

116TH CONGRESS  
1ST SESSION

# H. R. 3900

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2019

Mr. RUSH introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

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.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 The table of contents for this Act is as follows:

Sec. 1. 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. Prohibition on sale of connected devices for children and minors that fail to meet appropriate cybersecurity and data security standards.

Sec. 10. Rule for treatment of users of websites, services, and applications directed to children or minors.

Sec. 11. Study of mobile and online application oversight.

Sec. 12. Youth Privacy and Marketing Division.

Sec. 13. 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:

1 “(2) OPERATOR.—The term ‘operator’—

2 “(A) means any person—

3 “(i) who, for commercial purposes, in  
4 interstate or foreign commerce operates or  
5 provides a website on the internet, an on-  
6 line service, an online application, or a mo-  
7 bile application; and

8 “(ii) who—

9 “(I) collects or maintains, either  
10 directly or through a service provider,  
11 personal information from or about  
12 the users of that website, service, ap-  
13 plication, or connected device;

14 “(II) allows another person to  
15 collect personal information directly  
16 from users of that website, service,  
17 application, or connected device (in  
18 which case, the operator is deemed to  
19 have collected the information); or

20 “(III) allows users of that  
21 website, service, application, or con-  
22 nected device to publicly disclose per-  
23 sonal information (in which case, the  
24 operator is deemed to have collected  
25 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, or mobile application of  
15 the operator, excluding any activity relat-  
16 ing to targeted marketing directed to chil-  
17 dren, minors, or connected devices; and

18 “(ii) does not disclose or use that per-  
19 sonal information for any other purpose;  
20 and”; and

21 (B) in subparagraph (B)—

22 (i) by inserting “or minor” after  
23 “child” each place the term appears;

24 (ii) by inserting “or minors” after  
25 “children”; and

1 (iii) by striking “website or online  
2 service” and inserting “website, online  
3 service, online application, or mobile appli-  
4 cation”;

5 (3) in paragraph (8), by striking subparagraphs  
6 (F) and (G) and inserting the following:

7 “(F) geolocation information;

8 “(G) information used for biometric identi-  
9 fication, as defined in section 70123 of title 46,  
10 United States Code, of an individual;

11 “(H) information reasonably associated  
12 with or attributed to an individual;

13 “(I) information (including an internet  
14 protocol address) that permits the identification  
15 of—

16 “(i) an individual; or

17 “(ii) any device used by an individual  
18 to directly or indirectly access the internet  
19 or an online service, online application, or  
20 mobile application; or

21 “(J) information concerning a child or  
22 minor or the parents of that child or minor (in-  
23 cluding any unique or substantially unique iden-  
24 tifier, such as a customer number) that an op-  
25 erator collects online from the child or minor

1           and combines with an identifier described in  
2           this paragraph.”;

3           (4) by amending paragraph (9) to read as fol-  
4       lows:

5           “(9)    VERIFIABLE    CONSENT.—The    term  
6       ‘verifiable consent’ means any reasonable effort (tak-  
7       ing into consideration available technology), includ-  
8       ing a request for authorization for future collection,  
9       use, and disclosure described in the notice, to ensure  
10      that, in the case of a child, a parent of the child,  
11      or, in the case of a minor, the minor—

12               “(A) receives specific notice of the personal  
13      information collection, use, and disclosure prac-  
14      tices of the operator; and

15               “(B) before the personal information of the  
16      child or minor is collected, freely and unambig-  
17      uously authorizes—

18                   “(i) the collection, use, and disclosure,  
19                   as applicable, of that personal information;  
20                   and

21                   “(ii) any subsequent use of that per-  
22                   sonal information.”;

23           (5) by striking paragraph (10) and redesign-  
24      nating paragraphs (11) and (12) as paragraphs (10)  
25      and (11), respectively; and

1 (6) by adding at the end the following:

2 “(12) CONNECTED DEVICE.—The term ‘con-  
3 nected device’ means a device that is capable of con-  
4 necting to the internet, directly or indirectly, or to  
5 another connected device.

6 “(13) ONLINE.—The term ‘online’ means—

7 “(A) connected to or compatible with the  
8 internet; or

9 “(B) via the internet.

10 “(14) ONLINE APPLICATION.—The term ‘online  
11 application’—

12 “(A) means an internet-connected software  
13 program; and

14 “(B) includes a service or application of-  
15 fered via a connected device.

16 “(15) ONLINE SERVICE.—The term ‘online  
17 service’—

18 “(A) means broadband internet access  
19 service, as defined in the Report and Order on  
20 Remand, Declaratory Ruling, and Order in the  
21 matter of protecting and promoting the open  
22 internet, adopted by the Federal Communica-  
23 tions Commission on February 26, 2015 (FCC  
24 15–24); and

1 “(B) includes a service or application of-  
2 fered via a connected device.

