S.L.C.

Edward J. Markey

AN	IENDMENT NO Calendar No
Pu	rpose: In the nature of a substitute.
IN	THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.
	S. 1628
To	amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, and disclosure of personal information of children and minors, and for other purposes.
R	deferred to the Committee on and ordered to be printed
	Ordered to lie on the table and to be printed
Ам	ENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. MARKEY (for himself and Ms. Lummis)
Viz	::
1	Strike all after the enacting clause and insert the fol-
2	lowing:
3	SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
4	(a) SHORT TITLE.—This Act may be cited as the
5	"Children and Teens' Online Privacy Protection Act".
6	(b) TABLE OF CONTENTS.—The table of contents for
7	this Act is as follows:
	 Sec. 1. Short title; table of contents. Sec. 2. Definitions. Sec. 3. Online collection, use, and disclosure of personal information of children and minors. Sec. 4. Fair Information Practices Principles.

Sec. 5. Digital Marketing Bill of Rights for Minors. Sec. 6. Targeted marketing to children or minors.

Sec. 7. Removal of cont	Sec. 7.	Removal	of	content.
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- Sec. 8. Privacy dashboard for connected devices for children and minors.
- Sec. 9. Rule for treatment of users of websites, services, and applications directed to children or minors.
- Sec. 10. Study of mobile and online application oversight.
- Sec. 11. Youth Privacy and Marketing Division.
- Sec. 12. Enforcement and applicability.

1 SEC. 2. DEFINITIONS.

^	(a) In General.	77 . 7 . 4	
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- 3 (1) Commission.—The term "Commission"
- 4 means the Federal Trade Commission.
- 5 (2) STANDARDS.—The term "standards" means
- 6 benchmarks, guidelines, best ractices, methodolo-
- 7 gies, procedures, and processes.
- 8 (b) Other Definitions.—The definitions set forth
- 9 in section 1302 of the Children's Online Privacy Protec-
- 10 tion Act of 1998 (15 U.S.C. 6501), as amended by section
- 11 3(a) of this Act, shall apply in this Act, except to the ex-
- 12 tent the Commission provides otherwise by regulations
- 13 issued under section 553 of title 5, United States Code.
- 14 SEC. 3. ONLINE COLLECTION, USE, AND DISCLOSURE OF
- 15 PERSONAL INFORMATION OF CHILDREN AND
- 16 MINORS.
- 17 (a) Definitions.—Section 1302 of the Children's
- 18 Online Privacy Protection Act of 1998 (15 U.S.C. 6501)
- 19 is amended—
- 20 (1) by amending paragraph (2) to read as fol-
- 21 lows:
- 22 "(2) OPERATOR.—The term 'operator'—

1	"(A) means any person—
2	"(i) who, for commercial purposes, in
3	interstate or foreign commerce operates or
4	provides a website on the internet, an on-
5	line service, an online application, a mobile
6	application, or a connected device; and
7	"(ii) who—
8	"(I) collects or maintains, either
9	directly or through a service provider,
10	personal information from or about
11	the users of that website, service, ap-
12	plication, or connected device;
13	$``(\Pi)$ allows another person to
14	collect personal information directly
15	from users of that website, service,
16	application, or connected device (in
17	which case, the operator is deemed to
18	have collected the information); or
19	"(III) allows users of that
20	website, service, application, or con-
21	nected device to publicly disclose per-
22	sonal information (in which case, the
23	operator is deemed to have collected
24	the information); and

1	"(B) does not include any nonprofit entity
2	that would otherwise be exempt from coverage
3	under section 5 of the Federal Trade Commis-
4	sion Act (15 U.S.C. 45).";
5	(2) in paragraph (4)—
6	(A) by amending subparagraph (A) to read
7	as follows:
8	"(A) the release of personal information
9	collected from a child or minor for any purpose,
10	except where the personal information is pro-
11	vided to a person other than an operator who—
12	"(i) provides support for the internal
13	operations of the website, online service,
14	online application, mobile application, or
15	connected device of the operator, excluding
16	any activity relating to targeted marketing
17	directed to children, minors, or connected
18	devices; and
19	"(ii) does not disclose or use that per-
20	sonal information for any other purpose;
21	and"; and
22	(B) in subparagraph (B)—
23	(i) by inserting "or minor" after
24	"child" each place the term appears;

1	(ii) by inserting "or minors" after
2	"children"; and
3	(iii) by striking "website or online
4	service" and inserting "website, online
5	service, online application, mobile applica-
6	tion, or connected device";
7	(3) in paragraph (8), by striking subparagraphs
8	(F) and (G) and inserting the following:
9	"(F) geolocation information;
10	"(G) information generated from the meas-
11	urement or technological processing of an indi-
12	vidual's biological, physical, or physiological
13	characteristics, including—
14	"(i) fingerprints;
15	"(ii) voice prints;
16	"(iii) iris or retina imagery scans;
17	"(iv) facial imagery or templates;
18	"(v) deoxyribonucleic acid (DNA) in-
19	formation; or
20	"(vi) gait;
21	"(H) information reasonably associated
22	with or attributed to a child or minor;
23	"(I) information (including an internet
24	protocol address) that permits the identification
25	of

1	(1) an individual; or
2	"(ii) any device used by an individual
3	to directly or indirectly access the internet
4	or an online service, online application, mo-
5	bile application, or connected device; or
6	"(J) information concerning a child or
7	minor or the parents of that child or minor (in-
8	cluding any unique or substantially unique iden-
9	tifier, such as a customer number) that an op-
10	erator collects online from the child or minor
11	and combines with an identifier described in
12	this paragraph.";
13	(4) by amending paragraph (9) to read as fol-
14	lows:
15	"(9) VERIFIABLE CONSENT.—The term
16	'verifiable consent' means any reasonable effort (tak-
17	ing into consideration available technology), includ-
18	ing a request for authorization for future collection,
19	use, and disclosure described in the notice, to ensure
20	that, in the case of a child, a parent of the child,
21	or, in the case of a minor, the minor—
22	"(A) receives specific notice of the personal
23	information collection, use, and disclosure prac-
24	tices of the operator; and

