



AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4407

To require the creation of family accounts for children to be able to use artificial intelligence chatbots, to require verifiable parental consent for teens using artificial intelligence chatbots, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CRUZ (for himself, Mr. SCHATZ,
and Mr. CURTIS)

Viz:

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Children’s Health, Ad-
5 vancement, Trust, Boundaries, and Oversight in Tech-
6 nology Act” or the “CHATBOT Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) **ARTIFICIAL INTELLIGENCE.**—The term “ar-
10 tificial intelligence” has the meaning given such

1 term in section 5002 of the National Artificial Intel-
2 ligence Initiative Act of 2020 (15 U.S.C. 9401).

3 (2) ARTIFICIAL INTELLIGENCE CHATBOT.—The
4 term “artificial intelligence chatbot” means artificial
5 intelligence that, in an open-ended natural-language
6 or multimodal manner—

7 (A) accepts user input;

8 (B) engages in interactive conversations
9 with a user; and

10 (C) provides outputs that are not—

11 (i) pre-determined or scripted;

12 (ii) limited to contextualized replies or
13 to a narrow, specified purpose, such as—

14 (I) customer service, including
15 customer account information;

16 (II) shopping assistance, such as
17 providing users with information
18 about available commercial services or
19 products;

20 (III) any operational purpose of
21 a business, including internal pur-
22 poses and employee productivity;

23 (IV) productivity and analysis re-
24 lated to providing efficiency improve-
25 ments;

3

- 1 (V) internal research;
2 (VI) technical assistance; or
3 (VII) a search engine or other in-
4 formation retrieval service intended to
5 index, reference, or direct users to
6 third-party online content, including
7 any features that organize, synthesize,
8 or summarize content to navigate the
9 public internet;

10 (iii) provided by an educational prod-
11 uct or service that—

- 12 (I) operates within a closed, cur-
13 riculum-bound instructional domain;
14 and

- 15 (II) is not capable of open-ended
16 natural-language conversation outside
17 such domain; or

- 18 (iv) designed to actively refer or route
19 users to licensed professionals, established
20 support organizations, or emergency serv-
21 ices or provided by a product or service
22 that—

- 23 (I) operates within a closed clin-
24 ical domain; and

1 (II) is not capable of open-ended
2 natural language conversation outside
3 of such domain.

4 (3) CHILD.—The term “child” means an indi-
5 vidual who has not attained 13 years of age.

6 (4) COMMISSION.—The term “Commission”
7 means the Federal Trade Commission.

8 (5) COVERED ENTITY.—The term “covered en-
9 tity” means any public-facing website, online service,
10 or software application that provides an artificial in-
11 telligence chatbot to users.

12 (6) KNOW.—The term “know” means to have
13 actual knowledge or knowledge fairly implied on the
14 basis of objective circumstances.

15 (7) MATERIAL THAT IS OBSCENE FOR MI-
16 NORS.—The term “material that is obscene for mi-
17 nors” means any material that—

18 (A) the average individual applying con-
19 temporary community standards would find,
20 taking the material as a whole and with respect
21 to minors, is designed to appeal to or pander to
22 the prurient interest;

23 (B) in a manner patently offensive with re-
24 spect to minors, exploits, is devoted to, or prin-
25 cipally consists of descriptions of actual, simu-

1 lated, or animated displays or depictions of a
2 sexual act or sexual contact (as such terms are
3 defined in section 2246 of title 18, United
4 States Code); and

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

7 (8) MEMORY.—The term “memory” means per-
8 sonal data about a child or teen user, including in-
9 ferences based on inputs, conversation history, and
10 other activity between an artificial intelligence
11 chatbot and such child or teen user.

12 (9) MINOR.—The term “minor” means an indi-
13 vidual who has not attained 18 years of age.

14 (10) PARENT.—With respect to a child or teen,
15 the term “parent” includes a legal guardian or pri-
16 mary caregiver of the child or teen.

17 (11) PERSONAL DATA.—The term “personal
18 data”—

19 (A) has the meaning given the term “per-
20 sonal information” in section 1302 of the Chil-
21 dren’s Online Privacy Protection Act of 1998
22 (15 U.S.C. 6501); and

23 (B) includes any data obtained from a user
24 during a conversation between such user and an
25 artificial intelligence chatbot.

