS OF THE WORLD WIDE WEB
THAT ARE HARMFUL TO MINORS.
Part I of title II of the Communications Act of 1934
(47 U.S.C. 201 et seq.) is amended by adding at the end
the following new section:

“SEC. 231. RESTRICTION OF ACCESS BY MINORS TO MATE-
RIALS COMMERCIALLY DISTRIBUTED BY
MEANS OF WORLD WIDE WEB THAT ARE
HARMFUL TO MINORS.

“(a) Requirement To Restrict Access.—
“(1) Prohibited conduct.—Whoever knowingly and with knowledge of the character of the material, in interstate or foreign commerce by means of the World Wide Web, makes any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors shall be fined not more than $50,000, imprisoned not more than 6 months, or both.

“(2) Intentional violations.—In addition to the penalties under paragraph (1), whoever intentionally violates such paragraph shall be subject to a fine of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

“(3) Civil penalty.—In addition to the penalties under paragraphs (1) and (2), whoever violates paragraph (1) shall be subject to a civil penalty of not more than $50,000 for each violation. For purposes of this paragraph, each day of violation shall constitute a separate violation.

“(b) Inapplicability of Carriers and Other Service Providers.—For purposes of subsection (a), a person shall not be considered to make any communication for commercial purposes to the extent that such person is—
“(1) a telecommunications carrier engaged in the provision of a telecommunications service;
“(2) a person engaged in the business of providing an Internet access service;
“(3) a person engaged in the business of providing an Internet information location tool; or
“(4) similarly engaged in the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication made by another person, without selection or alteration of the content of the communication, except that such person’s deletion of a particular communication or material made by another person in a manner consistent with subsection (c) or section 230 shall not constitute such selection or alteration of the content of the communication.
“(c) AFFIRMATIVE DEFENSE.—
“(1) DEFENSE.—It is an affirmative defense to prosecution under this section that the defendant, in good faith, has restricted access by minors to material that is harmful to minors—
“(A) by requiring use of a credit card, debit account, adult access code, or adult personal identification number;
“(B) by accepting a digital certificate that verifies age; or

“(C) by any other reasonable measures that are feasible under available technology.

“(2) PROTECTION FOR USE OF DEFENSES.—No cause of action may be brought in any court or administrative agency against any person on account of any activity that is not in violation of any law punishable by criminal or civil penalty, and that the person has taken in good faith to implement a defense authorized under this subsection or otherwise to restrict or prevent the transmission of, or access to, a communication specified in this section.

“(d) PRIVACY PROTECTION REQUIREMENTS.—

“(1) DISCLOSURE OF INFORMATION LIMITED.—

A person making a communication described in subsection (a)—

“(A) shall not disclose any information collected for the purposes of restricting access to such communications to individuals 17 years of age or older without the prior written or electronic consent of—

“(i) the individual concerned, if the individual is an adult; or
“(ii) the individual’s parent or guardian, if the individual is under 17 years of age; and

“(B) shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the person making such communication and the recipient of such communication.

“(2) EXCEPTIONS.—A person making a communication described in subsection (a) may disclose such information if the disclosure is—

“(A) necessary to make the communication or conduct a legitimate business activity related to making the communication; or

“(B) made pursuant to a court order authorizing such disclosure.

“(e) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(1) BY MEANS OF THE WORLD WIDE WEB.—The term ‘by means of the World Wide Web’ means by placement of material in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.
“(2) COMMERCIAL PURPOSES; ENGAGED IN THE BUSINESS.—

“(A) COMMERCIAL PURPOSES.—A person shall be considered to make a communication for commercial purposes only if such person is engaged in the business of making such communications.

“(B) ENGAGED IN THE BUSINESS.—The term ‘engaged in the business’ means that the person who makes a communication, or offers to make a communication, by means of the World Wide Web, that includes any material that is harmful to minors, devotes time, attention, or labor to such activities, as a regular course of such person’s trade or business, with the objective of earning a profit as a result of such activities (although it is not necessary that the person make a profit or that the making or offering to make such communications be the person’s sole or principal business or source of income). A person may be considered to be engaged in the business of making, by means of the World Wide Web, communications for commercial purposes that include material that is harmful to minors, only if the person knowingly
causes the material that is harmful to minors to be posted on the World Wide Web or knowingly solicits such material to be posted on the World Wide Web.