1	(B) before the personal information of the
2	child or minor is collected, freely and unambig-
3	uously authorizes—
4	"(i) the collection, use, and disclosure,
5	as applicable, of that personal information;
6	and
7	"(ii) any subsequent use of that per-
8	sonal information.";
9	(5) by striking paragraph (10) and redesig-
10	nating paragraphs (11) and (12) as paragraphs (10)
11	and (11), respectively; and
12	(6) by adding at the end the following:
13	"(12) CONNECTED DEVICE.—The term 'con-
14	nected device' means a device that is capable of con-
15	necting to the internet, directly or indirectly, or to
16	another connected device.
17	"(13) Online application.—The term 'online
18	application'—
19	"(A) means an internet-connected software
20	program; and
21	"(B) includes a service or application of-
22	fered via a connected device.
23	"(14) Online service.—
24	"(A) IN GENERAL.—The term 'online serv-
25	ice' means a mass-market retail service by wire

1	or radio that provides the capability to transmit
2	data and receive data from all or substantially
3	all Internet endpoints, including any capabilities
4	that are incidental to and enable the operation
5	of a communications service, but excluding dial-
6	up Internet service.
7	"(B) Scope.—Such term includes—
8	"(i) any service that the Federal Com-
9	munications Commission finds to be pro-
10	viding a functionally equivalent service to a
11	service described in subparagraph (A); and
12	"(ii) a service or application offered
13	via a connected device.
14	"(15) DIRECTED TO CHILDREN OR MINORS.—
15	"(A) IN GENERAL.—The terms 'directed to
16	children', 'directed to minors', and 'directed to
17	children or minors' mean, with respect to a
18	website, online service, online application, mo-
19	bile application, or connected device, that the
20	website, online service, online application, mo-
21	bile application, or connected device, or a por-
22	tion thereof, is targeted to children or minors,
23	as the case may be, as demonstrated by—

1	"(i) the subject matter of the website,
2	online service, online application, mobile
3	application, or connected device;
4	"(ii) the visual content of the website,
5	online service, online application, mobile
6	application, or connected device;
7	"(iii) the use of animated characters
8	or child-oriented activities for children, or
9	the use of minor-oriented characters or
10	minor-oriented activities for minors, and
11	related incentives on the website, online
12	service, online application, mobile applica-
13	tion, or connected device;
14	"(iv) the music or other audio content
15	on the website, online service, online appli-
16	cation, mobile application, or connected de-
17	vice;
18	"(v) the age of models on the website,
19	online service, online application, mobile
20	application, or connected device;
21	"(vi) the presence, on the website, on-
22	line service, online application, mobile ap-
23	plication, or connected device, of—
24	"(I) child celebrities;

1	"(II) celebrities who appeal to
2	children;
3	"(III) teen celebrities; or
4	"(IV) celebrities who appeal to
5	minors;
6	"(vii) the language used on the
7	website, online service, online application,
8	mobile application, or connected device;
9	"(viii) advertising content used on, or
10	used to advertise, the website, online serv-
11	ice, online application, mobile application,
12	or connected device; or
13	"(ix) reliable empirical evidence relat-
14	ing to—
15	"(I) the composition of the audi-
16	ence of the website, online service, on-
17	line application, mobile application, or
18	connected device; and
19	"(II) the intended audience of
20	the website, online service, online ap-
21	plication, mobile application, or con-
22	nected device.
23	"(B) Rules of construction.—
24	"(i) SERVICES DEEMED DIRECTED TO
25	CHILDREN OR MINORS.—For the purposes

1	of this title, a website, online service, on-
2	line application, mobile application, or con-
3	nected device, or a portion thereof, shall be
4	deemed to be directed to children or mi-
5	nors if it collects personal information di-
6	rectly from users of any other website, on-
7	line service, online application, mobile ap-
8	plication, or connected device that is—
9	"(I) directed to children or mi-
10	nors under the criteria described in
11	subparagraph (A); or
12	"(II) used or reasonably likely to
13	be used by children or minors.
14	"(ii) Services deemed directed to
15	MIXED AUDIENCES.—
16	"(I) In GENERAL.— Λ website,
17	online service, online application, mo-
18	bile application, or connected device
19	that is directed to children or minors
20	under the criteria described in sub-
21	paragraph (A), but that does not tar-
22	get children or minors as the primary
23	audience of the website, online service,
24	online application, mobile application,
25	or connected device shall not be

1	deemed to be directed to children or
2	minors for purposes of this title if the
3	website, online service, online applica-
4	tion, mobile application, or connected
5	device—
6	"(aa) does not collect per-
7	sonal information from any user
8	of the website, online service, on-
9	line application, mobile applica-
10	tion, or connected device before
11	verifying age information of the
12	user; and
13	"(bb) does not, without first
14	complying with any relevant no-
15	tice and consent provision under
16	this title, collect, use, or disclose
17	personal information of any user
18	who identifies themselves to the
19	website, online service, online ap-
20	plication, mobile application, or
21	connected device as an individual
22	who is age 16 or younger.
23	"(II) USE OF CERTAIN TOOLS.—
24	For purposes of this title, a website,
25	online service, online application, mo-

1	bile application, or connected device,
2	shall not be deemed directed to chil-
3	dren or minors solely because the
4	website, online service, online applica-
5	tion, mobile application, or connected
6	device refers or links to any other
7	website, online service, online applica-
8	tion, mobile application, or connected
9	device directed to children or minors
10	by using information location tools,
11	including—
12	"(aa) a directory;
13	"(bb) an index;
14	"(cc) a reference;
15	"(dd) a pointer; or
16	"(ee) a hypertext link.
17	"(16) MOBILE APPLICATION.—The term 'mo-
18	bile application'—
19	"(A) means a software program that runs
20	on the operating system of—
21	"(i) a cellular telephone;
22	"(ii) a tablet computer; or
23	"(iii) a similar portable computing de-
24	vice that transmits data over a wireless
25	connection; and

1	(B) includes a service or application of-
2	fered via a connected device.
3	"(17) GEOLOCATION INFORMATION.—The term
4	'geolocation information' means information suffi-
5	cient to identify a street name and name of a city
6	or town.
7	"(18) MINOR.—The term 'minor' means an in-
8	dividual over the age of 12 and under the age of 17.
9	"(19) TARGETED MARKETING.—The term 'tar-
10	geted marketing' means advertising or any other ef-
11	fort to market a product or service that is directed
12	to a specific individual or device—
13	"(A) based on—
14	"(i) the personal information of—
15	"(I) the individual; or
16	"(II) a group of individuals who
17	are similar in gender, age, income
18	level, race, or ethnicity to the specific
19	individual to whom the product or
20	service is marketed;
21	"(ii) psychological profiling of an indi-
22	vidual or group of individuals; or
23	"(iii) a unique identifier of the device;
24	or

