

Markey Substitute

LYN22507 G3F

S.L.C.

Edward J. Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: 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.

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. 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 content.

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.**

2 (a) IN GENERAL.—In this Act:

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

5 (2) STANDARDS.—The term “standards” means
6 benchmarks, guidelines, best practices, 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 “(II) 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 “(i) 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 redesign-
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.—A 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 ferred 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.

11 “(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
14 establish factors that should be considered in apply-
15 ing the term ‘reasonably likely to be used’ for the
16 purposes of this title.

17 “(21) REASONABLY LIKELY TO BE A CHILD OR
18 MINOR.—The Commission may promulgate rules
19 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
22 be a child or minor’ for the purposes of this title.”.

23 (b) ONLINE COLLECTION, USE, AND DISCLOSURE OF
24 PERSONAL INFORMATION OF CHILDREN AND MINORS.—

1 Section 1303 of the Children’s Online 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

1 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 mecha-
2 nisms the operator uses to ensure that
3 personal information is not collected
4 from children or minors except in ac-
5 cordance with the regulations promul-
6 gated under this paragraph;

7 “(ii) to obtain verifiable consent for
8 the collection, use, or disclosure of personal
9 information of a child or minor;

10 “(iii) to provide to a parent whose
11 child has provided personal information to
12 the operator, upon request by and proper
13 identification of the parent—

14 “(I) a description of the specific
15 types of personal information collected
16 from the child by the operator;

“(II) the opportunity at any time to delete personal information collected from the child and refuse further use or collection of personal information from the child; and

22 “(III) a means that is reasonable
23 under the circumstances for the par-
24 ent to obtain any personal information
25 collected from the child, if such infor-

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 “(II) 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

16 “(III) a means that is reasonable
17 under the circumstances for the minor
18 to obtain any personal information
19 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)—

21

1 (I) 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)—

11 (aa) by inserting “or minor”
12 after “child” each place the term
13 appears; and

14 (bb) by inserting “or minor,
15 as applicable,” after “parent”
16 each place the term appears; and
17 (III) in clause (ii)—

18 (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)—

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 redesignig-
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).

(3) PURPOSE SPECIFICATION PRINCIPLE.—The purposes for which personal information is collected and used should be specified to the parent of a child or to a minor not later than at the time of the collection of the information. The subsequent use or 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;

(B) support for the internal operations of the website, service, or application, as described in section 312.2 of title 16, Code of Federal Regulations (as in effect on the date of enactment of this Act), excluding any activity relating to targeted marketing directed to children, minors, or a device of a child or minor if the support for internal operations is consistent 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 (ii) 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 if—

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-

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 (A) 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

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 (A) 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-

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.—

1 (1) IN GENERAL.—Not later than 1 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
10 take effect on the date that is 180 days after the promul-
11 gation of regulations under subsection (c).

12 **SEC. 9. RULE FOR TREATMENT OF USERS OF WEBSITES,**
13 **SERVICES, AND APPLICATIONS DIRECTED TO**
14 **CHILDREN OR MINORS.**

15 For the purposes of this Act, an operator of a
16 website, online service, online application, mobile applica-
17 tion, or connected device that is directed to children or
18 minors shall treat each user of that website, online service,
19 online application, mobile application, or connected device
20 as a child or minor, except as permitted by the Commis-
21 sion pursuant to a regulation promulgated under this Act,
22 and except to the extent the website, online service, online
23 application, mobile application, or connected device is
24 deemed directed to mixed audiences.

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.).

6 (2) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—Subject to subsection (b), a violation of this
8 Act or a regulation prescribed under this Act shall
9 be treated as a violation of a rule defining an unfair
10 or deceptive act or practice prescribed under section
11 18(a)(1)(B) of the Federal Trade Commission Act
12 (15 U.S.C. 57a(a)(1)(B)).

13 (3) ACTIONS BY THE COMMISSION.—

14 (A) IN GENERAL.—Subject to subsection
15 (b), and except as provided in subsection (d)(1),
16 the Commission shall prevent any person from
17 violating this Act or a regulation prescribed
18 under this Act in the same manner, by the
19 same means, and with the same jurisdiction,
20 powers, and duties as though all applicable
21 terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were in-
23 corporated into and made a part of this Act,
24 and any person who violates this Act or such
25 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 credit union.

24 (3) Under part A of subtitle VII of title 49,
25 United States Code, by the Secretary of Transpor-

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
21 practice that violates this Act or a regulation
22 prescribed under this Act, the State, as *parens*
23 24 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

1 determines that it is not feasible 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 (A) 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

1 (ii) may be found.

2 (d) TELECOMMUNICATIONS CARRIERS AND CABLE
3 OPERATORS.—

4 (1) ENFORCEMENT BY COMMISSION.—Notwith-
5 standing section 4, 5(a)(2), or 6 of the Federal
6 Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46)
7 or any jurisdictional limitation of the Commission,
8 the Commission shall also enforce this Act and regu-
9 lations promulgated under this Act, in the same
10 manner provided in paragraph (a), with respect to
11 common carriers subject to the Communications Act
12 of 1934 (47 U.S.C. 151 et seq.) and Acts amend-
13 atory thereof and supplementary thereto.

14 (2) RELATIONSHIP TO OTHER LAWS.—To the
15 extent that section 222, 338(i), or 631 of the Com-
16 munications Act of 1934 (47 U.S.C. 222, 338(i),
17 551) is inconsistent with this Act, this Act controls.

18 (e) SAFE HARBORS.—

19 (1) DEFINITION.—In this subsection—

20 (A) the term “applicable section” means
21 section 5, 6, 7, 8, or 9 of this Act;

22 (B) the term “covered operator” means an
23 operator subject to guidelines approved under
24 paragraph (2);

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)(A) 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
25 the request.

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 (A) 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-

1 cluded 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

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
5 of this Act.