1 (12) TARGETED ADVERTISING.—The term “tar-
2 geted advertising”—

3 (A) means advertising or any other effort
4 to market a product or service to a child or teen
5 user based on any personal data collected from
6 the child or teen; and

7 (B) does not include—

8 (i) a product or service recommenda-
9 tion to a child or teen user exclusively in
10 response to the most recent direct query
11 input by the child or teen user, where such
12 product or service recommendation is not
13 displayed in exchange for monetary or
14 other valuable consideration;

15 (ii) contextual advertising, such as
16 when an advertisement is displayed to a
17 user based on the content of the website,
18 online service, or software application of a
19 covered entity in which the advertisement
20 appears and is not based upon the personal
21 data of the user; or

22 (iii) processing personal data solely
23 for the purpose of measuring or reporting
24 advertising or content performance, reach,

1 or frequency, including independent meas-
2 urement.

3 (13) TEEN.—The term “teen” means an indi-
4 vidual who has attained 13 years of age but has not
5 attained 18 years of age.

6 (14) TRANSPARENCY LABEL.—The term
7 “transparency label” means, with respect to an arti-
8 ficial intelligence chatbot, a notice that—

9 (A) is clearly and conspicuously displayed
10 to a user at regular intervals, which may in-
11 clude static disclosures, that are appropriate to
12 the medium of the artificial intelligence chatbot;

13 (B) disappears only if the user exits such
14 notice; and

15 (C) discloses that the artificial intelligence
16 chatbot is artificial intelligence and not a nat-
17 ural person.

18 (15) USER.—The term “user” means, with re-
19 spect to a covered entity, an individual who—

20 (A) accesses the artificial intelligence
21 chatbot of the covered entity; or

22 (B) registers an account or creates a pro-
23 file in order to access the artificial intelligence
24 chatbot of the covered entity.

1 **SEC. 3. ACCOUNT REQUIREMENT; SUSPENSION OR TERMI-**
2 **NATION OF EXISTING USER ACCOUNTS AND**
3 **PROFILES; DELETION OF PERSONAL DATA.**

4 (a) CREATION AND MAINTENANCE OF FAMILY AC-
5 COUNTS FOR CHILDREN.—If a covered entity knows an
6 individual is a child, in order for such individual to access
7 an artificial intelligence chatbot of the covered entity, such
8 covered entity shall require such individual's account or
9 profile to connect to a family account that meets the re-
10 quirements described in section 5.

11 (b) CREATION AND MAINTENANCE OF ACCOUNTS
12 FOR TEENS.—If a covered entity knows an individual is
13 a teen, in order for such individual to access an artificial
14 intelligence chatbot of the covered entity, such covered en-
15 tity shall require such individual to create and maintain
16 an account that meets the requirements described in sec-
17 tion 4.

18 (c) TERMINATION OF EXISTING USER ACCOUNTS
19 AND PROFILES OF CHILD AND TEEN USERS.—A covered
20 entity shall suspend, and terminate if not in compliance
21 within 180 days of such a suspension, any user account
22 or profile of an artificial intelligence chatbot of the covered
23 entity if the covered entity knows such user is—

24 (1) a child and the user account or profile of
25 such child is not connected to a family account; or

1 (2) a teen and the parent of such teen has not
2 provided verifiable parental consent pursuant to sec-
3 tion 4(a)(1).

4 (d) DELETION OF PERSONAL DATA OF CHILDREN
5 AND TEENS.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 upon termination of a user account or profile pursu-
8 ant to subsection (c), a covered entity shall imme-
9 diately delete all personal data collected from or sub-
10 mitted by the user (including data of the user col-
11 lected from or submitted by the parent of such
12 user), excluding any personal data that the covered
13 entity is required to maintain for compliance with
14 any other applicable law.

15 (2) ACCESS OF CHILDREN AND TEENS TO PER-
16 SONAL DATA.—During the 90-day period beginning
17 on the date on which a covered entity terminates a
18 user account or profile pursuant to subsection (c), to
19 the extent technically feasible and not in violation of
20 any licensing agreement, the covered entity shall
21 make available to such user, or the parent of such
22 user if the user is a child, upon request, a copy of
23 the personal data collected from or submitted by the
24 user in—

1 (A) a manner that is readable and able to
2 be understood by a reasonable person; and

3 (B) a portable, structured, and machine-
4 readable format.