1	"(B) as a result of use by the individual,
2	access by any device of the individual, or use by
3	a group of individuals who are similar to the
4	specific individual, of more than a single—
5	"(i) website;
6	"(ii) online service;
7	"(iii) online application;
8	"(iv) mobile application;
9	"(v) connected device; or
10	"(vi) operating system.
l 1	"(20) Reasonably likely to be used.—The
12	Commission may promulgate rules under section 553
13	of title 5, United States Code, or issue guidance to
4	establish factors that should be considered in apply-
5	ing the term 'reasonably likely to be used' for the
6	purposes of this title.
7	"(21) Reasonably likely to be a child or
8	MINOR.—The Commission may promulgate rules
9	under section 553 of title 5, United States Code, or
20	issue guidance to establish factors that should be
21	considered in applying the term 'reasonably likely to
2	be a child or minor' for the purposes of this title.".
23	(b) Online Collection, Use, and Disclosure of
4	PERSONAL INFORMATION OF CHILDREN AND MINORS.—

I	Section 1303 of the Children's Unline Privacy Protection
2	Act of 1998 (15 U.S.C. 6502) is amended—
3	(1) by striking the heading and inserting the
4	following: "ONLINE COLLECTION, USE, AND DIS-
5	CLOSURE OF PERSONAL INFORMATION OF
6	CHILDREN AND MINORS.";
7	(2) in subsection (a)—
8	(A) by amending paragraph (1) to read as
9	follows:
10	"(1) IN GENERAL.—It is unlawful for an oper-
11	ator of a website, online service, online application,
12	mobile application, or connected device that is di-
13	rected to children or minors or is used or reasonably
14	likely to be used by children or minors in a manner
15	that involves the collection of personal information,
16	to collect personal information from a child or minor
17	in a manner that violates the regulations prescribed
18	under subsection (b)."; and
19	(B) in paragraph (2)—
20	(i) by striking "of such a website or
21	online service"; and
22	(ii) by striking "subsection
23	(b)(1)(B)(iii) to the parent of a child" and
24	inserting "subsection (b)(1)(A)(iii) to the

I	parent of a child or under subsection
2	(b)(1)(A)(iv) to a minor"; and
3	(3) in subsection (b)—
4	(A) by amending paragraph (1) to read as
5	follows:
6	"(1) REGULATIONS.—
7	"(A) IN GENERAL.—Not later than 1 year
8	after the date of enactment of the Children and
9	Teens' Online Privacy Protection Act, the Com-
10	mission shall promulgate, under section 553 of
11	title 5, United States Code, regulations to re-
12	quire an operator of a website, online service,
13	online application, mobile application, or con-
14	nected device that is directed to children or mi-
15	nors or is used or is reasonably likely to be used
16	by children or minors in a manner that involves
17	the collection of their personal information—
18	"(i) to provide clear and conspicuous
19	notice in clear and plain language of-
20	"(I) the types of personal infor-
21	mation the operator collects;
22	"(II) how the operator uses the
23	information;
24	"(III) whether and why the oper-
25	ator discloses the information; and

1 "(IV) the procedures or med	ha-
2 nisms the operator uses to ensure the	hat
3 personal information is not collect	ted
4 from children or minors except in	ac-
5 cordance with the regulations prom	ıul-
6 gated under this paragraph;	
7 "(ii) to obtain verifiable consent	for
8 the collection, use, or disclosure of person	nal
9 information of a child or minor;	
"(iii) to provide to a parent who	ose
child has provided personal information	to
the operator, upon request by and prop	per
identification of the parent—	
"(I) a description of the speci	ific
types of personal information collect	ted
from the child by the operator;	
"(II) the opportunity at any ti	me
to delete personal information of	ol-
lected from the child and refuse fi	ur-
ther use or collection of personal	in-
formation from the child; and	
"(III) a means that is reasonal	ble
under the circumstances for the pa	ar-
ent to obtain any personal informati	ion
collected from the child, if such infe	or-

1	mation is available to the operator at
2	the time the parent makes the re-
3	quest;
4	"(iv) to provide to a minor who has
5	provided personal information to the oper-
6	ator, upon request by and proper identi-
7	fication of the minor—
8	"(I) a description of the specific
9	types of personal information collected
10	from the minor by the operator;
11	"(Π) the opportunity at any time
12	to delete personal information col-
13	lected from the minor and refuse fur-
14	ther use or collection of personal in-
15	formation from the minor; and
6	"(III) a means that is reasonable
7	under the circumstances for the minor
8	to obtain any personal information
9	collected from the minor, if such in-
20	formation is available to the operator
21	at the time the minor makes the re-
22	quest;
23	"(v) to prevent the collection from a
24	child or minor of more personal informa-
25	tion that is reasonably required to use the

1	website, online service, online application,
2	mobile application, or connected device;
3	and
4	"(vi) to establish and maintain rea-
5	sonable procedures to protect the confiden-
6	tiality, security, and integrity of personal
7	information collected from children and mi-
8	nors.
9	"(B) UPDATES.—The Commission shall
10	review and update the regulations promulgated
11	under subparagraph (A) as necessary.";
12	(B) in paragraph (2)—
13	(i) in the matter preceding subpara-
14	graph (A), by striking "verifiable parental
15	consent" and inserting "verifiable con-
16	sent";
17	(ii) in subparagraph (A)—
18	(I) by inserting "or minor" after
19	"collected from a child";
20	(II) by inserting "or minor" after
21	"request from the child"; and
22	(III) by inserting "or minor or to
23	contact another child or minor" after
24	"to recontact the child";
25	(iii) in subparagraph (B)—

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I	(1) by striking "parent or child"
2	and inserting "parent or minor"; and
3	(II) by striking "parental con-
4	sent" each place the term appears and
5	inserting "verifiable consent";
6	(iv) in subparagraph (C)—
7	(I) in the matter preceding clause
8	(i), by inserting "or minor" after
9	"child" each place the term appears;
10	(II) in clause (i)—
1	(aa) by inserting "or minor"
12	after "child" each place the term
13	appears; and
1 4	(bb) by inserting "or minor,
15	as applicable," after "parent"
l 6	each place the term appears; and
17	(III) in clause (ii)—
8	(aa) by inserting "or minor,
19	as applicable," after "parent";
20	and
21	(bb) by inserting "or minor"
22	after "child" each place the term
23	appears; and
24	(v) in subparagraph (D)—