3 “(16) DIRECTED TO A CHILD OR MINOR.—

4 “(A) IN GENERAL.—The terms ‘directed to  
5 a child’ or ‘directed to a minor’ means, with re-  
6 spect to a website, online service, online applica-  
7 tion, or mobile application, the website, online  
8 service, online application, or mobile application  
9 is targeted to children or minors, as the case  
10 may be, as demonstrated by—

11 “(i) the subject matter of the website,  
12 online service, online application, or mobile  
13 application;

14 “(ii) the visual content of the website,  
15 online service, online application, or mobile  
16 application;

17 “(iii) the use of animated characters  
18 or child-oriented activities for children, or  
19 the use of minor-oriented characters or  
20 minor-oriented activities for minors, and  
21 related incentives on the website, online  
22 service, online application, or mobile appli-  
23 cation;



1 “(iv) the music or other audio content  
2 on the website, online service, online appli-  
3 cation, or mobile application;

4 “(v) the age of models on the website,  
5 online service, online application, or mobile  
6 application;

7 “(vi) the presence, on the website, on-  
8 line service, online application, or mobile  
9 application, of—

10 “(I) child celebrities;

11 “(II) celebrities who appeal to  
12 children;

13 “(III) teen celebrities; or

14 “(IV) celebrities who appeal to  
15 minors;

16 “(vii) the language used on the  
17 website, online service, online application,  
18 or mobile application;

19 “(viii) advertising content used on, or  
20 used to advertise, the website, online serv-  
21 ice, online application, or mobile applica-  
22 tion; or

23 “(ix) reliable empirical evidence relat-  
24 ing to—

1 “(I) the composition of the audi-  
2 ence of the website, online service, on-  
3 line application, or mobile application;  
4 and

5 “(II) the intended audience of  
6 the website, online service, online ap-  
7 plication, or mobile application.

8 “(B) RULES OF CONSTRUCTION.—

9 “(i) SERVICES DEEMED DIRECTED TO  
10 CHILDREN OR MINORS.—For the purposes  
11 of this title, a website, online service, on-  
12 line application, or mobile application shall  
13 be deemed to be directed to children or mi-  
14 nors if the operator of the website, online  
15 service, online application, or mobile appli-  
16 cation has actual knowledge that the  
17 website, online service, online application,  
18 or mobile application collects personal in-  
19 formation directly from users of any other  
20 website, online service, online application,  
21 or mobile application that is directed to  
22 children or minors under the criteria de-  
23 scribed in subparagraph (A).

24 “(ii) SERVICES DEEMED DIRECTED TO  
25 MIXED AUDIENCES.—

1 “(I) IN GENERAL.—A website,  
2 online service, online application, or  
3 mobile application that is directed to  
4 children or minors under the criteria  
5 described in subparagraph (A), but  
6 that does not target children or mi-  
7 nors as the primary audience of the  
8 website, online service, online applica-  
9 tion, or mobile application, shall not  
10 be deemed to be directed to children  
11 or minors for purposes of this title if  
12 the website, online service, online ap-  
13 plication, or mobile application—

14 “(aa) does not collect per-  
15 sonal information from any user  
16 of the website, online service, on-  
17 line application, or mobile appli-  
18 cation before verifying age infor-  
19 mation of the user; and

20 “(bb) does not, without first  
21 complying with any relevant no-  
22 tice and consent provision under  
23 this title, collect, use, or disclose  
24 personal information of any user  
25 who identifies themselves to the

1 website, online service, online ap-  
2 plication, or mobile application as  
3 an individual who is under the  
4 age of 16.

5 “(II) USE OF CERTAIN TOOLS.—

6 For purposes of this title, a website,  
7 online service, online application, or  
8 mobile application, shall not be  
9 deemed directed to children or minors  
10 solely because the website, online serv-  
11 ice, online application, or mobile appli-  
12 cation refers or links to any other  
13 website, online service, online applica-  
14 tion, or mobile application directed to  
15 children or minors by using informa-  
16 tion location tools, including—

17 “(aa) a directory;

18 “(bb) an index;

19 “(cc) a reference;

20 “(dd) a pointer; or

21 “(ee) a hypertext link.

22 “(17) MOBILE APPLICATION.—The term ‘mo-  
23 bile application’—

24 “(A) means a software program that runs  
25 on the operating system of—

1 “(i) a cellular telephone;

2 “(ii) a tablet computer; or

3 “(iii) a similar portable computing de-  
4 vice that transmits data over a wireless  
5 connection; and

6 “(B) includes a service or application of-  
7 fered via a connected device.

8 “(18) GEOLOCATION INFORMATION.—The term  
9 ‘geolocation information’ means information suffi-  
10 cient to identify a street name and name of a city  
11 or town.

12 “(19) MINOR.—The term ‘minor’ means an in-  
13 dividual over the age of 12 and under the age of 16.

14 “(20) TARGETED MARKETING.—The term ‘tar-  
15 geted marketing’ means advertising or any other ef-  
16 fort to market a product or service that is directed  
17 to a specific individual or device—

18 “(A) based on—

19 “(i) the personal information of—

20 “(I) the individual; or

21 “(II) a group of individuals who  
22 are similar in gender, age, income  
23 level, race, or ethnicity to the specific  
24 individual to whom the product or  
25 service is marketed;

1 “(ii) psychological profiling; or  
 2 “(iii) a unique identifier of the device;  
 3 and  
 4 “(B) as a result of use by the individual,  
 5 access by any device of the individual, or use by  
 6 a group of individuals who are similar to the  
 7 specific individual, of—  
 8 “(i) a website;  
 9 “(ii) an online service;  
 10 “(iii) an online application;  
 11 “(iv) a mobile application; or  
 12 “(v) an operating system.”.

