

116TH CONGRESS
1ST SESSION

S. 748

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.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Mr. MARKEY (for himself and Mr. HAWLEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 ating 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 ferred 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 *patriae*, may bring a civil action on behalf of
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.

○