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1	(I) in the matter preceding clause
2	(i), by inserting "or minor" after
3	"child" each place the term appears;
4	(II) in clause (ii), by inserting
5	"or minor" after "child"; and
6	(III) in the flush text following
7	clause (iii)—
8	(aa) by inserting "or minor,
9	as applicable," after "parent"
10	each place the term appears; and
11	(bb) by inserting "or minor"
12	after "child"; and
13	(C) by amending paragraph (3) to read as
14	follows:
15	"(3) CONTINUATION OF SERVICE.—The regula-
16	tions shall prohibit an operator from discontinuing
17	service provided to a child or minor on the basis of
18	a request by the parent of the child or by the minor,
19	under the regulations prescribed under clauses
20	(iii)(II) and (iv)(II), respectively, of paragraph
21	(1)(A) to delete personal information collected from
22	the child or minor, to the extent that the operator
23	is capable of providing such service without such in-
24	formation.".

1	(c) SAFE HARBORS.—Section 1304 of the Children's
2	Online Privacy Protection Act of 1998 (15 U.S.C. 6503)
3	is amended—
4	(1) in subsection (b)(1), by inserting "and mi-
5	nors" after "children"; and
6	(2) by adding at the end the following:
7	"(d) Publication.—
8	"(1) In general.—The Commission shall pub-
9	lish on the internet website of the Commission any
10	report or documentation required by regulation to be
11	submitted to the Commission to carry out this sec-
12	tion.
13	"(2) RESTRICTIONS ON PUBLICATION.—The re-
14	strictions described in subsection (f) of section 6 of
15	the Federal Trade Commission Act (15 U.S.C.
16	46(f)) applicable to the publication of information
17	obtained by the Commission through investigations
18	conducted under such section shall apply in same
19	manner to the publication under this subsection of
20	information obtained by the Commission from a re-
21	port or documentation described in paragraph (1).".
22	(d) Administration and Applicability of Act.—
23	Section 1306 of the Children's Online Privacy Protection
24	Act of 1998 (15 U.S.C. 6505) is amended—
25	(1) in subsection (b)—

1	(A) in paragraph (1), by striking ", in the
2	case of" and all that follows through "the
3	Board of Directors of the Federal Deposit In-
4	surance Corporation;" and inserting the fol-
5	lowing: "by the appropriate Federal banking
6	agency, with respect to any insured depository
7	institution (as those terms are defined in sec-
8	tion 3 of that Act (12 U.S.C. 1813));"; and
9	(B) by striking paragraph (2) and redesig-
10	nating paragraphs (3) through (6) as para-
11	graphs (2) through (5), respectively; and
12	(2) by adding at the end the following new sub-
13	section:
14	"(f) TELECOMMUNICATIONS CARRIERS AND CABLE
15	OPERATORS.—
16	"(1) Enforcement by commission.—Not-
17	withstanding sections 4, 5(a)(2), or 6 of the Federal
18	Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46),
19	or any jurisdictional limitation of the Commission,
20	the Commission shall also enforce this Act and the
21	regulations promulgated under this Act, in the same
22	manner provided in subsection (d), with respect to
23	common carriers subject to the Communications Act
24	of 1934 (47 U.S.C. 151 et seq.) and Acts amend-
25	atory thereof and supplementary thereto.

1	"(2) RELATIONSHIP TO OTHER LAW.—To the
2	extent that section 222, 338(i), or 631 of the Com-
3	munications Act of 1934 (47 U.S.C. 222, 338(i),
4	551) is inconsistent with this title, this title con-
5	trols.".
6	SEC. 4. FAIR INFORMATION PRACTICES PRINCIPLES.
7	(a) In General.—The Fair Information Practices
8	Principles described in this section are the following:
9	(1) COLLECTION LIMITATION PRINCIPLE.—Ex-
10	cept as provided in paragraph (3), personal informa-
11	tion should be collected from a child or minor only
12	when collection of the personal information is—
13	(A) consistent with the context of a par-
14	ticular transaction or service or the relationship
15	of the child or minor with the operator, includ-
16	ing collection necessary to fulfill a transaction
17	or provide a service requested by the child or
18	minor; or
19	(B) required or specifically authorized by
20	law.
21	(2) DATA QUALITY PRINCIPLE.—The personal
22	information of a child or minor should be accurate,
23	complete, and kept up-to-date to the extent nec-
24	essary to fulfill the purposes described in subpara-
25	graphs (A) through (D) of paragraph (3).

1	(3) Purpose specification principle.—The
2	purposes for which personal information is collected
3	and used should be specified to the parent of a child
4	or to a minor not later than at the time of the col-
5	lection of the information. The subsequent use or
6	disclosure of the information should be limited to-
7	(A) fulfillment of the transaction or service
8	requested by the minor or parent of the child;
9	(B) support for the internal operations of
10	the website, service, or application, as described
11	in section 312.2 of title 16, Code of Federal
12	Regulations (as in effect on the date of enact-
13	ment of this Act), excluding any activity relat-
14	ing to targeted marketing directed to children,
15	minors, or a device of a child or minor if the
16	support for internal operations in consistent
17	with the interest of the child or minor;
18	(C) compliance with legal process or other
19	purposes expressly authorized under specific
20	legal authority; or
21	(D) other purposes—
22	(i) that are specified in a notice to the
23	minor or parent of the child; and
24	(ii) to which the minor or parent of
25	the child has consented under paragraph

1	(7) before the information is used or dis-
2	closed for such other purposes.
3	(4) RETENTION LIMITATION PRINCIPLE.—
4	(A) IN GENERAL.—The personal informa-
5	tion of a child or minor should not be retained
6	for longer than is necessary to fulfill a trans-
7	action or provide a service requested by the
8	child or minor or such other purposes specified
9	in subparagraphs (A) through (D) of paragraph
10	(3).
11	(B) DATA DISPOSAL.—The operator should
12	implement a reasonable and appropriate data
13	disposal policy based on the nature and sensi-
14	tivity of personal information described in sub-
15	paragraph (A).
16	(5) SECURITY SAFEGUARDS PRINCIPLE.—The
17	personal information of a child or minor should be
18	protected by reasonable and appropriate security
19	safeguards against risks such as loss or unauthor-
20	ized access, destruction, use, modification, or disclo-
21	sure.
22	(6) Transparency principle.—
23	(A) GENERAL PRINCIPLE.—The operator
24	should be transparent about developments,