13 (b) ONLINE COLLECTION, USE, AND DISCLOSURE OF  
 14 PERSONAL INFORMATION OF CHILDREN AND MINORS.—  
 15 Section 1303 of the Children’s Online Privacy Protection  
 16 Act of 1998 (15 U.S.C. 6502) is amended—

17 (1) by striking the heading and inserting the  
 18 following: “**ONLINE COLLECTION, USE, AND DIS-**  
 19 **CLOSURE OF PERSONAL INFORMATION OF**  
 20 **CHILDREN AND MINORS.**”;

21 (2) in subsection (a)—

22 (A) by amending paragraph (1) to read as  
 23 follows:

24 “(1) IN GENERAL.—It is unlawful for an oper-  
 25 ator of a website, online service, online application,

1 or mobile application directed to a child or minor, or  
2 an operator having constructive knowledge that per-  
3 sonal information being collected is from a child or  
4 minor, to collect personal information from a child  
5 or minor in a manner that violates the regulations  
6 prescribed under subsection (b).”; and

7 (B) in paragraph (2)—

8 (i) by striking “of such a website or  
9 online service”; and

10 (ii) by striking “subsection  
11 (b)(1)(B)(iii) to the parent of a child” and  
12 inserting “subsection (b)(1)(A)(iii) to the  
13 parent of a child or under subsection  
14 (b)(1)(A)(iv) to a minor”; and

15 (3) in subsection (b)—

16 (A) by amending paragraph (1) to read as  
17 follows:

18 “(1) REGULATIONS.—

19 “(A) IN GENERAL.—Not later than 1 year  
20 after the date of the enactment of the Act enti-  
21 tled ‘An Act to amend the Children’s Online  
22 Privacy Protection Act of 1998 to strengthen  
23 protections relating to the online collection, use,  
24 and disclosure of personal information of chil-  
25 dren and minors, and for other purposes’, the

1 Commission shall promulgate, under section  
2 553 of title 5, United States Code, regulations  
3 to require an operator of a website, online serv-  
4 ice, online application, or mobile application di-  
5 rected to children or minors, or an operator  
6 having constructive knowledge that personal in-  
7 formation being collected is from a child or  
8 minor—

9 “(i) to provide clear and conspicuous  
10 notice in clear and plain language of—

11 “(I) the types of personal infor-  
12 mation the operator collects;

13 “(II) how the operator uses the  
14 information;

15 “(III) whether and why the oper-  
16 ator discloses the information; and

17 “(IV) the procedures or mecha-  
18 nisms the operator uses to ensure that  
19 personal information is not collected  
20 from children or minors except in ac-  
21 cordance with the regulations promul-  
22 gated under this paragraph;

23 “(ii) to obtain verifiable consent for  
24 the collection, use, or disclosure of personal  
25 information of a child or minor;



1 “(iii) to provide to a parent whose  
2 child has provided personal information to  
3 the operator, upon request by and proper  
4 identification of the parent—

5 “(I) a description of the specific  
6 types of personal information collected  
7 from the child by the operator;

8 “(II) the opportunity at any time  
9 to delete personal information col-  
10 lected from the child; and

11 “(III) a means that is reasonable  
12 under the circumstances for the par-  
13 ent to obtain any personal information  
14 collected from the child, if such infor-  
15 mation is available to the operator at  
16 the time the parent makes the re-  
17 quest;

18 “(iv) to provide to a minor who has  
19 provided personal information to the oper-  
20 ator, upon request by and proper identi-  
21 fication of the minor—

22 “(I) a description of the specific  
23 types of personal information collected  
24 from the minor by the operator;

1 “(II) the opportunity at any time  
2 to delete personal information col-  
3 lected from the minor; and

4 “(III) a means that is reasonable  
5 under the circumstances for the minor  
6 to obtain any personal information  
7 collected from the minor, if such in-  
8 formation is available to the operator  
9 at the time the minor makes the re-  
10 quest;

11 “(v) not to condition participation in  
12 a game, or use of a website, service, or ap-  
13 plication, by a child or minor on the provi-  
14 sion by the child or minor of more personal  
15 information than is reasonably required to  
16 participate in the game or use the website,  
17 service, or application; and

18 “(vi) to establish and maintain rea-  
19 sonable procedures to protect the confiden-  
20 tiality, security, and integrity of personal  
21 information collected from children and mi-  
22 nors.

23 “(B) UPDATES.—Not less frequently than  
24 once every 4 years after the date on which reg-  
25 ulations are promulgated under subparagraph

1 (A), the Commission shall update those regula-  
2 tions as necessary.”;

3 (B) in paragraph (2)—

4 (i) in the matter preceding subpara-  
5 graph (A), by striking “verifiable parental  
6 consent” and inserting “verifiable con-  
7 sent”;

8 (ii) in subparagraph (A)—

9 (I) by inserting “or minor” after  
10 “collected from a child”;

11 (II) by inserting “or minor” after  
12 “request from the child”; and

13 (III) by inserting “or minor or to  
14 contact a different child or minor”  
15 after “to recontact the child”;

16 (iii) in subparagraph (B)—

17 (I) by striking “parent or child”  
18 and inserting “parent, child, or  
19 minor”; and

20 (II) by striking “parental con-  
21 sent” each place the term appears and  
22 inserting “verifiable consent”;

23 (iv) in subparagraph (C)—

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 (i)—

5 (aa) by inserting “or minor”  
6 after “child” each place the term  
7 appears; and

8 (bb) by inserting “or minor,  
9 as applicable,” after “parent”  
10 each place the term appears; and

11 (III) in clause (ii)—

12 (aa) by inserting “or minor,  
13 as applicable,” after “parent”;  
14 and

15 (bb) by inserting “or minor”  
16 after “child” each place the term  
17 appears; and