“(3) INTERNET.—The term ‘Internet’ means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

“(4) INTERNET ACCESS SERVICE.—The term ‘Internet access service’ means a service that enables users to access content, information, electronic mail, or other services offered over the Internet, and may also include access to proprietary content, information, and other services as part of a package of services offered to consumers. Such term does not include telecommunications services.

“(5) INTERNET INFORMATION LOCATION TOOL.—The term ‘Internet information location tool’ means a service that refers or links users to an online location on the World Wide Web. Such term includes directories, indices, references, pointers, and hypertext links.
“(6) MATERIAL THAT IS HARMFUL TO MINORS.—The term ‘material that is harmful to minors’ means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—

“(A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;

“(B) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and

“(C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

“(7) MINOR.—The term ‘minor’ means any person under 17 years of age.”.

SEC. 103. NOTICE REQUIREMENT.

(a) NOTICE.—Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is amended—
(1) in subsection (d)(1), by inserting “or 231” after “section 223”;

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection:

“(d) Obligations of Interactive Computer Service.—A provider of interactive computer service shall, at the time of entering an agreement with a customer for the provision of interactive computer service and in a manner deemed appropriate by the provider, notify such customer that parental control protections (such as computer hardware, software, or filtering services) are commercially available that may assist the customer in limiting access to material that is harmful to minors. Such notice shall identify, or provide the customer with access to information identifying, current providers of such protections.”.

(b) Conforming Amendment.—Section 223(h)(2) of the Communications Act of 1934 (47 U.S.C. 223(h)(2)) is amended by striking “230(e)(2)” and inserting “230(f)(2)”. 
SEC. 104. STUDY BY COMMISSION ON ONLINE CHILD PROTECTION.

(a) Establishment.—There is hereby established a temporary Commission to be known as the Commission on Online Child Protection (in this section referred to as the “Commission”) for the purpose of conducting a study under this section regarding methods to help reduce access by minors to material that is harmful to minors on the Internet.

(b) Membership.—The Commission shall be composed of 19 members, as follows:

(1) Industry Members.—The Commission shall include—

(A) 2 members who are engaged in the business of providing Internet filtering or blocking services or software;

(B) 2 members who are engaged in the business of providing Internet access services;

(C) 2 members who are engaged in the business of providing labeling or ratings services;

(D) 2 members who are engaged in the business of providing Internet portal or search services;
(E) 2 members who are engaged in the business of providing domain name registration services;

(F) 2 members who are academic experts in the field of technology; and

(G) 4 members who are engaged in the business of making content available over the Internet.

Of the members of the Commission by reason of each subparagraph of this paragraph, an equal number shall be appointed by the Speaker of the House of Representatives and by the Majority Leader of the Senate.

(2) EX OFFICIO MEMBERS.—The Commission shall include the following officials:

(A) The Assistant Secretary (or the Assistant Secretary’s designee).

(B) The Attorney General (or the Attorney General’s designee).

(C) The Chairman of the Federal Trade Commission (or the Chairman’s designee).

(c) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a study to identify technological or other methods that—
(A) will help reduce access by minors to material that is harmful to minors on the Internet; and

(B) may meet the requirements for use as affirmative defenses for purposes of section 231(c) of the Communications Act of 1934 (as added by this Act).

Any methods so identified shall be used as the basis for making legislative recommendations to the Congress under subsection (d)(3).

(2) SPECIFIC METHODS.—In carrying out the study, the Commission shall identify and analyze various technological tools and methods for protecting minors from material that is harmful to minors, which shall include (without limitation)—

(A) a common resource for parents to use to help protect minors (such as a “one-click-away” resource);

(B) filtering or blocking software or services;

(C) labeling or rating systems;

(D) age verification systems;

(E) the establishment of a domain name for posting of any material that is harmful to minors; and
(F) any other existing or proposed technologies or methods for reducing access by minors to such material.