1	practices, and policies with respect to the per-
2	sonal information of a child or minor.
3	(B) Provision of Information.—The
4	operator should provide to each parent of a
5	child, or to each minor, using the website, on-
6	line service, online application, mobile applica-
7	tion, or connected device of the operator with a
8	clear and prominent means—
9	(i) to identify and contact the oper-
10	ator, by, at a minimum, disclosing, clearly
11	and prominently, the identity of the oper-
12	ator and—
13	(I) in the case of an operator
14	who is an individual, the address of
15	the principal residence of the operator
16	and an email address or online con-
17	tact form and telephone number for
18	the operator; or
19	(II) in the case of any other op-
20	erator, the address of the principal
21	place of business of the operator and
22	an email address or online contact
23	form and telephone number for the
24	operator;

1	(11) to determine whether the operator
2	possesses any personal information of the
3	child or minor, the nature of any such in-
4	formation, and the purposes for which the
5	information was collected and is being re-
6	tained;
7	(iii) to obtain any personal informa-
8	tion of the child or minor that is in the
9	possession of the operator from the oper-
10	ator, or from a person specified by the op-
11	erator, within a reasonable time after mak-
12	ing a request, at a charge (if any) that is
13	not excessive, in a reasonable manner, and
14	in a form that is readily intelligible to the
15	child or minor;
16	(iv) to challenge the accuracy of per-
17	sonal information of the child or minor
18	that is in the possession of the operator;
19	(v) to determine if the child or minor
20	has established the inaccuracy of personal
21	information in a challenge under clause
22	(iv) in order to have such information
23	erased, corrected, completed, or otherwise
24	amended; and

1	(vi) to determine the method by which
2	the operator obtains data relevant to the
3	child or minor.
4	(C) LIMITATION.—Nothing in this para-
5	graph shall be construed to permit an operator
6	to erase or otherwise modify personal informa-
7	tion requested by a law enforcement agency
8	pursuant to legal authority.
9	(7) Individual participation principle.—
10	The operator should—
11	(A) obtain consent from a parent of a child
12	or from a minor before using or disclosing the
13	personal information of the child or minor for
14	any purpose other than the purposes described
15	in subparagraph (A) of paragraph (3); and
16	(B) obtain affirmative express consent
17	from a parent of a child or from a minor before
18	using or disclosing previously collected personal
19	information of the child or minor for purposes
20	that constitute a material change in practice
21	from the original purposes specified to the child
22	or minor under paragraph (3).
23	(8) RACIAL AND SOCIOECONOMIC PROFILING.—
24	The personal information of a child or minor shall
25	not be used to direct content to the child or minor,

1	or a group of individuals similar to the child or
2	minor, on the basis of race, socioeconomic factors, or
3	any proxy thereof.
4	(b) Rule of Construction.—Nothing in this sec-
5	tion, including compliance with the Fair Information Prin-
6	ciples, shall be construed to permit an operator to avoid
7	compliance with other requirements set forth in this Act
8	or the Children's Online Privacy Protection Act (15
9	U.S.C. 6501 et seq.).
10	SEC. 5. DIGITAL MARKETING BILL OF RIGHTS FOR MINORS.
11	(a) ACTS PROHIBITED.—
12	(1) Prohibition.—
13	(A) IN GENERAL.—Except as provided in
14	subparagraph (B), it shall be unlawful for an
15	operator of a website, online service, online ap-
16	plication, mobile application, or connected de-
17	vice to collect personal information from a user
18	i f —
19	(i) the user is reasonably likely to be
20	a minor; or
21	(ii) the website, online service, online
22	application, mobile application, or con-
23	nected device is directed to minors.
24	(B) EXCEPTION.—Subparagraph (A) shall
25	not apply to an operator that has adopted and

1	complies with a Digital Marketing Bill of
2	Rights for Minors that meets the Fair Informa-
3	tion Practices Principles described in section 4.
4	(2) EFFECTIVE DATE.—This subsection shall
5	take effect on the date that is 180 days after the
6	promulgation of regulations under subsection (b).
7	(b) REGULATIONS.—
8	(1) In General.—Not later than 1 year after
9	the date of enactment of this Act, the Commission
10	shall promulgate, under section 553 of title 5,
11	United States Code, regulations to implement this
12	section, including regulations further defining the
13	Fair Information Practices Principles described in
14	section 4.
15	(2) UPDATES.—Not less frequently than once
16	every 4 years after the date on which regulations are
17	promulgated under paragraph (1), the Commission
18	shall review and update those regulations as nec-
19	essary.
20	SEC. 6. TARGETED MARKETING TO CHILDREN OR MINORS.
21	(a) ACTS PROHIBITED.—
22	(1) CHILDREN.—It shall be unlawful for an op-
23	erator of a website, online service, online application,
24	mobile application, or connected device to collect,
25	use, disclose to third parties, or compile personal in-

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1	formation of a user for purposes of targeted mar-
2	keting (or to allow another person to collect, use
3	disclose, or compile such information for such pur-
4	pose) if—
5	(Λ) such use, disclosure, or compiling of
6	personal information involves or is reasonably
7	likely to involve collection of personal informa-
8	tion from a child; or
9	(B) the website, online service, online ap-
10	plication, mobile application, or connected de-
11	vice is directed to children.
12	(2) Minors.—
13	(A) Prohibition.—Except as provided in
14	subparagraph (B), it shall be unlawful for an
15	operator of a website, online service, online ap-
16	plication, mobile application, or connected de-
17	vice to collect, use, disclose to third parties, or
18	compile personal information of a user for pur-
19	poses of targeted marketing (or to allow an-
20	other person to collect, use, disclose, or compile
21	such information for such purpose) if—
22	(i) the user is or is reasonably likely
23	to be a minor; or