18 (v) in subparagraph (D)—

19 (I) in the matter preceding clause  
20 (i), by inserting “or minor” after  
21 “child” each place the term appears;

22 (II) in clause (ii), by inserting  
23 “or minor” after “child”; and

24 (III) in the flush text following  
25 clause (iii)—

1 (aa) by inserting “or minor,  
2 as applicable,” after “parent”  
3 each place the term appears; and  
4 (bb) by inserting “or minor”  
5 after “child”; and

6 (C) by amending paragraph (3) to read as  
7 follows:

8 “(3) CONTINUATION OF SERVICE.—The regula-  
9 tions shall prohibit an operator from discontinuing  
10 service provided to a child or minor on the basis of  
11 a request by the parent of the child or by the minor,  
12 under the regulations prescribed under clauses  
13 (iii)(II) and (iv)(II), respectively, of paragraph  
14 (1)(A) to delete personal information collected from  
15 the child or minor, to the extent that the operator  
16 is capable of providing such service without such in-  
17 formation.”.

18 (c) SAFE HARBORS.—Section 1304 of the Children’s  
19 Online Privacy Protection Act of 1998 (15 U.S.C. 6503)  
20 is amended—

21 (1) in subsection (b)(1), by inserting “and mi-  
22 nors” after “children”; and

23 (2) by adding at the end the following:

24 “(d) PUBLICATION.—The Commission shall publish  
25 on the internet website of the Commission any report or

1 documentation required by regulation to be submitted to  
2 the Commission to carry out this section, except to the  
3 extent that the report or documentation contains propri-  
4 etary information, which the Commission may in its dis-  
5 cretion redact.”.

6 (d) ADMINISTRATION AND APPLICABILITY OF ACT.—  
7 Section 1306 of the Children’s Online Privacy Protection  
8 Act of 1998 (15 U.S.C. 6505) is amended—

9 (1) in subsection (b)—

10 (A) in paragraph (1), by striking “, in the  
11 case of” and all that follows and inserting the  
12 following: “by the appropriate Federal banking  
13 agency, with respect to any insured depository  
14 institution (as those terms are defined in sec-  
15 tion 3 of that Act (12 U.S.C. 1813));”; and

16 (B) by striking paragraph (2) and redesign-  
17 ating paragraphs (3) through (6) as para-  
18 graphs (2) through (5), respectively; and

19 (2) by adding at the end the following new sub-  
20 section:

21 “(f) TELECOMMUNICATIONS CARRIERS AND CABLE  
22 OPERATORS.—

23 “(1) ENFORCEMENT BY COMMISSION.—Not-  
24 withstanding section 5(a)(2) of the Federal Trade  
25 Commission Act (15 U.S.C. 45(a)(2)), compliance

1 with the requirements imposed under this title shall  
2 be enforced by the Commission with respect to any  
3 telecommunications carrier (as defined in section 3  
4 of the Communications Act of 1934 (47 U.S.C.  
5 153)).

6 “(2) RELATIONSHIP TO OTHER LAW.—To the  
7 extent that section 222, 338(i), or 631 of the Com-  
8 munications Act of 1934 (47 U.S.C. 222; 338(i);  
9 551) is inconsistent with this title, this title con-  
10 trols.”.

11 **SEC. 4. FAIR INFORMATION PRACTICES PRINCIPLES.**

12 The Fair Information Practices Principles described  
13 in this section are the following:

14 (1) COLLECTION LIMITATION PRINCIPLE.—Ex-  
15 cept as provided in paragraph (3), personal informa-  
16 tion should be collected from a child or minor only  
17 when collection of the personal information is—

18 (A) consistent with the context of a par-  
19 ticular transaction or service or the relationship  
20 of the child or minor with the operator, includ-  
21 ing collection necessary to fulfill a transaction  
22 or provide a service requested by the child or  
23 minor; or

24 (B) required or specifically authorized by  
25 law.

1           (2) DATA QUALITY PRINCIPLE.—The personal  
2           information of a child or minor should be accurate,  
3           complete, and kept up-to-date to the extent nec-  
4           essary to fulfill the purposes described in subpara-  
5           graphs (A) through (D) of paragraph (3).

6           (3) PURPOSE SPECIFICATION PRINCIPLE.—The  
7           purposes for which personal information is collected  
8           should be specified to the parent of a child or to a  
9           minor not later than at the time of the collection of  
10          the information. The subsequent use or disclosure of  
11          the information should be limited to—

12                   (A) fulfillment of the transaction or service  
13                   requested by the child or minor;

14                   (B) support for the internal operations of  
15                   the website, service, or application, as described  
16                   in section 312.2 of title 16, Code of Federal  
17                   Regulations, excluding any activity relating to  
18                   targeted marketing directed to children, minors,  
19                   or a device of a child or minor;

20                   (C) compliance with legal process or other  
21                   purposes expressly authorized under specific  
22                   legal authority; or

23                   (D) other purposes—

24                           (i) that are specified in a notice to the  
25                   child or minor; and



1 (ii) to which the child or minor has  
2 consented under paragraph (7) before the  
3 information is used or disclosed for such  
4 other purposes.

5 (4) RETENTION LIMITATION PRINCIPLE.—

6 (A) IN GENERAL.—The personal informa-  
7 tion of a child or minor should not be retained  
8 for longer than is necessary to fulfill a trans-  
9 action or provide a service requested by the  
10 child or minor or such other purposes specified  
11 in subparagraphs (A) through (D) of paragraph  
12 (3).