(3) **Analysis.**—In analyzing technologies and other methods identified pursuant to paragraph (2), the Commission shall examine—

(A) the cost of such technologies and methods;

(B) the effects of such technologies and methods on law enforcement entities;

(C) the effects of such technologies and methods on privacy;

(D) the extent to which material that is harmful to minors is globally distributed and the effect of such technologies and methods on such distribution;

(E) the accessibility of such technologies and methods to parents; and

(F) such other factors and issues as the Commission considers relevant and appropriate.

(d) **Report.**—Not later than 1 year after the enactment of this Act, the Commission shall submit a report to the Congress containing the results of the study under this section, which shall include—
(1) a description of the technologies and methods identified by the study and the results of the analysis of each such technology and method;

(2) the conclusions and recommendations of the Commission regarding each such technology or method;

(3) recommendations for legislative or administrative actions to implement the conclusions of the committee; and

(4) a description of the technologies or methods identified by the study that may meet the requirements for use as affirmative defenses for purposes of section 231(c) of the Communications Act of 1934 (as added by this Act).

(e) STAFF AND RESOURCES.—The Assistant Secretary for Communication and Information of the Department of Commerce shall provide to the Commission such staff and resources as the Assistant Secretary determines necessary for the Commission to perform its duty efficiently and in accordance with this section.

(f) TERMINATION.—The Commission shall terminate 30 days after the submission of the report under subsection (d).
(g) **Inapplicability of Federal Advisory Committee Act.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

**SEC. 105. EFFECTIVE DATE.**

This title and the amendments made by this title shall take effect 30 days after the date of enactment of this Act.

**TITLE II—CHILDREN’S ONLINE PRIVACY PROTECTION**

**SEC. 201. DEFINITIONS.**

In this title:

1. (1) **CHILD.**—The term “child” means an individual under the age of 13.

2. (2) **OPERATOR.**—The term “operator” means any person operating a website on the World Wide Web or any online service for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

   (A) among the several States or with 1 or more foreign nations;

   (B) in any territory of the United States or in the District of Columbia, or between any such territory and—

   (i) another such territory; or
(ii) any State or foreign nation; or

(C) between the District of Columbia and any State, territory, or foreign nation.

For purposes of this title, the term “operator” does not include any non-profit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

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

(4) DISCLOSURE.—The term “disclosure” means, with respect to personal information—

(A) the release of personal information collected from a child in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the website and does not disclose or use that information for any other purpose; and

(B) making personal information collected from a child by a website or online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any
means including by a public posting, through
the Internet, or through—

(i) a home page of a website;
(ii) a pen pal service;
(iii) an electronic mail service;
(iv) a message board; or
(v) a chat room.

(5) Federal agency.—The term “Federal
agency” means an agency, as that term is defined
in section 551(1) of title 5, United States Code.

(6) Internet.—The term “Internet” means
collectively the myriad of computer and tele-
communications facilities, including equipment and
operating software, which comprise the inter-
connected world-wide network of networks that em-
ploy the Transmission Control Protocol/Internet
Protocol, or any predecessor or successor protocols
to such protocol, to communicate information of all
types by wire or radio.

(7) Parent.—The term “parent” includes a
legal guardian.

(8) Personal information.—The term “per-
sonal information” means individually identifiable
information about an individual collected online, in-
cluding—
(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(G) information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

(9) VERIFIABLE PARENTAL CONSENT.—The term “verifiable parental consent” means any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, to ensure that a parent of a child receives notice of the operator’s personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child.
(10) Website or online service directed to children.—

(A) In general.—The term “website or online service directed to children” means—

(i) a commercial website or online service that is targeted to children; or

(ii) that portion of a commercial website or online service that is targeted to children.

(B) Limitation.—A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

(11) Person.—The term “person” means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(12) Online contact information.—The term “online contact information” means an e-mail address or another substantially similar identifier that permits direct contact with a person online.
SEC. 202. REGULATION OF UNFAIR AND DECEPTIVE ACTS
AND PRACTICES IN CONNECTION WITH THE
COLLECTION AND USE OF PERSONAL INFOR-
MATION FROM AND ABOUT CHILDREN ON
THE INTERNET.