5 (3) RULE OF CONSTRUCTION.—Nothing in this
6 subsection shall be construed to prohibit a covered
7 entity from retaining—

8 (A) a record of the termination of a user
9 account or profile; and

10 (B) the minimum information necessary
11 for ensuring compliance with this section.

12 **SEC. 4. VERIFIABLE PARENTAL CONSENT AND OPTION FOR**
13 **FAMILY ACCOUNTS FOR TEENS.**

14 (a) IN GENERAL.—

15 (1) NOTICE AND VERIFIABLE PARENTAL CON-
16 SENT.—Prior to an individual's creation of a user
17 account or profile with an artificial intelligence
18 chatbot of a covered entity, if the covered entity
19 knows such individual is a teen, the covered entity
20 shall—

21 (A) provide direct notice to a parent of the
22 teen of the attempt by such teen to create such
23 user account or profile; and

24 (B) obtain verifiable parental consent (as
25 defined in section 1302(9) of the Children's On-

1 line Privacy Protection Act (15 U.S.C.
2 6501(9))) from the parent of the teen in order
3 for the teen to create such user account or pro-
4 file.

5 (2) OPTION FOR FAMILY ACCOUNTS.—In ob-
6 taining verifiable parental consent under paragraph
7 (1), a covered entity shall provide a parent of a teen
8 with the option to create a family account for the
9 teen that meets the requirements described in sec-
10 tion 5.

11 (3) DEFAULT CONTROLS AND SETTINGS.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), if the parent of a teen user does not
14 create a family account for the teen as per-
15 mitted in paragraph (2), a covered entity shall
16 set and fix any control or setting described in
17 section (5)(a)(1) at the default setting required
18 by section 5(c)(1) for the user account or pro-
19 file of such teen.

20 (B) LATER CREATION OF A FAMILY AC-
21 COUNT.—If a parent of a teen user creates a
22 family account for the teen user after such teen
23 user first creates a user account or profile, the
24 covered entity shall permit such parent to ad-

1 just any default setting set and fixed under
2 subparagraph (A).

3 (4) REASONABLE EFFORTS.—A covered entity
4 shall be deemed compliant with the requirements of
5 this subsection if the covered entity is in compliance
6 with the requirements of the Children’s Online Pri-
7 vacy Protection Act of 1998 (15 U.S.C. 6501 et
8 seq.) to use reasonable efforts (taking into consider-
9 ation available technology) to provide a parent with
10 direct notice and to obtain verifiable parental con-
11 sent.

12 (b) REVOCATION OF CONSENT.—

13 (1) IN GENERAL.—With respect to a parent of
14 a teen who has provided verifiable parental consent
15 under subsection (a)(1), a covered entity shall pro-
16 vide such parent with the ability to revoke such con-
17 sent.

18 (2) EFFECT OF VERIFIABLE PARENTAL CON-
19 SENT.—If a covered entity receives a revocation of
20 verifiable parental consent under paragraph (1), the
21 covered entity shall suspend, and terminate if not in
22 compliance within 180 days of such a suspension,
23 the user account or profile of the teen on the artifi-
24 cial intelligence chatbot that is subject to such rev-
25 ocation.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to require a covered entity to re-
3 quire a teen or the parent of such teen to provide govern-
4 ment-issued identification for—

5 (1) relationship verification; or

6 (2) the provision of verifiable parental consent
7 under subsection (a)(1).

8 **SEC. 5. PARENTAL CONTROLS AND SETTINGS FOR FAMILY**
9 **ACCOUNTS.**

10 (a) PARENTAL CONTROLS AND SETTINGS.—Any
11 family account provided by a covered entity to meet the
12 requirements of section 3 or 4 shall permit the parent of
13 a child or teen user, as applicable, to—

14 (1) determine the privacy and account settings
15 for the user account or profile of such child or teen,
16 including the ability to—

17 (A) limit the amount of time the child or
18 teen is able to spend using the artificial intel-
19 ligence chatbot of the covered entity;

20 (B) disable rewards or incentives, including
21 badges or other visual award symbols, based on
22 frequency, time spent, or the activity of the
23 child or teen using the artificial intelligence
24 chatbot;

25 (C) disable notifications and push alerts;

