

Markey Substitute

Edward J. Markey

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1418

To amend the Children's Online Privacy Protection Act of 1998 to strengthen protections relating to the online collection, use, disclosure, and deletion of personal information of children and teens, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. MARKEY

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) **SHORT TITLE.**—This Act may be cited as the
- 5 “Children and Teens’ Online Privacy Protection Act”.
- 6 (b) **TABLE OF CONTENTS.**—The table of contents for
- 7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Online collection, use, disclosure, and deletion of personal information of children and teens.
- Sec. 3. Study and reports of mobile and online application oversight and enforcement.
- Sec. 4. GAO study.

1 **SEC. 2. ONLINE COLLECTION, USE, DISCLOSURE, AND DE-**
2 **LETION OF PERSONAL INFORMATION OF**
3 **CHILDREN AND TEENS.**

4 (a) DEFINITIONS.—Section 1302 of the Children’s
5 Online Privacy Protection Act of 1998 (15 U.S.C. 6501)
6 is amended—

7 (1) by amending paragraph (2) to read as fol-
8 lows:

9 “(2) OPERATOR.—The term ‘operator’—

10 “(A) means any person—

11 “(i) who, for commercial purposes, in
12 interstate or foreign commerce operates or
13 provides a website on the internet, an on-
14 line service, an online application, or a mo-
15 bile application; and

16 “(ii) who—

17 “(I) collects or maintains, either
18 directly or through a service provider,
19 personal information from or about
20 the users of that website, service, or
21 application;

22 “(II) allows another person to
23 collect personal information directly
24 from users of that website, service, or
25 application (in which case, the oper-

1 ator is deemed to have collected the
2 information); or

3 “(III) allows users of that
4 website, service, or application to pub-
5 licly disclose personal information (in
6 which case, the operator is deemed to
7 have collected the information); and

8 “(B) does not include any nonprofit entity
9 that would otherwise be exempt from coverage
10 under section 5 of the Federal Trade Commis-
11 sion Act (15 U.S.C. 45).”;

12 (2) in paragraph (4)—

13 (A) by amending subparagraph (A) to read
14 as follows:

15 “(A) the release of personal information
16 collected from a child or teen for any purpose,
17 except where the personal information is pro-
18 vided to a person other than an operator who—

19 “(i) provides support for the internal
20 operations of the website, online service,
21 online application, or mobile application of
22 the operator, excluding any activity relat-
23 ing to individual-specific advertising to
24 children or teens; and

1 “(ii) does not disclose or use that per-
2 sonal information for any other purpose;
3 and”;

4 (B) in subparagraph (B)—

5 (i) by inserting “or teen” after
6 “child” each place the term appears; and

7 (ii) by striking “website or online
8 service” and inserting “website, online
9 service, online application, or mobile appli-
10 cation”;

11 (3) by striking paragraph (8) and inserting the
12 following:

13 “(A) PERSONAL INFORMATION.—

14 “(i) IN GENERAL.—The term “per-
15 sonal information” means individually
16 identifiable information about an individual
17 collected online, including—

18 “(ii) a first and last name;

19 “(iii) a home or other physical ad-
20 dress including street name and name of a
21 city or town;

22 “(iv) an e-mail address;

23 “(v) a telephone number;

24 “(vi) a Social Security number;

1 “(vii) any other identifier that the
2 Commission determines permits the phys-
3 ical or online contacting of a specific indi-
4 vidual;

5 “(viii) geolocation information;

6 “(ix) information generated from the
7 measurement or technological processing of
8 an individual’s biological, physical, or phys-
9 iological characteristics that is used to
10 identify an individual, including—

11 “(I) fingerprints;

12 “(II) voice prints;

13 “(III) iris or retina imagery
14 scans;

15 “(IV) facial templates;

16 “(V) deoxyribonucleic acid
17 (DNA) information; or

18 “(VI) gait;

19 “(x) information linked or reasonably
20 linkable to a child or teen; or

21 “(xi) information linked or reasonably
22 linkable to a child or teen or the parents
23 of that child or teen (including any unique
24 identifier) that an operator collects online
25 from the child or teen and combines with

1 an identifier described in this subpara-
2 graph.