(a) Acts Prohibited.—

(1) In general.—It is unlawful for an opera-
tor of a website or online service directed to chil-
dren, or any operator that has actual knowledge that
it is collecting personal information from a child, to
collect personal information from a child in a man-
ner that violates the regulations prescribed under
subsection (b).

(2) Disclosure to parent protected.—
Notwithstanding paragraph (1), neither an operator
of such a website or online service nor the operator’s
agent shall be held to be liable under any Federal
or State law for any disclosure made in good faith
and following reasonable procedures in responding to
a request for disclosure of personal information
under subsection (b)(1)(B)(iii) to the parent of a
child.

(b) Regulations.—

(1) In general.—Not later than 1 year after
the date of the enactment of this Act, the Commis-
sion shall promulgate under section 553 of title 5, United States Code, regulations that—

(A) require the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child—

(i) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator’s disclosure practices for such information; and

(ii) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children;

(B) require the operator to provide, upon request of a parent whose child has provided personal information to that website or online service—

(i) a description of the specific types of personal information collected from the child by that operator;

(ii) notwithstanding any other provision of law, the opportunity at any time to
refuse to permit the operator’s further use
or maintenance in retrievable form, or fu-
ture online collection, of personal informa-
tion on that child; and

(iii) a means that is reasonable under
the circumstances for the parent to obtain
any personal information collected from
that child;

(C) prohibit conditioning a child’s partici-
pation in a game, the offering of a prize, or an-
other activity on the child disclosing more per-
sonal information than is reasonably necessary
to participate in such activity;

(D) require the operator of such a website
or online service to establish and maintain rea-
sonable procedures to protect the confidential-
ity, security, and integrity of personal informa-
tion collected from children; and

(E) permit the operator of such a website
or online service to collect, use, and disseminate
such information as is necessary—

(i) to protect the security or integrity
of its website;

(ii) to take precautions against liabil-
ity;
(iii) to respond to judicial process;

and

(iv) to provide information to law enforcement agencies or for an investigation on a matter related to public safety.

(2) WHEN CONSENT NOT REQUIRED.—Verifiable parental consent under paragraph (1)(A)(ii) is not required in the case of—

(A) online contact information collected from a child that is used only to respond directly on a one-time basis to a specific request from the child and is not used to recontact the child and is not maintained in retrievable form by the operator;

(B) a request for the name or online contact information of a parent or child that is used for the sole purpose of obtaining parental consent or providing notice under this section and where such information is not maintained in retrievable form by the operator if parental consent is not obtained after a reasonable time;

(C) online contact information collected from a child that is used only to respond more than once directly to a specific request from the
child and is not used to recontact the child beyond the scope of that request—

(i) if, before any additional response after the initial response to the child, the operator uses reasonable efforts to provide a parent notice of the online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(ii) without notice to the parent in such circumstances as the Commission may determine are appropriate, taking into consideration the benefits to the child of access to information and services, and risks to the security and privacy of the child, in regulations promulgated under this subsection; or

(D) the name of the child and online contact information (to the extent necessary to protect the safety of a child participant in the site)—
(i) used only for the purpose of pro-
tecting such safety;
(ii) not used to recontact the child or
for any other purpose; and
(iii) not disclosed on the site,
if the operator uses reasonable efforts to pro-
vide a parent notice of the name and online
contact information collected from the child, the
purposes for which it is to be used, and an op-
portunity for the parent to request that the op-
erator make no further use of the information
and that it not be maintained in retrievable
form.

(e) ENFORCEMENT.—Subject to sections 203 and
205, a violation of a regulation prescribed under sub-
section (a) shall be treated as a violation of a rule defining
an unfair or deceptive act or practice prescribed under sec-
tion 18(a)(1)(B) of the Federal Trade Commission Act
(15 U.S.C. 57a(a)(1)(B)).