1 (D) disable any financial transaction made
2 available while using the artificial intelligence
3 chatbot;

4 (E) disable the generation of an output
5 from the artificial intelligence chatbot that is
6 not in response to the input of a user; and

7 (F) enable a requirement that the covered
8 entity display a transparency label and set the
9 intervals at which the transparency label should
10 be displayed;

11 (2) disable the ability of an artificial intel-
12 ligence chatbot to use, in generation of outputs,
13 memory that—

14 (A) persists within a conversation or ses-
15 sion for longer than a set period of time; or

16 (B) persists after a conversation or is com-
17 prised from multiple conversations; and

18 (3) receive customized notifications or other
19 alerts when the child or teen has attempted to by-
20 pass, disable, or violate any parental control or set-
21 ting described in paragraph (1) or (2).

22 (b) ADDITIONAL PARENTAL FEATURES AND SET-
23 TINGS FOR CHILD ACCOUNTS.—Any family account pro-
24 vided by a covered entity to meet the requirements of sec-
25 tion 3(a) shall permit the parent of a child user to—

1 (1) access—

2 (A) a record of the conversations and ac-
3 tivity of the child with the artificial intelligence
4 chatbot of the covered entity that occurs after
5 the date of enactment of this Act that is avail-
6 able to the covered entity; and

7 (B) features that allow the parent to mon-
8 itor, analyze, and evaluate, at scale, the record
9 of such conversations and activity; and

10 (2) receive customized notifications or other
11 alerts when the covered entity has actual knowledge
12 that a child has attempted to bypass, disable, or vio-
13 late any parental feature or setting described in
14 paragraph (1).

15 (c) DEFAULT SAFEGUARDS AND PARENTAL CON-
16 TROL OPTIONS.—

17 (1) DEFAULT SAFEGUARDS.—Each covered en-
18 tity shall ensure that the default setting of any pa-
19 rental control or setting described in subsection (a)
20 for a family account is the option, or pre-set option
21 (for purposes of paragraph (2)), that provides the
22 most protective level of control with respect to the
23 use of the artificial intelligence chatbot by a child or
24 teen user.

1 (2) PRE-SET OPTIONS FOR PARENTS.—Each
2 covered entity shall provide a parent of a child or
3 teen user with the option to select between several
4 pre-set tiered options for governing the settings de-
5 scribed in subsections (a)(1)(A) and (a)(2) that bal-
6 ance between the settings described in such sub-
7 sections and the functionality of the artificial intel-
8 ligence chatbot.

9 (d) DISCLOSURE AND TRANSPARENCY.—

10 (1) IN GENERAL.—Each covered entity shall en-
11 sure that the default setting of any parental control
12 or setting described in subsection (a) within a family
13 account is accompanied by a clear and conspicuous
14 disclosure that defines the scope of the setting in a
15 manner that is understandable by an ordinary con-
16 sumer.

17 (2) PROVISION OF INFORMATION.—Prior to the
18 creation of a family account, a covered entity shall
19 provide to the parent of a child or teen clear and
20 conspicuous information, which may include a clear
21 and conspicuous link to a webpage of the covered en-
22 tity, regarding—

23 (A) the policies and practices of the cov-
24 ered entity with respect to each parental control
25 or setting described in subsection (a), including

1 an easy-to-understand explanation of the op-
2 tions described in such subsection, the pre-set
3 options described in subsection (c)(2), and the
4 effect of each option or pre-set option; and

5 (B) how to access and manage the family
6 account for the child or teen user, including an
7 easy-to-understand explanation of how to view,
8 change, and determine each parental control or
9 setting described in subsection (a).

10 (e) REPORT.—A covered entity shall provide an easily
11 accessible means for a child or teen user or the parent
12 of such child or teen user to—

13 (1) report problems with the parental controls
14 or settings specified in subsection (a); and

15 (2) contact the covered entity with respect to
16 any matter related to child or teen use of the artifi-
17 cial intelligence chatbot of the covered entity.

18 **SEC. 6. PROHIBITION ON TARGETED ADVERTISING.**

19 (a) IN GENERAL.—A covered entity shall not use, or
20 disclose to third parties, the personal data of a user that
21 the covered entity knows is a child or teen for purposes
22 of targeted advertising.