3 “(B) EXCLUSION.—The term ‘personal in-
4 formation’ shall not include an audio file that
5 contains a child’s or teen’s voice so long as the
6 operator—

7 “(i) does not request information via
8 voice that would otherwise be considered
9 personal information under this paragraph;

10 “(ii) provides clear notice of its collec-
11 tion and use of the audio file and its dele-
12 tion policy in its privacy policy;

13 “(iii) only uses the voice within the
14 audio file solely as a replacement for writ-
15 ten words, to perform a task, or engage
16 with a website, online service, online appli-
17 cation, or mobile application, such as to
18 perform a search or fulfill a verbal instruc-
19 tion or request; and

20 “(iv) only maintains the audio file
21 long enough to complete the stated purpose
22 and then immediately deletes the audio file
23 and does not make any other use of the
24 audio file prior to deletion.”;

1 SERVICE, ONLINE APPLICATION, OR MOBILE AP-
2 PLICATION DIRECTED TO CHILDREN”;

3 (B) by striking “website or online service”
4 each place it appears and inserting “website,
5 online service, online application, or mobile ap-
6 plication”; and

7 (C) by adding at the end the following new
8 subparagraph:

9 “(C) RULE OF CONSTRUCTION.—In con-
10 sidering whether a website, online service, on-
11 line application, or mobile application is di-
12 rected to children, the Commission shall, using
13 competent and reliable empirical evidence, apply
14 a totality of circumstances test to consider the
15 intended audience of the website, online service,
16 online application, or mobile application, as a
17 whole.”; and

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

19 “(13) CONNECTED DEVICE.—The term ‘con-
20 nected device’ means a device that is capable of con-
21 necting to the internet, directly or indirectly, or to
22 another connected device.

23 “(14) ONLINE APPLICATION.—The term ‘online
24 application’—

1 “(A) means an internet-connected software
2 program; and

3 “(B) includes a service or application of-
4 ferred via a connected device.

5 “(15) MOBILE APPLICATION.—The term ‘mo-
6 bile application’—

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

9 “(i) a cellular telephone;

10 “(ii) a tablet computer; or

11 “(iii) a similar portable computing de-
12 vice that transmits data over a wireless
13 connection; and

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

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

20 “(17) TEEN.—The term ‘teen’ means an indi-
21 vidual over the age of 12 and under the age of 17.

22 “(18) INDIVIDUAL-SPECIFIC ADVERTISING TO
23 CHILDREN OR TEENS.—

24 “(A) IN GENERAL.—The term ‘individual-
25 specific advertising to children or teens’ means

1 advertising or any other effort to market a
2 product or service that is directed to a specific
3 child or teen or a device that is linked or rea-
4 sonably linkable to a child or teen—

5 “(i) based on—

6 “(I) the personal information
7 of—

8 “(aa) the child or teen; or

9 “(bb) a group of children or
10 teens who are similar in sex, age,
11 income level, race, or ethnicity to
12 the specific child or teen to whom
13 the product or service is mar-
14 keted;

15 “(II) psychological profiling of a
16 child or teen or group of children or
17 teens; or

18 “(III) a unique identifier of the
19 device; or

20 “(ii) as a result of use by the child or
21 teen, access by any device of the child or
22 teen, or use by a group of children or teens
23 who are similar to the specific child or
24 teen, of more than a single—

25 “(I) website;

11

- 1 “(II) online service;
2 “(III) online application;
3 “(IV) mobile application; or
4 “(V) connected device.

5 “(B) EXCLUSIONS.—The term ‘individual-
6 specific advertising to children or teens’ shall
7 not include—

8 “(i) advertising or marketing to an in-
9 dividual or the device of an individual in
10 response to the individual’s specific request
11 for information or feedback, such as a
12 child’s or teen’s current search query;

13 “(ii) contextual advertising, such as
14 when an advertisement is displayed based
15 on the content of the website, online serv-
16 ice, online application, mobile application,
17 or connected device in which the advertise-
18 ment appears and does not vary based on
19 personal information related to the viewer;
20 or

21 “(iii) processing personal information
22 solely for measuring or reporting adver-
23 tising or content performance, reach, or
24 frequency, including independent measure-
25 ment.