13 (B) DATA DISPOSAL.—The operator should  
14 implement a reasonable and appropriate data  
15 disposal policy based on the nature and sensi-  
16 tivity of personal information described in sub-  
17 paragraph (A).

18 (5) SECURITY SAFEGUARDS PRINCIPLE.—The  
19 personal information of a child or minor should be  
20 protected by reasonable and appropriate security  
21 safeguards against risks such as loss or unauthor-  
22 ized access, destruction, use, modification, or disclo-  
23 sure.

24 (6) OPENNESS PRINCIPLE.—

1           (A) GENERAL PRINCIPLE.—The operator  
2           should maintain a general policy of openness  
3           about developments, practices, and policies with  
4           respect to the personal information of a child or  
5           minor.

6           (B) PROVISION OF INFORMATION.—The  
7           operator should provide to each parent of a  
8           child, or to each minor, using the website, on-  
9           line service, online application, or mobile appli-  
10          cation of the operator with a clear and promi-  
11          nent means—

12               (i) to identify and contact the oper-  
13               ator, by, at a minimum, disclosing, clearly  
14               and prominently, the identity of the oper-  
15               ator and—

16               (I) in the case of an operator  
17               who is an individual, the address of  
18               the principal residence of the operator  
19               and an email address and telephone  
20               number for the operator; or

21               (II) in the case of any other op-  
22               erator, the address of the principal  
23               place of business of the operator and  
24               an email address and telephone num-  
25               ber for the 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 subparagraphs (A) through (C) of paragraph  
16 (3); and

17 (B) obtain affirmative express consent  
18 from a parent of a child or from a minor before  
19 using or disclosing previously collected personal  
20 information of the child or minor for purposes  
21 that constitute a material change in practice  
22 from the original purposes specified to the child  
23 or minor under paragraph (3).

24 (8) RACIAL AND SOCIOECONOMIC PROFILING.—  
25 The personal information of a child or minor shall

1 not be used to direct content to the child or minor,  
2 or a group of individuals similar to the child or  
3 minor, on the basis of race, socioeconomic factors, or  
4 any proxy thereof.

5 **SEC. 5. DIGITAL MARKETING BILL OF RIGHTS FOR MINORS.**

6 (a) ACTS PROHIBITED.—

7 (1) PROHIBITION.—

8 (A) IN GENERAL.—Except as provided in  
9 subparagraph (B), it shall be unlawful for an  
10 operator of a website, online service, online ap-  
11 plication, or mobile application to collect per-  
12 sonal information from a minor if—

13 (i)(I) the minor is a user of the  
14 website, online service, online application,  
15 or mobile application; and

16 (II) the operator has constructive  
17 knowledge that the minor is a minor; or

18 (ii) the website, online service, online  
19 application, or mobile application is di-  
20 rected to minors.

21 (B) EXCEPTION.—Subparagraph (A) shall  
22 not apply to an operator that has adopted and  
23 complies with a Digital Marketing Bill of  
24 Rights for Minors that is consistent with the

1 Fair Information Practices Principles described  
2 in section 4.

3 (2) EFFECTIVE DATE.—This subsection shall  
4 take effect on the date that is 180 days after the  
5 promulgation of regulations under subsection (b).

6 (b) REGULATIONS.—

7 (1) IN GENERAL.—Not later than 1 year after  
8 the date of enactment of this Act, the Commission  
9 shall promulgate, under section 553 of title 5,  
10 United States Code, regulations to implement this  
11 section, including regulations further defining the  
12 Fair Information Practices Principles described in  
13 section 4.

14 (2) UPDATES.—Not less frequently than once  
15 every 4 years after the date on which regulations are  
16 promulgated under paragraph (1), the Commission  
17 shall update those regulations as necessary.

18 **SEC. 6. TARGETED MARKETING TO CHILDREN OR MINORS.**

19 (a) ACTS PROHIBITED.—

20 (1) CHILDREN.—It shall be unlawful for an op-  
21 erator of a website, online service, online application,  
22 or mobile application to use, disclose to third par-  
23 ties, or compile personal information of a child for  
24 purposes of targeted marketing if—

1 (A)(i) the child is a user of the website,  
2 online service, online application, or mobile ap-  
3 plication; and

4 (ii) the operator has constructive knowl-  
5 edge that the child is a child; or

6 (B) the website, online service, online ap-  
7 plication, or mobile application is directed to a  
8 child.

9 (2) MINORS.—

10 (A) PROHIBITION.—Except as provided in  
11 subparagraph (B), it shall be unlawful for an  
12 operator of a website, online service, online ap-  
13 plication, or mobile application to use, disclose  
14 to third parties, or compile personal informa-  
15 tion of a minor for purposes of targeted mar-  
16 keting if—

17 (i)(I) the minor is a user of the  
18 website, online service, online application,  
19 or mobile application; and

20 (II) the operator has constructive  
21 knowledge that the minor is a minor; or

22 (ii) the website, online service, online  
23 application, or mobile application is di-  
24 rected to a minor.

1 (B) EXCEPTION.—Subparagraph (A) shall  
2 not apply to an operator that has obtained the  
3 verifiable consent of the relevant minor.

4 (3) 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.

13 (2) UPDATES.—Not less frequently than once  
14 every 4 years after the date on which regulations are  
15 promulgated under paragraph (1), the Commission  
16 shall update those regulations as necessary.