23 (b) RULE OF CONSTRUCTION.—Nothing in sub-
24 section (a) shall be construed to prohibit a covered entity

1 that knows the age of the child or teen from delivering
2 advertising or marketing that—

3 (1) complies with the prohibition described in
4 subsection (a); and

5 (2) is age-appropriate and intended for a child
6 or teen audience, so long as the covered entity does
7 not use any personal information other than the age
8 of the child or teen to display such advertisement.

9 **SEC. 7. DETERMINATION OF WHETHER A COVERED ENTITY**
10 **KNOWS THAT AN INDIVIDUAL IS A CHILD OR**
11 **TEEN.**

12 (a) **RULE OF CONSTRUCTION.**—For purposes of de-
13 termining whether a covered entity knows that an indi-
14 vidual is a child or teen, the Commission or attorney gen-
15 eral of a State shall rely on competent and reliable evi-
16 dence, taking into account the totality of circumstances,
17 including whether a reasonable and prudent person under
18 the circumstances would have known that the individual
19 is a child or teen.

20 (b) **PROTECTIONS FOR PRIVACY.**—Nothing in this
21 Act, including a determination described in subsection (a),
22 shall be construed to require a covered entity to—

23 (1) implement an age gating or age verification
24 functionality; or

1 (2) affirmatively collect any personal data with
2 respect to the age of any individual that the covered
3 entity is not already collecting in the normal course
4 of business.

5 (c) RESTRICTION ON USE AND RETENTION OF PER-
6 SONAL DATA.—If a covered entity (or a third party acting
7 on behalf of a covered entity) voluntarily collects personal
8 data for the purpose of complying with this Act, including
9 to determine whether an individual is a child or teen, the
10 covered entity (or third party) shall not—

11 (1) use any personal data collected for a pur-
12 pose other than for sole compliance with the require-
13 ments of this Act; or

14 (2) retain any such personal data for longer
15 than is necessary to comply with the requirements of
16 this Act or than is minimally necessary to dem-
17 onstrate such compliance.

18 **SEC. 8. PROHIBITION ON THE PROVISION OF CERTAIN AR-**
19 **TIFICIAL INTELLIGENCE; REFERRAL RE-**
20 **QUIREMENT.**

21 (a) IN GENERAL.—It shall be unlawful for any cov-
22 ered entity to knowingly make available in interstate or
23 foreign commerce an artificial intelligence chatbot without
24 taking reasonable efforts to prevent such chatbot from—

1 (1) materially assisting a minor in taking, or
2 planning how to take, the minor's own life; or

3 (2) providing to a minor material that is ob-
4 scene for minors.

5 (b) REFERRAL REQUIREMENT.—Any covered entity
6 who knowingly receives solicitation from a minor, through
7 an artificial intelligence chatbot made available by such
8 covered entity in interstate or foreign commerce, for mate-
9 rial assistance in the taking or planning how to take the
10 minor's own life shall, as soon as practicable—

11 (1) refer the minor to appropriate external cri-
12 sis resources; and

13 (2) if the minor is connected with a family ac-
14 count pursuant to section 3 or 4, inform the parent
15 of the minor and provide a record of such solici-
16 tation.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to prohibit, alter, control, or com-
19 pel expression that is lawful under the First Amendment
20 to the Constitution of the United States.

21 **SEC. 9. STUDY ON THE IMPACT OF ARTIFICIAL INTEL-**
22 **LIGENCE CHATBOTS ON CHILD AND TEEN**
23 **HUMAN RELATIONSHIPS AND SOCIAL NEEDS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, the Director of the National

1 Science Foundation shall conduct or commission a study
2 on the effects of artificial intelligence chatbots on human
3 relationships and the social needs of children and teens.

4 (b) SCOPE.—The study required under subsection (a)
5 shall examine, with respect to children and teens—

6 (1) the use of artificial intelligence chatbots by
7 children and teens to meet companionship or social
8 needs and the resulting effects on the real-world so-
9 cial engagement and mental health of children and
10 teens;

11 (2) the prevalence and effects of sycophantic or
12 excessively affirming behavior by artificial intel-
13 ligence chatbots on children and teens; and

14 (3) the role of design features of artificial intel-
15 ligence chatbots in shaping the results of paragraphs
16 (1) and (2).