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1	(ii) the website, online service, online
2	application, mobile application, or con-
3	nected device is directed to minors.
4	(B) EXCEPTION.—Subparagraph (A) shall
5	not apply to an operator that has obtained the
6	verifiable consent of the relevant minor.
7	(3) Effective date.—This subsection shall
8	take effect on the date that is 180 days after the
9	promulgation of regulations under subsection (b).
10	(b) REGULATIONS.—
11	(1) IN GENERAL.—Not later than 1 year after
12	the date of enactment of this Act, the Commission
13	shall promulgate, under section 553 of title 5,
14	United States Code, regulations to implement this
15	section.
16	(2) UPDATES.—The Commission shall review
17	and update the regulations promulgated under para-
18	graph (1) as necessary.
19	SEC. 7. REMOVAL OF CONTENT.
20	(a) ACTS PROHIBITED.—It is unlawful for an oper-
21	ator to make, or enable a child or minor to make, publicly
22	available through a website, online service, online applica-
23	tion, mobile application, or connected device content or in-
24	formation that contains or displays personal information

1	of children or minors in a manner that violates subsection
2	(b).
3	(b) Requirement.—
4	(1) In general.—An operator, to the extent
5	technologically feasible, shall—
6	(Λ) implement mechanisms that permit a
7	user of the website, online service, online appli-
8	cation, mobile application, or connected device
9	of the operator (and, in the case of a user that
10	is a child, a parent of that user) to erase or
11	otherwise eliminate content or information that
12	is—
13	(i) submitted to the website, online
14	service, online application, mobile applica-
15	tion, or connected device by that user;
16	(ii) publicly available through the
17	website, online service, online application,
18	mobile application, or connected device;
19	and
20	(iii) contains or displays personal in-
21	formation of children or minors; and
22	(B) take appropriate steps to—
23	(i) make users and parents of users
24	who are children aware of the mechanisms
25	described in subparagraph (A); and

1	(ii) provide notice to users and par-
2	ents of users who are children that the
3	mechanisms described in subparagraph (A)
4	do not necessarily provide comprehensive
5	removal of the content or information sub-
6	mitted by users.
7	(2) EXCEPTIONS.—Paragraph (1) shall not be
8	construed to require an operator or third party to
9	erase or otherwise eliminate content or information
10	that—
11	(A) any other provision of Federal or State
12	law requires the operator or third party to
13	maintain; or
14	(B) was submitted to the website, online
15	service, online application, mobile application,
16	or connected device of the operator by any per-
17	son other than the user who is attempting to
18	erase or otherwise eliminate the content or in-
19	formation, including content or information
20	submitted by the user that was republished or
21	resubmitted by another person.
22	(c) LIMITATION.—Nothing in this section shall be
23	construed to limit the authority of a law enforcement
24	agency to obtain any content or information from an oper-

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1	ator as authorized by law or pursuant to an order of a
2	court of competent jurisdiction.
3	(d) Effective Date.—This section shall take effect
4	on the date that is 180 days after the date of enactment
5	of this Act.
6	SEC. 8. PRIVACY DASHBOARD FOR CONNECTED DEVICES
7	FOR CHILDREN AND MINORS.
8	(a) In General.—A manufacturer of a connected
9	device directed to children or minors shall prominently dis-
10	play in an easy-to-access electronic format associated with
11	the connected device or on the packaging for the connected
12	device a standardized and easy-to-understand privacy
13	dashboard, detailing whether, what, and how personal in-
14	formation of a child or minor is—
15	(1) collected from the connected device;
16	(2) transmitted from the connected device;
17	(3) retained on the connected device;
18	(4) retained by the manufacturer or an affili-
19	ated third party;
20	(5) used by the manufacturer or an affiliated
21	third party; and
22	(6) protected.
23	(b) FEATURES.—A privacy dashboard under sub-
24	section (a) shall inform a consumer of—

1	(1) the extent to which the connected device
2	meets the highest cybersecurity and data security
3	standards, including if and how to obtain security
4	patches;
5	(2) the extent to which the connected device
6	gives—
7	(A) a parent meaningful control over the
8	information of a child of the parent; and
9	(B) a minor meaningful control over the
10	information of the minor;
11	(3) the extent to which the device minimizes the
12	collection, retention, and use of information from a
13	child or minor;
14	(4) the location of privacy policies;
15	(5) the type of personal information the con-
16	nected device may collect;
17	(6) the minimum length of time during which
18	a connected device will received security patches and
19	software updates;
20	(7) whether the connected device can be used
21	without being connected to the internet; and
22	(8) any other information as the Commission
23	considers appropriate.
24	(c) REGULATIONS.—

Ţ	(1) IN GENERAL.—Not later than I year after
2	the date of enactment of this Act, the Commission
3	shall promulgate, under section 553 of title 5,
4	United States Code, regulations to implement this
5	section.
6	(2) UPDATES.—The Commission shall review
7	and update the regulations promulgated under para-
8	graph (1) as necessary.
9	(d) Effective Date.—Subsections (a) and (b) shall
0	take effect on the date that is 180 days after the promul-
1	gation of regulations under subsection (c).
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12	SEC. 9. RULE FOR TREATMENT OF USERS OF WEBSITES,
	SEC. 9. RULE FOR TREATMENT OF USERS OF WEBSITES, SERVICES, AND APPLICATIONS DIRECTED TO
12	
12	SERVICES, AND APPLICATIONS DIRECTED TO
12 13 14	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS.
12 13 14 15	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a
12 13 14 15 16	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile applica-
12 13 14 15 16 .7	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile application, or connected device that is directed to children or
12 13 14 15 16 .7 .8	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile application, or connected device that is directed to children or minors shall treat each user of that website, online service,
12 13 14 15 16 .7 .8	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile application, or connected device that is directed to children or minors shall treat each user of that website, online service, online application, mobile application, or connected device
12 13 14 15 16 .7 .8 .9 20	SERVICES, AND APPLICATIONS DIRECTED TO CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile application, or connected device that is directed to children or minors shall treat each user of that website, online service, online application, mobile application, or connected device as a child or minor, except as permitted by the Commissional Commission of the C
12 13 14 15 .6 .7 .8 .9 20 21	CHILDREN OR MINORS. For the purposes of this Act, an operator of a website, online service, online application, mobile application, or connected device that is directed to children or minors shall treat each user of that website, online service, online application, mobile application, or connected device as a child or minor, except as permitted by the Commission pursuant to a regulation promulgated under this Act,