(d) INCONSISTENT STATE LAW.—No State or local
government may impose any liability for commercial ac-
tivities or actions by operators in interstate or foreign
commerce in connection with an activity or action de-
scribed in this title that is inconsistent with the treatment
of those activities or actions under this section.
SEC. 203. SAFE HARBORS.

(a) GUIDELINES.—An operator may satisfy the requirements of regulations issued under section 202(b) by following a set of self-regulatory guidelines, issued by representatives of the marketing or online industries, or by other persons, approved under subsection (b).

(b) INCENTIVES.—

(1) SELF-REGULATORY INCENTIVES.—In prescribing regulations under section 202, the Commission shall provide incentives for self-regulation by operators to implement the protections afforded children under the regulatory requirements described in subsection (b) of that section.

(2) DEEMED COMPLIANCE.—Such incentives shall include provisions for ensuring that a person will be deemed to be in compliance with the requirements of the regulations under section 202 if that person complies with guidelines that, after notice and comment, are approved by the Commission upon making a determination that the guidelines meet the requirements of the regulations issued under section 202.

(3) EXPEDITED RESPONSE TO REQUESTS.—The Commission shall act upon requests for safe harbor treatment within 180 days of the filing of the re-
quest, and shall set forth in writing its conclusions
with regard to such requests.

(c) Appeals.—Final action by the Commission on a
request for approval of guidelines, or the failure to act
within 180 days on a request for approval of guidelines,
submitted under subsection (b) may be appealed to a dis-

tric court of the United States of appropriate jurisdiction
as provided for in section 706 of title 5, United States
Code.

SEC. 204. ACTIONS BY STATES.

(a) In General.—

(1) Civil Actions.—In any case in which the
attorney general of a State has reason to believe
that an interest of the residents of that State has
been or is threatened or adversely affected by the
engagement of any person in a practice that violates
any regulation of the Commission prescribed under
section 202(b), the State, as parens patriae, may
bring a civil action on behalf of the residents of the
State in a district court of the United States of ap-
propriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with the regulation;
(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the
same time as the attorney general files the action.

(b) **INTERVENTION.**—

(1) **IN GENERAL.**—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) **EFFECT OF INTERVENTION.**—If the Commission intervenes in an action under subsection(a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(3) **AMICUS CURIAE.**—Upon application to the court, a person whose self-regulatory guidelines have been approved by the Commission and are relied upon as a defense by any defendant to a proceeding under this section may file amicus curiae in that proceeding.

(c) **CONSTRUCTION.**—For purposes of bringing any civil action under subsection (a), nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;
(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) Actions by the Commission.—In any case in which an action is instituted by or on behalf of the Commission for violation of any regulation prescribed under section 202, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that regulation.

(e) Venue; Service of Process.—

(1) Venue.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) Service of Process.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 205. Administration and Applicability of Act.

(a) In General.—Except as otherwise provided, this title shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).
(b) PROVISIONS.—Compliance with the requirements imposed under this title shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office
of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) EXERCISE OF CERTAIN POWERS.—For the purpose of the exercise by any agency referred to in subsection (a) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under
this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (a), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law.

(d) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 202 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title. Any entity that violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this title.

(e) EFFECT ON OTHER LAWS.—Nothing contained in this title shall be construed to limit the authority of the Commission under any other provisions of law.
SEC. 206. REVIEW.

Not later than 5 years after the effective date of the regulations initially issued under section 202, the Commission shall—

(1) review the implementation of this title, including the effect of the implementation of this title on practices relating to the collection and disclosure of information relating to children, children’s ability to obtain access to information of their choice online, and on the availability of websites directed to children; and

(2) prepare and submit to Congress a report on the results of the review under paragraph (1).

SEC. 207. EFFECTIVE DATE.

Sections 202(a), 204, and 205 of this title take effect on the later of—

(1) the date that is 18 months after the date of enactment of this Act; or

(2) the date on which the Commission rules on the first application for safe harbor treatment under section 203 if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than
the date that is 30 months after the date of enactment of this Act.

Passed the House of Representatives October 7, 1998.

Attest:

Clerk.