17 (c) METHODOLOGY.—The study required under sub-
18 section (a) shall draw on existing research, expert con-
19 sultation, and, where feasible, observational, experimental,
20 and survey-based data collection, consistent with applica-
21 ble ethical standards and requirements for research involv-
22 ing children and teens.

23 (d) REPORT.—Not later than 2 years after the date
24 of enactment of this Act, the Director of the National
25 Science Foundation shall submit to the Committee on

1 Commerce, Science and Transportation of the Senate and
2 the Committee on Energy and Commerce and the Com-
3 mittee on Science, Space, and Technology of the House
4 of Representatives a report containing the findings of the
5 study conducted under subsection (a).

6 **SEC. 10. GAO REPORT ON RECOMMENDATIONS AND BEST**
7 **PRACTICES.**

8 (a) IN GENERAL.—Not later than 2 years after the
9 date described in section 14, the Comptroller General of
10 the United States (in this section referred to as the
11 “Comptroller General”) shall submit a report to the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate and the Committee on Energy and Commerce and
14 the Committee on Science, Space, and Technology of the
15 House of Representatives that examines—

16 (1) the effectiveness of this Act, including the
17 overall effectiveness of the family account require-
18 ments described in sections 3, 4, and 5;

19 (2) the adoption rate of family accounts by par-
20 ents of children and teens;

21 (3) the rate of compliance with the require-
22 ments of this Act by covered entities;

23 (4) the effectiveness of each parental control or
24 setting required within a family account, including
25 recommendations or best practices to provide the

1 most protective or ideal level of control for children
2 and teens, including analysis of the parental controls
3 and settings described in section 5(a), including—

4 (A) using best available research or indus-
5 try data; and

6 (B) an analysis of model drift with specific
7 consideration of the number of inputs or the
8 duration of time that causes an artificial intel-
9 ligence chatbot to generate outputs not con-
10 sistent with its behavior parameters;

11 (5) recommendations for parents and covered
12 entities to provide the most protective level of con-
13 trol for children and teens with respect to the use
14 of the parental controls and settings described in
15 section 5(a), including recommended settings for
16 limiting the number of inputs or the retention of
17 personal data within the memory of the artificial in-
18 telligence chatbot, with reference to the data de-
19 scribed in paragraph (4);

20 (6) recommendations for parents, based on
21 available data, with respect to best practices for
22 maximizing the protection of a child or teen within
23 a family account while ensuring the effectiveness of
24 an artificial intelligence chatbot;

1 (7) recommendations to the Commission for im-
2 proving enforcement of this Act; and

3 (8) recommendations to Congress for potential
4 legislative improvement to this Act, including addi-
5 tional safety features or parental controls and set-
6 tings.

7 (b) CONSULTATION REQUIREMENT.—In carrying out
8 the report required under subsection (a), the Comptroller
9 General shall consult with each of the following:

10 (1) The National Institute of Standards and
11 Technology.

12 (2) The Commission.

13 (3) Representatives of covered entities.

14 (4) Parents of children or teen users of artifi-
15 cial intelligence chatbots.

16 (5) Individuals with experience advocating for
17 online child safety, consumer protection, or privacy.

18 (6) Individuals with experience in artificial in-
19 telligence, computer science, and software engineer-
20 ing.

21 (7) Individuals with experience in crisis inter-
22 vention and the mental health of children and teens.

23 (8) Academic experts with expertise in preven-
24 tion of online harms to children or teens.

1 (9) Other relevant Federal agencies with exper-
2 tise in child or teen online safety.

3 **SEC. 11. ENFORCEMENT.**

4 (a) ENFORCEMENT BY THE COMMISSION.—

5 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
6 TICES.—A violation of this Act shall be treated as
7 a violation of a rule defining an unfair or deceptive
8 act or practice prescribed under section 18(a)(1)(B)
9 of the Federal Trade Commission Act (15 U.S.C.
10 57a(a)(1)(B)).

11 (2) POWERS OF THE COMMISSION.—

12 (A) IN GENERAL.—The Commission shall
13 enforce this Act in the same manner, by the
14 same means, and with the same jurisdiction,
15 powers, and duties as though all applicable
16 terms and provisions of the Federal Trade
17 Commission Act (15 U.S.C. 41 et seq.) were in-
18 corporated into and made a part of this Act.