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1	SEC. 10. STUDY OF MOBILE AND ONLINE APPLICATION
2	OVERSIGHT.
3	Not later than 3 years after the date of enactment
4	of this Act, the Commission shall submit to each com-
5	mittee of the Senate and each committee of the House
6	of Representatives that has jurisdiction over the Commis-
7	sion a report on the processes of platforms that offer mo-
8	bile and online applications for ensuring that, of those ap-
9	plications that are directed to children or minors, the ap-
10	plications operate in accordance with—
11	(1) this Act, the amendments made by this Act,
12	and rules promulgated under this Act; and
13	(2) rules promulgated by the Commission under
14	section 5 of the Federal Trade Commission Act (15
15	U.S.C. 45) relating to unfair or deceptive acts or
16	practices in marketing.
17	SEC. 11. YOUTH PRIVACY AND MARKETING DIVISION.
18	(a) Establishment.—There is established within
19	the Commission a division to be known as the Youth Pri-
20	vacy and Marketing Division.
21	(b) DIRECTOR.—The Youth Privacy and Marketing
22	Division shall be headed by a Director.
23	(c) DUTIES.—The Youth Privacy and Marketing Di-
24	vision established under subsection (a) shall be responsible
25	for assisting the Commission to address, as it relates to
26	this Act and the amendments made by this Act—

1	(1) the privacy of children and minors; and
2	(2) marketing directed at children and minors.
3	(d) STAFF.—The Director of the Youth Privacy and
4	Marketing Division shall hire adequate staff to carry out
5	the duties under subsection (c), including individuals who
6	are experts in data protection, digital advertising, data
7	analytics, and youth development.
8	(e) Reports.—Not later than 1 year after the date
9	of enactment of this Act, and each year thereafter, the
10	Director of the Youth and Privacy Marketing Division
11	shall submit to the Committee on Commerce, Science, and
12	Transportation of the Senate and the Committee on En-
13	ergy and Commerce of the House of Representatives a re-
14	port that includes—
15	(1) a description of the work of the Youth Pri-
16	vacy and Marketing Division on emerging concerns
17	relating to youth privacy and marketing practices;
18	and
19	(2) an assessment of how effectively the Com-
20	mission has, during the period for which the report
21	is submitted, addressed youth privacy and marketing
22	practices.
23	SEC. 12. ENFORCEMENT AND APPLICABILITY.
24	(a) Enforcement by the Commission.—

1	(1) In general.—Except as otherwise pro-
2	vided, this Act and the regulations prescribed under
3	this Act shall be enforced by the Commission under
4	the Federal Trade Commission Act (15 U.S.C. 41 et
5	seq.).

(2) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Subject to subsection (b), a violation of this Act or a regulation prescribed under this Act shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(3) ACTIONS BY THE COMMISSION.—

(A) In GENERAL.—Subject to subsection (b), and except as provided in subsection (d)(1), the Commission shall prevent any person from violating this Λct or a regulation prescribed under this Act 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 Act, and any person who violates this Act or such regulation shall be subject to the penalties and

1	entitled to the privileges and immunities pro-
2	vided in the Federal Trade Commission Act.
3	(B) VIOLATIONS.—Notwithstanding sec-
4	tion 5(m) of the Federal Trade Commission Act
5	(15 U.S.C. 45(m)), a civil penalty recovered for
6	a violation of this Act or a regulation prescribed
7	under this Act may be in excess of the amounts
8	provided for in that section as the court finds
9	appropriate to deter violations of this Act and
10	regulations prescribed under this Act.
11	(b) Enforcement by Certain Other Agen-
12	CIES.—Notwithstanding subsection (a), compliance with
13	the requirements imposed under this Act shall be enforced
14	as follows:
15	(1) Under section 8 of the Federal Deposit In-
16	surance Act (12 U.S.C. 1818) by the appropriate
17	Federal banking agency, with respect to an insured
18	depository institution (as such terms are defined in
19	section 3 of such Act (12 U.S.C. 1813)).
20	(2) Under the Federal Credit Union Act (12
21	U.S.C. 1751 et seq.) by the National Credit Union
22	Administration Board, with respect to any Federal
23	eredit union.
24	(3) Under part A of subtitle VII of title 49
25	United States Code, by the Secretary of Transpor-

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1	tation, with respect to any air carrier or foreign air
2	carrier subject to such part.
3	(4) Under the Packers and Stockyards Act
4	1921 (7 U.S.C. 181 et seq.) (except as provided in
5	section 406 of that Act (7 U.S.C. 226, 227)) by the
6	Secretary of Agriculture, with respect to any activi-
7	ties subject to that Act.
8	(5) Under the Farm Credit Act of 1971 (12
9	U.S.C. 2001 et seq.) by the Farm Credit Adminis-
10	tration, with respect to any Federal land bank, Fed-
11	eral land bank association, Federal intermediate
12	credit bank, or production credit association.
13	(c) Enforcement by State Attorneys Gen-
14	ERAL.—
15	(1) IN GENERAL.—
16	(A) CIVIL ACTIONS.—In any case in which
17	the attorney general of a State has reason to
18	believe that an interest of the residents of that
19	State has been or is threatened or adversely af-
20	fected by the engagement of any person in a

practice that violates this Act or a regulation

prescribed under this Act, the State, as parens

patriae, may bring a civil action on behalf of

the residents of the State in a district court of

1	the United States of appropriate jurisdiction
2	to—-
3	(i) enjoin that practice;
4	(ii) enforce compliance with this Act
5	or such regulation;
6	(iii) obtain damages, restitution, or
7	other compensation on behalf of residents
8	of the State; or
9	(iv) obtain such other relief as the
10	court may consider to be appropriate.
11	(B) Notice.—
12	(i) IN GENERAL.—Before filing an ac-
13	tion under subparagraph (A), the attorney
14	general of the State involved shall provide
15	to the Commission—
16	(I) written notice of that action;
17	and
18	(II) a copy of the complaint for
19	that action.
20	(ii) Exemption.—
21	(I) IN GENERAL.—Clause (i)
22	shall not apply with respect to the fil-
23	ing of an action by an attorney gen-
24	eral of a State under this paragraph
25	if the attorney general of the State