17 **SEC. 7. REMOVAL OF CONTENT.**

18 (a) ACTS PROHIBITED.—It is unlawful for an oper-  
19 ator to make publicly available through a website, online  
20 service, online application, or mobile application content  
21 or information that contains or displays personal informa-  
22 tion of children or minors in a manner that violates sub-  
23 section (b).

24 (b) REQUIREMENT.—



1           (1) IN GENERAL.—An operator, to the extent  
2           technologically feasible, shall—

3                   (A) implement mechanisms that permit a  
4           user of the website, online service, online appli-  
5           cation, or mobile application of the operator to  
6           erase or otherwise eliminate content or informa-  
7           tion that is—

8                           (i) submitted to the website, online  
9           service, online application, or mobile appli-  
10          cation by that user;

11                          (ii) publicly available through the  
12          website, online service, online application,  
13          or mobile application; and

14                          (iii) contains or displays personal in-  
15          formation of children or minors; and

16          (B) take appropriate steps to—

17                          (i) make users aware of the mecha-  
18          nisms described in subparagraph (A); and

19                          (ii) provide notice to users that the  
20          mechanisms described in subparagraph (A)  
21          do not necessarily provide comprehensive  
22          removal of the content or information sub-  
23          mitted by users.

24          (2) EXCEPTIONS.—Paragraph (1) shall not be  
25          construed to require an operator or third party to

1       erase or otherwise eliminate content or information  
2       that—

3               (A) any other provision of Federal or State  
4       law requires the operator or third party to  
5       maintain; or

6               (B) was submitted to the website, online  
7       service, online application, or mobile application  
8       of the operator by any person other than the  
9       user who is attempting to erase or otherwise  
10      eliminate the content or information, including  
11      content or information submitted by the user  
12      that was republished or resubmitted by another  
13      person.

14      (c) LIMITATION.—Nothing in this section shall be  
15      construed to limit the authority of a law enforcement  
16      agency to obtain any content or information from an oper-  
17      ator as authorized by law or pursuant to an order of a  
18      court of competent jurisdiction.

19      (d) EFFECTIVE DATE.—This section shall take effect  
20      on the date that is 180 days after the date of enactment  
21      of this Act.

22      **SEC. 8. PRIVACY DASHBOARD FOR CONNECTED DEVICES**  
23                      **FOR CHILDREN AND MINORS.**

24      (a) IN GENERAL.—A manufacturer of a connected  
25      device directed to a child or minor shall prominently dis-

1 play on the packaging for the connected device a standard-  
2 ized and easy-to-understand privacy dashboard, detailing  
3 whether, what, and how personal information of a child  
4 or minor is—

5 (1) collected from the connected device;

6 (2) transmitted from the connected device;

7 (3) retained on the connected device;

8 (4) retained by the manufacturer or affiliated  
9 person;

10 (5) used by the manufacturer or affiliated per-  
11 son; and

12 (6) protected.

13 (b) FEATURES.—A privacy dashboard under sub-  
14 section (a) shall inform a consumer of—

15 (1) the extent to which the connected device  
16 meets the highest cybersecurity and data security  
17 standards, including if and how to obtain security  
18 patches;

19 (2) the extent to which the connected device  
20 gives—

21 (A) a parent meaningful control over the  
22 information of a child of the parent; and

23 (B) a minor meaningful control over the  
24 information of the minor;

1           (3) the extent to which the device minimizes the  
2           collection, retention, and use of information from a  
3           child or minor;

4           (4) the location of privacy policies;

5           (5) the type of personal information the con-  
6           nected device may collect;

7           (6) the minimum length of time during which  
8           a connected device will received security patches and  
9           software updates;

10          (7) whether the connected device can be used  
11          without being connected to the internet; and

12          (8) any other information as the Commission  
13          considers appropriate.

14          (c) REGULATIONS.—

15           (1) IN GENERAL.—Not later than 1 year after  
16           the date of enactment of this Act, the Commission  
17           shall promulgate, under section 553 of title 5,  
18           United States Code, regulations to implement this  
19           section.

20           (2) UPDATES.—Not less frequently than once  
21           every 4 years after the date on which regulations are  
22           promulgated under paragraph (1), the Commission  
23           shall update those regulations as necessary.

1 (d) EFFECTIVE DATE.—Subsections (a) and (b) shall  
 2 take effect on the date that is 180 days after the promul-  
 3 gation of regulations under subsection (c).

4 **SEC. 9. PROHIBITION ON SALE OF CONNECTED DEVICES**  
 5 **FOR CHILDREN AND MINORS THAT FAIL TO**  
 6 **MEET APPROPRIATE CYBERSECURITY AND**  
 7 **DATA SECURITY STANDARDS.**

8 (a) PROHIBITION.—Beginning 1 year after the date  
 9 of enactment of this Act, no person may sell a connected  
 10 device unless the connected device meets appropriate cy-  
 11 bersecurity and data security standards established by the  
 12 Commission.

13 (b) CYBERSECURITY AND DATA SECURITY STAND-  
 14 ARDS.—

15 (1) IN GENERAL.—The Commission shall pro-  
 16 mulgate, under section 553 of title 5, United States  
 17 Code, cybersecurity and data security standards de-  
 18 scribed in subsection (a).