19 (B) PRIVILEGES AND IMMUNITIES.—Any
20 person who violates this Act shall be subject to
21 the penalties and entitled to the privileges and
22 immunities provided in the Federal Trade Com-
23 mission Act (15 U.S.C. 41 et seq.).

24 (C) AUTHORITY PRESERVED.—Nothing in
25 this Act shall be construed to limit the author-

1 ity of the Commission under any other provi-
2 sion of law.

3 (b) ENFORCEMENT BY STATES.—

4 (1) AUTHORIZATION.—Subject to paragraph
5 (4), in any case in which the attorney general of a
6 State has reason to believe that an interest of the
7 residents of the State has been or is threatened or
8 adversely affected by the engagement of a person in
9 a practice that violates this Act, the attorney general
10 of the State may, as *parens patriae*, bring a civil ac-
11 tion against the person on behalf of the residents of
12 the State in an appropriate district court of the
13 United States to—

14 (A) enjoin such practice;

15 (B) enforce compliance with this Act;

16 (C) on behalf of residents of the State, ob-
17 tain damages, restitution, or other compensa-
18 tion, each of which shall be distributed in ac-
19 cordance with State law; or

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

22 (2) RIGHTS OF THE COMMISSION.—

23 (A) NOTICE TO THE COMMISSION.—

24 (i) IN GENERAL.—Except as provided
25 in clause (ii), before initiating a civil action

1 under paragraph (1), the attorney general
2 of a State shall provide to the Commission
3 a written notice of such action and a copy
4 of the complaint for such action.

5 (ii) EXCEPTION.—If the attorney gen-
6 eral determines that it is not feasible to
7 provide the notice described in clause (i)
8 before initiating a civil action under para-
9 graph (1), the attorney general shall pro-
10 vide written notice of the action and a copy
11 of the complaint to the Commission imme-
12 diately upon initiating the civil action.

13 (B) INTERVENTION BY THE COMMIS-
14 SION.—Upon receiving the notice required
15 under subparagraph (A), the Commission
16 may—

17 (i) intervene in the civil action that is
18 the subject of the notice; and

19 (ii) upon intervening—

20 (I) be heard with respect to any
21 matter that arises in such action; and

22 (II) file a petition for appeal for
23 any decision in such action.

24 (3) INVESTIGATORY POWERS.—Nothing in this
25 subsection may be construed to prevent the attorney

1 general of a State from exercising the powers con-
2 ferred on the attorney general by the laws of the
3 State to—

4 (A) conduct investigations;

5 (B) administer oaths or affirmations; or

6 (C) compel the attendance of witnesses or
7 the production of documentary or other evi-
8 dence.

9 (4) PREEMPTIVE ACTION BY THE COMMIS-
10 SION.—In any case in which an action is instituted
11 by or on behalf of the Commission for a violation of
12 this Act, no State may, during the pendency of that
13 action, institute a separate civil action under para-
14 graph (1) against any defendant named in the com-
15 plaint in the action instituted by or on behalf of the
16 Commission for that violation.

17 (5) VENUE; SERVICE OF PROCESS.—

18 (A) VENUE.—Any action brought under
19 paragraph (1) may be brought in—

20 (i) the district court of the United
21 States that meets applicable requirements
22 relating to venue under section 1391 of
23 title 28, United States Code; or

24 (ii) another court of competent juris-
25 diction.

1 (B) SERVICE OF PROCESS.—In an action
2 brought under paragraph (1), process may be
3 served in any district in which the defendant—
4 (i) is an inhabitant; or
5 (ii) may be found.

6 **SEC. 12. RELATIONSHIP TO OTHER LAWS.**

7 Nothing in this Act, or an enforcement action
8 brought thereunder, shall be construed to prohibit or oth-
9 erwise affect the enactment or enforcement of any State
10 law, requirement, or regulation that is at least as protec-
11 tive of users of artificial intelligence chatbots as this Act
12 and any enforcement action brought thereunder.

13 **SEC. 13. SEVERABILITY.**

14 If any provision of this Act is determined to be unen-
15 forceable or invalid, the remaining provisions of this Act
16 shall not be affected.

17 **SEC. 14. EFFECTIVE DATE.**

18 This Act shall take effect on the date that is 1 year
19 after the date of enactment of this Act.