Ł	determines that it is not teasible to
2	provide the notice described in that
3	clause before the filing of the action.
4	(II) NOTIFICATION.—In an ac-
5	tion described in subclause (I), the at-
6	torney general of a State shall provide
7	notice and a copy of the complaint to
8	the Commission at the same time as
9	the attorney general files the action.
10	(2) Intervention.—
11	(A) IN GENERAL.—On receiving notice
12	under paragraph (1)(B), the Commission shall
13	have the right to intervene in the action that is
14	the subject of the notice.
15	(B) EFFECT OF INTERVENTION.—If the
16	Commission intervenes in an action under para-
17	graph (1), it shall have the right—
18	(i) to be heard with respect to any
19	matter that arises in that action; and
20	(ii) to file a petition for appeal.
21	(3) Construction.—For purposes of bringing
22	any civil action under paragraph (1), nothing in this
23	Act shall be construed to prevent an attorney gen-
24	eral of a State from exercising the powers conferred

1	on the attorney general by the laws of that State
2	to
3	(A) conduct investigations;
4	(B) administer oaths or affirmations; or
5	(C) compel the attendance of witnesses or
6	the production of documentary and other evi-
7	dence.
8	(4) ACTIONS BY THE COMMISSION.—In any
9	case in which an action is instituted by or on behalf
10	of the Commission for violation of this Act or a reg-
11	ulation prescribed under this Act, no State may,
12	during the pendency of that action, institute a sepa-
13	rate action under paragraph (1) against any defend-
14	ant named in the complaint in the action instituted
15	by or on behalf of the Commission for that violation.
16	(5) VENUE; SERVICE OF PROCESS.—
17	(Λ) VENUE.—Any action brought under
18	paragraph (1) may be brought in the district
19	court of the United States that meets applicable
20	requirements relating to venue under section
21	1391 of title 28, United States Code.
22	(B) SERVICE OF PROCESS.—In an action
23	brought under paragraph (1), process may be
24	served in any district in which the defendant—
25	(i) is an inhabitant; or

ONS CARRIERS AND CABLE
BY COMMISSION.—Notwith-
a)(2), or 6 of the Federal
(15 U.S.C. 44, 45(a)(2), 46)
mitation of the Commission,
so enforce this Act and regu-
nder this Act, in the same
ragraph (a), with respect to
t to the Communications Act
1 et seq.) and Acts amend-
ementary thereto.
TO OTHER LAWS.—To the
338(i), or 631 of the Com-
34 (47 U.S.C. 222, 338(i),
h this Act, this Act controls.
In this subsection—
"applicable section" means
r 9 of this Act;
'covered operator' means an
guidelines approved under

25

the request.

1	(C) the term "requesting entity" means an
2	entity that submits a safe harbor request to the
3	Commission; and
4	(D) the term "safe harbor request" means
5	a request to have self-regulatory guidelines de-
6	scribed in paragraph $(2)(\Lambda)$ approved under
7	that paragraph.
8	(2) Guidelines.—
9	(A) IN GENERAL.—An operator may sat-
10	isfy the requirements of regulations issued
11	under an applicable section by following a set of
12	self-regulatory guidelines, issued by representa-
13	tives of the marketing or online industries, or
14	by other persons, that, after notice and an op-
15	portunity for comment, are approved by the
16	Commission upon making a determination that
17	the guidelines meet the requirements of the reg-
18	ulations issued under that applicable section.
19	(B) EXPEDITED RESPONSE TO RE-
20	QUESTS.—Not later than 180 days after the
21	date on which a safe harbor request is filed
22	under subparagraph (A), the Commission shall
23	act upon the request set forth in writing the
24	conclusions of the Commission with regard to

1	(C) APPEALS.—A requesting entity may
2	appeal the final action of the Commission under
3	subparagraph (B), or a failure by the Commis-
4	sion to act in the period described in that para-
5	graph, to a district court of the United States
6	of appropriate jurisdiction, as provided for in
7	section 706 of title 5, United States Code.
8	(3) Incentives.—
9	(A) Self-regulatory incentives.—In
10	prescribing regulations under an applicable sec-
11	tion, the Commission shall provide incentives
12	for self-regulation by covered operators to im-
13	plement the protections afforded children and
14	minors, as applicable, under the regulatory re-
15	quirements described in those sections.
16	(B) DEEMED COMPLIANCE.—The incen-
17	tives under subparagraph (Λ) shall include pro-
18	visions for ensuring that a covered operator will
19	be deemed to be in compliance with the require-
20	ments of the regulations under an applicable
21	section if that person complies with guidelines
22	approved under paragraph (2).
23	(4) REGULATIONS.—

1	(A) In General.—In prescribing regula-
2	tions relating to safe harbor guidelines under
3	an applicable section, the Commission shall—
4	(i) establish criteria for the approval
5	of guidelines that will ensure that a cov-
6	ered operator provides substantially the
7	same or greater protections for children
8	and minors, as applicable, as those con-
9	tained in the regulations issued under the
10	applicable section; and
11	(ii) subject to subsection (B), require
12	that any report or documentation required
13	to be submitted to the Commission by a
14	covered operator or requesting entity will
15	be published on the internet website of the
16	Commission.
17	(B) RESTRICTIONS ON PUBLICATION.—
18	The restrictions described in subsection (f) of
19	section 6 of the Federal Trade Commission Act
20	(15 U.S.C. 46(f)) applicable to the publication
21	of information obtained by the Commission
22	through investigations conducted under such
23	section shall apply in same manner to the publi-
24	cation under this paragraph of information in-

Ţ	ciuded in a report or documentation described
2	in subparagraph (A).
3	(5) Report by the inspector general.—
4	(A) IN GENERAL.—Not later than 2 years
5	after the date of enactment of this Act, and
6	once each 2 years thereafter, the Inspector Gen-
7	eral of the Commission shall submit to the
8	Commission and each committee of the Senate
9	and each committee of the House of Represent-
10	atives that has jurisdiction over the Commission
11	a report regarding the safe harbor provisions
12	under this subparagraph, which shall include-
13	(i) an analysis of whether the safe
14	harbor provisions are—
15	(I) operating fairly and effec-
16	tively; and
17	(II) effectively protecting the in-
18	terests of children and minors; and
19	(ii) proposals for policy changes that
20	would improve the effectiveness of the safe
21	harbor provisions.
22	(B) Publication.—Not later than 10
23	days after the date on which a report under
24	subparagraph (A) is submitted, the Commission

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1	shall publish the report on the internet website
2	of the Commission.
3	(f) EFFECTIVE DATE.—This section shall take effect
4	on the date that is 90 days after the date of enactment