19 (2) CONSIDERATIONS.—In promulgating cyber-  
 20 security and data security standards under para-  
 21 graph (1), the Commission shall—

22 (A) create cybersecurity and data security  
 23 standards for different subsets of connected de-  
 24 vices based on the varying degrees of—

1 (i) cybersecurity and data security  
 2 risk associated with each subset of con-  
 3 nected device;

4 (ii) sensitivity of information collected,  
 5 stored, or transmitted by each subset of  
 6 connected device; and

7 (iii) functionality of each subset of  
 8 connected device;

9 (B) consider incorporating, to the extent  
 10 practicable, existing cybersecurity and data se-  
 11 curity standards; and

12 (C) ensure that the cybersecurity and data  
 13 security standards—

14 (i) are consistent with Fair Informa-  
 15 tion Practice Principles described in sec-  
 16 tion 4; and

17 (ii) promote data minimization.

18 **SEC. 10. RULE FOR TREATMENT OF USERS OF WEBSITES,**  
 19 **SERVICES, AND APPLICATIONS DIRECTED TO**  
 20 **CHILDREN OR MINORS.**

21 For the purposes of this Act, an operator of a  
 22 website, online service, online application, or mobile appli-  
 23 cation that is directed to children or minors shall treat  
 24 each user of that website, online service, online applica-  
 25 tion, or mobile application as a child or minor, except as

1 permitted by the Commission pursuant to a regulation  
2 promulgated under this Act.

3 **SEC. 11. STUDY OF MOBILE AND ONLINE APPLICATION**  
4 **OVERSIGHT.**

5 Not later than 2 years after the date of enactment  
6 of this Act, the Commission shall submit to each com-  
7 mittee of the Senate and each committee of the House  
8 of Representatives that has jurisdiction over the Commis-  
9 sion a report on the processes of platforms that offer mo-  
10 bile and online applications for ensuring that, of those ap-  
11 plications that are directed to children or minors, the ap-  
12 plications operate in accordance with—

13 (1) this Act, the amendments made by this Act,  
14 and rules promulgated under this Act;

15 (2) rules promulgated by the Commission under  
16 section 5 of the Federal Trade Commission Act (15  
17 U.S.C. 45) relating to unfair or deceptive acts or  
18 practices in marketing; and

19 (3) any other Federal or State law relating to  
20 the privacy of children or minors.

21 **SEC. 12. YOUTH PRIVACY AND MARKETING DIVISION.**

22 (a) ESTABLISHMENT.—There is established within  
23 the Commission a division to be known as the Youth Pri-  
24 vacy and Marketing Division.

1 (b) DIRECTOR.—The Youth Privacy and Marketing  
2 Division shall be headed by a Director, who shall be ap-  
3 pointed by the Chairman of the Commission.

4 (c) DUTIES.—The Youth Privacy and Marketing Di-  
5 vision established under subsection (a) shall be responsible  
6 for addressing, as it relates to this Act and the amend-  
7 ments made by this Act—

8 (1) the privacy of children and minors; and

9 (2) marketing directed at children and minors.

10 (d) STAFF.—The Director of the Youth Privacy and  
11 Marketing Division shall hire adequate staff to carry out  
12 the duties under subsection (c), including individuals who  
13 are experts in data protection, digital advertising, data  
14 analytics, and youth development.

15 (e) REPORTS.—Not later than 1 year after the date  
16 of enactment of this Act, and each year thereafter, the  
17 Director of the Youth and Privacy Marketing Division  
18 shall submit to the Committee on Commerce, Science, and  
19 Transportation of the Senate and the Committee on En-  
20 ergy and Commerce of the House of Representatives a re-  
21 port that includes—

22 (1) a description of the work of the Youth Pri-  
23 vacy and Marketing Division on emerging concerns  
24 relating to youth privacy and marketing practices;  
25 and



1           (2) an assessment of how effectively the Com-  
2           mission has, during the period for which the report  
3           is submitted, addressed youth privacy and marketing  
4           practices.

5 **SEC. 13. ENFORCEMENT AND APPLICABILITY.**

6           (a) ENFORCEMENT BY THE COMMISSION.—

7           (1) IN GENERAL.—Except as otherwise pro-  
8           vided, this Act and the regulations prescribed under  
9           this Act shall be enforced by the Commission under  
10          the Federal Trade Commission Act (15 U.S.C. 41 et  
11          seq.).

12          (2) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
13          TICES.—Subject to subsection (b), a violation of this  
14          Act or a regulation prescribed under this Act shall  
15          be treated as a violation of a rule defining an unfair  
16          or deceptive act or practice prescribed under section  
17          18(a)(1)(B) of the Federal Trade Commission Act  
18          (15 U.S.C. 57a(a)(1)(B)).

19          (3) ACTIONS BY THE COMMISSION.—

20                (A) IN GENERAL.—Subject to subsection  
21                (b), and except as provided in subsection (d)(1),  
22                the Commission shall prevent any person from  
23                violating this Act or a regulation prescribed  
24                under this Act in the same manner, by the  
25                same means, and with the same jurisdiction,

1 powers, and duties as though all applicable  
2 terms and provisions of the Federal Trade  
3 Commission Act (15 U.S.C. 41 et seq.) were in-  
4 corporated into and made a part of this Act,  
5 and any person who violates this Act or such  
6 regulation shall be subject to the penalties and  
7 entitled to the privileges and immunities pro-  
8 vided in the Federal Trade Commission Act.

9 (B) VIOLATIONS.—

10 (i) IN GENERAL.—In an action  
11 brought by the Commission to enforce this  
12 Act and the regulations prescribed under  
13 this Act, each connected device that fails to  
14 meet a standard promulgated under this  
15 Act shall be treated as a separate violation.