1 “(C) RULE OF CONSTRUCTION.—Nothing
2 in subparagraph (A) shall be construed to pro-
3 hibit an operator with actual knowledge or
4 knowledge fairly implied on the basis of objec-
5 tive circumstances that an individual is under
6 the age of 17 from delivering advertising or
7 marketing that is age-appropriate and intended
8 for a child or teen audience, so long as the op-
9 erator does not use any personal information
10 other than whether the user is under the age of
11 17.”.

12 (b) ONLINE COLLECTION, USE, DISCLOSURE, AND
13 DELETION OF PERSONAL INFORMATION OF CHILDREN
14 AND TEENS.—Section 1303 of the Children’s Online Pri-
15 vacy Protection Act of 1998 (15 U.S.C. 6502) is amend-
16 ed—

17 (1) by striking the heading and inserting the
18 following: “**ONLINE COLLECTION, USE, DISCLO-**
19 **SURE, AND DELETION OF PERSONAL INFORMA-**
20 **TION OF CHILDREN AND TEENS.**”;

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 children or for any
2 operator of a website, online service, online applica-
3 tion, or mobile application with actual knowledge or
4 knowledge fairly implied on the basis of objective cir-
5 cumstances—

6 “(A) to collect personal information from a
7 child or teen in a manner that violates the regu-
8 lations prescribed under subsection (b);

9 “(B) to collect, use, disclose to third par-
10 ties, or compile personal information of a child
11 or teen for purposes of individual-specific adver-
12 tising to children or teens (or to allow another
13 person to collect, use, disclose, or compile such
14 information for such purpose);

15 “(C) to collect the personal information of
16 a child or teen except when the collection of the
17 personal information is—

18 “(i) consistent with the context of a
19 particular or service or the relationship of
20 the child or teen with the operator, includ-
21 ing collection necessary to fulfill a trans-
22 action or provide a product or service re-
23 quested by the child or teen; or

24 “(ii) required or specifically author-
25 ized by Federal or State law; or

1 “(D) to retain the personal information of
2 a child or teen for longer than is reasonably
3 necessary to fulfill a transaction or provide a
4 service requested by the child or teen except as
5 required or specifically authorized by Federal or
6 State law.”; and

7 (B) in paragraph (2)—

8 (i) by striking “Notwithstanding para-
9 graph (1)” and inserting “Notwithstanding
10 paragraph (1)(A)”;

11 (ii) by striking “of such a website or
12 online service”; and

13 (iii) by striking “subsection
14 (b)(1)(B)(iii) to the parent of a child” and
15 inserting “subsection (b)(1)(B)(iii) to the
16 parent of a child or under subsection
17 (b)(1)(C)(iii) to a teen”;

18 (3) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A)—

21 (I) by striking “operator of any
22 website” and all that follows through
23 “from a child” and inserting “oper-
24 ator of a website, online service, on-
25 line application, or mobile application

1 directed to children or that has actual
2 knowledge or knowledge fairly implied
3 on the basis of objective circumstances
4 that it is collecting personal informa-
5 tion from children or teens”;

6 (II) in clause (i)—

7 (aa) by striking “notice on
8 the website” and inserting “clear
9 and conspicuous notice”;

10 (bb) by inserting “or teens”
11 after “children”;

12 (cc) by striking “, and the
13 operator’s” and inserting “, the
14 operator’s”; and

15 (dd) by striking “; and” and
16 inserting “, the rights and oppor-
17 tunities available to the parent of
18 the child or teen under subpara-
19 graphs (B) and (C), and the pro-
20 cedures or mechanisms the oper-
21 ator uses to ensure that personal
22 information is not collected from
23 children or teens except in ac-
24 cordance with the regulations

1 promulgated under this para-
2 graph;”;

3 (III) in clause (ii)—

4 (aa) by striking “parental”;

5 (bb) by inserting “or teens”
6 after “children”;

7 (cc) by striking the semi-
8 colon at the end and inserting “;
9 and”; and

10 (IV) by inserting after clause (ii)
11 the following new clause:

12 “(iii) to obtain verifiable consent from
13 a parent of a child or a teen before using
14 or disclosing personal information of the
15 child or teen for any purpose that is a ma-
16 terial change from the original purposes
17 and disclosure practices specified to the
18 parent of the child or the teen under
19 clause (i);”;

20 (ii) in subparagraph (B)—

21 (I) in the matter preceding clause
22 (i), by striking “website or online
23 service” and inserting “operator”;

24 (II) in clause (i), by inserting
25 “and the method by which the oper-

1 ator obtained the personal informa-
2 tion, and the purposes for which the
3 operator collects, uses, discloses, and
4 retains the personal information” be-
5 fore the semicolon;

6 (III) in clause (ii)—

7 (aa) by inserting “to delete
8 personal information collected
9 from the child or content or in-
10 formation submitted by the child
11 to a website, online service, on-
12 line application, or mobile appli-
13 cation and” after “the oppor-
14 tunity at any time”; and

15 (bb) by striking “; and” and
16 inserting a semicolon;

17 (IV) by redesignating clause (iii)
18 as clause (iv) and inserting after
19 clause (ii) the following new clause:

20 “(iii) the opportunity to challenge the
21 accuracy of the personal information and,
22 if the parent of the child establishes the in-
23 accuracy of the personal information, to
24 have the inaccurate personal information
25 corrected;”; and

1 (V) in clause (iv), as so redesignig-
2 nated, by inserting “, if such informa-
3 tion is available to the operator at the
4 time the parent makes the request”
5 before the semicolon;

6 (iii) by redesignating subparagraphs
7 (C) and (D) as subparagraphs (D) and
8 (E), respectively;

9 (iv) by inserting after subparagraph
10 (B) the following new subparagraph:

11 “(C) require the operator to provide, upon
12 the request of a teen under this subparagraph
13 who has provided personal information to the
14 operator, upon proper identification of that
15 teen—

16 “(i) a description of the specific types
17 of personal information collected from the
18 teen by the operator, the method by which
19 the operator obtained the personal infor-
20 mation, and the purposes for which the op-
21 erator collects, uses, discloses, and retains
22 the personal information;

23 “(ii) the opportunity at any time to
24 delete personal information collected from
25 the teen or content or information sub-

1 mitted by the teen to a website, online
2 service, online application, or mobile appli-
3 cation and to refuse further use or collec-
4 tion of personal information from the teen;

5 “(iii) the opportunity to challenge the
6 accuracy of the personal information and,
7 if the parent of the child establishes the in-
8 accuracy of the personal information, to
9 have the inaccurate personal information
10 corrected; and

11 “(iv) a means that is reasonable
12 under the circumstances for the teen to ob-
13 tain any personal information collected
14 from the teen, if such information is avail-
15 able to the operator at the time the teen
16 makes the request;”; and

17 (v) by amending subparagraph (E), as
18 so redesignated, to read as follows:

19 “(E) require the operator to establish, im-
20 plement, and maintain reasonable security prac-
21 tices to protect the confidentiality, integrity,
22 and accessibility of personal information of chil-
23 dren or teens collected by the operator, and to
24 protect such personal information against unau-
25 thorized access.”;

1 (B) in paragraph (2)—

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

6 (ii) in subparagraph (A)—

7 (I) by inserting “or teen” after
8 “collected from a child”;

9 (II) by inserting “or teen” after
10 “request from the child”; and

11 (III) by inserting “or teen or to
12 contact another child or teen” after
13 “to recontact the child”;

14 (iii) in subparagraph (B)—

15 (I) by striking “parent or child”
16 and inserting “parent or teen”; and

17 (II) by striking “parental con-
18 sent” each place the term appears and
19 inserting “verifiable consent”;

20 (iv) in subparagraph (C)—

21 (I) in the matter preceding clause
22 (i), by inserting “or teen” after
23 “child” each place the term appears;

24 (II) in clause (i)—

1 (aa) by inserting “or teen”
2 after “child” each place the term
3 appears; and

4 (bb) by inserting “or teen,
5 as applicable,” after “parent”
6 each place the term appears; and