16 (ii) CIVIL PENALTY.—Notwith-  
17 standing section 5(m) of the Federal Trade  
18 Commission Act (15 U.S.C. 45(m)), a civil  
19 penalty recovered for a violation of this Act  
20 or a regulation prescribed under this Act  
21 may be in excess of the amounts provided  
22 for in that section as the court finds ap-  
23 propriate to deter violations of this Act  
24 and regulations prescribed under this Act.

1 (iii) FIRST VIOLATIONS.—In an action  
2 brought by the Commission to enforce this  
3 Act and the regulations prescribed under  
4 this Act, the Commission may seek a civil  
5 penalty for any violation of this Act or reg-  
6 ulation prescribed under this Act, including  
7 any violation that is the first violation of  
8 this Act or a regulation prescribed under  
9 this Act that a person against whom the  
10 action is brought has committed.

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 an ac-  
13 tion under paragraph (1) against any defendant  
14 named in the complaint in the action instituted by  
15 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 5(a)(2) of the Federal Trade Com-  
6 mission Act (15 U.S.C. 45(a)(2)), compliance with  
7 the requirements imposed under this Act shall be en-  
8 forced by the Commission with respect to any tele-  
9 communications carrier (as defined in section 3 of  
10 the Communications Act of 1934 (47 U.S.C. 153)).

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

15 (e) SAFE HARBORS.—

16 (1) DEFINITION.—In this subsection—

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

19 (B) the term “covered operator” means an  
20 operator subject to guidelines approved under  
21 paragraph (2);

22 (C) the term “requesting entity” means an  
23 entity that submits a safe harbor request to the  
24 Commission; and



1 (D) the term “safe harbor request” means  
2 a request to have self-regulatory guidelines de-  
3 scribed in paragraph (2)(A) approved under  
4 that paragraph.

5 (2) GUIDELINES.—

6 (A) IN GENERAL.—An operator may sat-  
7 isfy the requirements of regulations issued  
8 under an applicable section by following a set of  
9 self-regulatory guidelines, issued by representa-  
10 tives of the marketing or online industries, or  
11 by other persons, that, after notice and an op-  
12 portunity for comment, are approved by the  
13 Commission upon making a determination that  
14 the guidelines meet the requirements of the reg-  
15 ulations issued under that applicable section.

16 (B) EXPEDITED RESPONSE TO RE-  
17 QUESTS.—Not later than 180 days after the  
18 date on which a safe harbor request is filed  
19 under subparagraph (A), the Commission shall  
20 act upon the request set forth in writing the  
21 conclusions of the Commission with regard to  
22 the request.

23 (C) APPEALS.—A requesting entity may  
24 appeal the final action of the Commission under  
25 subparagraph (B), or a failure by the Commis-

1 sion to act in the period described in that para-  
2 graph, to a district court of the United States  
3 of appropriate jurisdiction, as provided for in  
4 section 706 of title 5, United States Code.

5 (3) INCENTIVES.—

6 (A) SELF-REGULATORY INCENTIVES.—In  
7 prescribing regulations under an applicable sec-  
8 tion, the Commission shall provide incentives  
9 for self-regulation by covered operators to im-  
10 plement the protections afforded children and  
11 minors, as applicable, under the regulatory re-  
12 quirements described in those sections.

13 (B) DEEMED COMPLIANCE.—The incen-  
14 tives under subparagraph (A) shall include pro-  
15 visions for ensuring that a covered operator will  
16 be deemed to be in compliance with the require-  
17 ments of the regulations under an applicable  
18 section if that person complies with guidelines  
19 approved under paragraph (2).

20 (4) REGULATIONS.—In prescribing regulations  
21 relating to safe harbor guidelines under an applica-  
22 ble section, the Commission shall—

23 (A) establish criteria for the approval of  
24 guidelines that will ensure that a covered oper-  
25 ator provides substantially the same or greater

1           protections for children and minors, as applica-  
2           ble, as those contained in the regulations issued  
3           under the applicable section; and

4           (B) require that any report or documenta-  
5           tion required to be submitted to the Commis-  
6           sion by a covered operator or requesting entity  
7           will be published on the internet website of the  
8           Commission, except to the extent that the re-  
9           port or documentation contains proprietary in-  
10          formation, which the Commission may in its  
11          discretion redact.

12          (5) REPORT BY THE INSPECTOR GENERAL.—

13           (A) IN GENERAL.—Not later than 2 years  
14           after the date of enactment of this Act, and  
15           once each 2 years thereafter, the Inspector Gen-  
16           eral of the Commission shall submit to the  
17           Commission and each committee of the Senate  
18           and each committee of the House of Represent-  
19           atives that has jurisdiction over the Commission  
20           a report regarding the safe harbor provisions  
21           under this subparagraph, which shall include—

22                   (i) an analysis of whether the safe  
23                   harbor provisions are—

24                           (I) operating fairly and effec-  
25                           tively; and

1 (II) effectively protecting the in-  
2 terests of children and minors; and

3 (ii) proposals for policy changes that  
4 would improve the effectiveness of the safe  
5 harbor provisions.

6 (B) PUBLICATION.—Not later than 10  
7 days after the date on which a report under  
8 subparagraph (A) is submitted, the Commission  
9 shall publish the report on the internet website  
10 of the Commission.

11 (f) EFFECTIVE DATE.—This section shall take effect  
12 on the date that is 90 days after the date of enactment  
13 of this Act.

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