7 (III) in clause (ii), by inserting
8 “or teen” after “child” each place the
9 term appears; and

10 (v) in subparagraph (D)—

11 (I) in the matter preceding clause
12 (i), by inserting “or teen” after
13 “child” each place the term appears;

14 (II) in clause (ii), by inserting
15 “or teen” after “child”; and

16 (III) in the flush text following
17 clause (iii)—

18 (aa) by inserting “or teen,
19 as applicable,” after “parent”
20 each place the term appears; and

21 (bb) by inserting “or teen”
22 after “child”; and

23 (C) by adding after paragraph (3) the fol-
24 lowing:

1 “(4) CONTINUATION OF SERVICE.—The regula-
2 tions shall prohibit an operator from discontinuing
3 service provided to a child or teen on the basis of
4 a request by the parent of the child or by the teen,
5 under the regulations prescribed under subpara-
6 graph (B) or (C) of paragraph (1), respectively, to
7 delete personal information collected from the child
8 or teen, to the extent that the operator is capable of
9 providing such service without such information.

10 “(5) RULE OF CONSTRUCTION.—A request
11 made pursuant to subparagraph (B) or (C) of para-
12 graph (1) to delete personal information of a child
13 or teen shall not be construed—

14 “(A) to limit the authority of a law en-
15 forcement agency to obtain any content or in-
16 formation from an operator pursuant to a law-
17 fully executed warrant or an order of a court of
18 competent jurisdiction;

19 “(B) to require an operator or third party
20 delete information that—

21 “(i) any other provision of Federal or
22 State law requires the operator or third
23 party to maintain; or

24 “(ii) was submitted to the website, on-
25 line service, online application, or mobile

1 application of the operator by any person
2 other than the user who is attempting to
3 erase or otherwise eliminate the content or
4 information, including content or informa-
5 tion submitted by the user that was repub-
6 lished or resubmitted by another person.”;
7 and

8 (4) in subsection (c), by striking “a regulation
9 prescribed under subsection (a)” and inserting “sub-
10 paragraph (B), (C), or (D) of subsection (a)(1), or
11 a of a regulation prescribed under subparagraph (A)
12 of such subsection,”.

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

16 (1) in subsection (b)(1), by inserting “and
17 teens” after “children”; and

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

19 “(d) **PUBLICATION.**—

20 “(1) **IN GENERAL.**—The Commission shall pub-
21 lish on the internet website of the Commission any
22 report or documentation required by regulation to be
23 submitted to the Commission to carry out this sec-
24 tion.

1 “(2) RESTRICTIONS ON PUBLICATION.—The re-
2 strictions described in subsection (f) of section 6 of
3 the Federal Trade Commission Act (15 U.S.C.
4 46(f)) applicable to the publication of information
5 obtained by the Commission through investigations
6 conducted under such section shall apply in same
7 manner to the publication under this subsection of
8 information obtained by the Commission from a re-
9 port or documentation described in paragraph (1).”.

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

13 (1) in subsection (b)—

14 (A) in paragraph (1), by striking “, in the
15 case of” and all that follows through “the
16 Board of Directors of the Federal Deposit In-
17 surance Corporation;” and inserting the fol-
18 lowing: “by the appropriate Federal banking
19 agency, with respect to any insured depository
20 institution (as those terms are defined in sec-
21 tion 3 of that Act (12 U.S.C. 1813));”; and

22 (B) by striking paragraph (2) and redesignig-
23 nating paragraphs (3) through (6) as para-
24 graphs (2) through (5), respectively; and

1 (2) by adding at the end the following new sub-
2 sections:

3 “(f) DETERMINATION OF WHETHER AN OPERATOR
4 HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF
5 OBJECTIVE CIRCUMSTANCES.—

6 “(1) RULE OF CONSTRUCTION.—For purposes
7 of enforcing this Act or a regulation promulgated
8 under this Act, in making a determination as to
9 whether an operator has knowledge fairly implied on
10 the basis of objective circumstances that a user is a
11 child or teen, the Commission shall rely on com-
12 petent and reliable empirical evidence, taking into
13 account the totality of the circumstances, including
14 consideration of whether the operator, using avail-
15 able technology, exercised reasonable care.

16 “(2) PROTECTIONS FOR PRIVACY.—Nothing in
17 the Commission’s determination under paragraph
18 (1) shall be construed to require an operator to—

19 “(A) affirmatively collect any personal in-
20 formation with respect to the age of a child or
21 teen that an operator is not already collecting
22 in the normal course of business; or

23 “(B) implement an age gating or age
24 verification functionality.

25 “(3) COMMISSION GUIDANCE.—

1 “(A) IN GENERAL.—Within 180 days of
2 enactment, the Commission shall issue guidance
3 to provide information, including best practices
4 and examples for operators to understand the
5 Commission’s determination of whether an op-
6 erator has knowledge fairly implied on the basis
7 of objective circumstances.

8 “(B) LIMITATION.—No guidance issued
9 by the Commission with respect to this Act
10 shall confer any rights on any person, State, or
11 locality, nor shall operate to bind the Commis-
12 sion or any person to the approach rec-
13 ommended in such guidance. In any enforce-
14 ment action brought pursuant to this Act, the
15 Commission shall allege a specific violation of a
16 provision of this Act. The Commission may not
17 base an enforcement action on, or execute a
18 consent order based on, practices that are al-
19 leged to be inconsistent with any such guidance,
20 unless the practices allegedly violate this Act.

21 “(g) ADDITIONAL REQUIREMENT.—Any regulations
22 issued under this Act shall include a description and anal-
23 ysis of the impact of proposed and final Rules on small
24 entities per the Regulatory Flexibility Act of 1980 (5
25 U.S.C. 601 et seq.).’.

1 **SEC. 3. STUDY AND REPORTS OF MOBILE AND ONLINE AP-**
2 **PLICATION OVERSIGHT AND ENFORCEMENT.**

3 (a) OVERSIGHT REPORT.—Not later than 3 years
4 after the date of enactment of this Act, the Federal Trade
5 Commission shall submit to the Committee on Commerce,
6 Science, and Transportation of the Senate and the Com-
7 mittee on Energy and Commerce of the House of Rep-
8 resentatives a report on the processes of platforms that
9 offer mobile and online applications for ensuring that, of
10 those applications that are websites, online services, online
11 applications, or mobile applications directed to children,
12 the applications operate in accordance with—

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

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.

19 (b) ENFORCEMENT REPORT.—Not later than 1 year
20 after the date of enactment of this Act, and each year
21 thereafter, the Federal Trade Commission shall submit to
22 the Committee on Commerce, Science, and Transportation
23 of the Senate and the Committee on Energy and Com-
24 merce of the House of Representatives a report that ad-
25 dresses, at a minimum—

1 (1) the number of actions brought by the Com-
2 mission during the reporting year to enforce the
3 Children’s Online Privacy Protection Act of 1998
4 (15 U.S.C. 6501) (referred to in this subsection as
5 the “Act”) and the outcome of each such action;

6 (2) the total number of investigations or inquir-
7 ies into potential violations of the Act; during the re-
8 porting year;

9 (3) the total number of open investigations or
10 inquiries into potential violations of the Act as of the
11 time the report is submitted;

12 (4) the number and nature of complaints re-
13 ceived by the Commission relating to an allegation
14 of a violation of the Act during the reporting year;
15 and

16 (5) policy or legislative recommendations to
17 strengthen online protections for children and teens.

18 **SEC. 4. GAO STUDY.**

19 (a) **STUDY.**—The Comptroller General of the United
20 States (in this section referred to as the “Comptroller
21 General”) shall conduct a study on the privacy of teens
22 who use financial technology products. Such study shall—

23 (1) identify the type of financial technology
24 products that teens are using;

1 (2) identify the potential risks to teens' privacy
2 from using such financial technology products; and

3 (3) determine whether existing laws are suffi-
4 cient to address such risks to teens' privacy.

5 (b) REPORT.—Not later than 1 year after the date
6 of enactment of this section, the Comptroller General shall
7 submit to Congress a report containing the results of the
8 study conducted under subsection (a), together with rec-
9 ommendations for such legislation and administrative ac-
10 tion as the Comptroller General determines appropriate.