

119TH CONGRESS
2D SESSION

H. R. 10207

To prohibit covered platforms from processing personal data with respect to covered minors without obtaining the verifiable consent of a parent of the covered minor, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 1, 2026

Mrs. HOUCHIN introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To prohibit covered platforms from processing personal data with respect to covered minors without obtaining the verifiable consent of a parent of the covered minor, 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. SHORT TITLE.**

4 This Act may be cited as the “Governing Underage
5 Access and Requiring Data Consent In All Networks Act”
6 or the “GUARDIAN Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

3 (2) COVERED PLATFORM.—The term “covered
4 platform” means a platform that is a website, soft-
5 ware, application, or electronic service connected to
6 the internet that meets the following requirements:

7 (A) Is publicly available for use by con-
8 sumers.

9 (B) Enables the creation of a username or
10 user identifier—

11 (i) that is searchable on the platform
12 by other users through a function made
13 available by the platform; and

14 (ii) that can be followed by or is simi-
15 larly accessible to other users of the plat-
16 form.

17 (C) As the primary purpose of the plat-
18 form, facilitates the sharing and access to user-
19 generated content through text, images, video,
20 audio, or any other interactive medium.

21 (D) Uses a design feature to promote user
22 engagement on the platform.

23 (E) Uses the personal information of the
24 user to advertise, market, or make content rec-
25 ommendations.

1 (3) COVERED MINOR.—

2 (A) The term “covered minor” means a
3 user who the provider of a covered online plat-
4 form knows or should have known is under the
5 age of 16.

6 (B) Notwithstanding subparagraph (A), an
7 individual who is under the age of 16 and is
8 emancipated from a parent is not a covered
9 minor.

10 (4) DESIGN FEATURE.—The term “design fea-
11 ture”—

12 (A) means any feature or component of a
13 covered platform that encourages an increase in
14 or increases the frequency of use or time spent
15 by a user who is a covered minor with respect
16 to such covered platform; and

17 (B) includes—

- 18 (i) infinite scrolling or auto play;
19 (ii) rewards or incentives based on
20 frequency of use or time spent;
21 (iii) notifications and push alerts;
22 (iv) badges or other visual award sym-
23 bols based on frequency of use or time
24 spent;
25 (v) appearance altering filters; and

1 (vi) personalized recommendation sys-
2 tems.

3 (5) FULLY AUTOMATED SYSTEM.—The term
4 “fully automated system” means an algorithm the
5 final outputs of which are, once computed, displayed
6 directly to a covered minor without review or alter-
7 ation by a covered platform.

8 (6) PARENT.—The term “parent”, with respect
9 to a minor, means an adult with the legal right to
10 make decisions on behalf of the minor, including any
11 of the following:

12 (A) A natural parent.

13 (B) An adoptive parent.

14 (C) A legal guardian.

15 (D) An individual with legal custody over
16 the minor.

17 (7) PERSONAL DATA.—The term “personal
18 data” has the meaning given the term “personal in-
19 formation” in section 1302 of the Children’s Online
20 Privacy Protection Act of 1998 (15 U.S.C. 6501).

21 (8) PERSONALIZED RECOMMENDATION SYS-
22 TEM.—The term “personalized recommendation sys-
23 tem”—

24 (A) means a fully automated system used
25 to suggest, promote, or rank content, including

1 other users, hashtags, and posts, based on the
2 personal data of a user; and

3 (B) does not include a fully automated sys-
4 tem that suggests, promotes, or ranks content
5 based solely on the language, city or town, or
6 age of a user.

7 (9) PROCESS.—The term “process” means any
8 operation or set of operations performed, whether by
9 manual or automated means, on personal data or on
10 sets of personal data, such as the collection, use,
11 storage, disclosure, analysis, deletion, or modifica-
12 tion of personal data.

13 (10) USER.—The term “user” means, with re-
14 spect to a covered platform, an individual who cre-
15 ates or maintains an account or profile on the cov-
16 ered platform.

17 (11) VERIFIABLE CONSENT.—The term
18 “verifiable consent” means any reasonable effort
19 (taking into consideration available technology) by
20 the provider of a covered platform, including a re-
21 quest for authorization for future collection, use, and
22 disclosure described in the notice, to ensure that a
23 parent of a covered minor—

24 (A) receives direct notice of the collection,
25 use, maintenance, disclosure, and other relevant

processing practices of the provider of a covered platform with respect to personal data; and

(B) before the personal data of the covered minor is collected, freely and unambiguously authorizes—

(i) the collection, use, maintenance, disclosure, and other relevant processing practices, as applicable, of the personal data; and

(ii) any subsequent use of the personal data.

SEC. 3. PARENTAL CONSENT REQUIREMENT.

(a) PROHIBITION.—A provider of a covered platform may not process the personal data of a covered minor without obtaining the verifiable consent of a parent of the covered minor.

(b) AGE DETERMINATION.—Notwithstanding subsection (a), a provider of a covered platform may process the personal data of a covered minor if—

(1) the provider of the covered platform processes such personal data for the sole purpose of determining the age of a user;

(2) the provider of the covered platform does not retain such personal data any longer than the period strictly necessary to determine the age of the

1 user and deletes such personal data promptly upon
2 determining the age of the user;

3 (3) prior to processing any personal data for
4 the purpose of determining the age of the user, the
5 provider of the covered platform provides the user
6 with clear and conspicuous notice that such personal
7 data is processed for determining the age of the
8 user;

9 (4) the provider of the covered platform em-
10 ploys reasonable administrative, technical, and phys-
11 ical data security practices to protect the confiden-
12 tiality, integrity, and accessibility of personal data
13 processed for determining the age of the user and
14 such security practices are appropriate to the vol-
15 ume, sensitivity, and nature of such personal data;

16 (5) the provider of the covered platform reason-
17 ably determines that any product, service, method,
18 or third party used for determining the age of the
19 user is likely to provide reasonably accurate results
20 as to the age of the user; and

21 (6) in the case that the provider of the covered
22 platform discloses such personal data to a third
23 party to determine the age of the user, the provider
24 of the covered platform takes reasonable steps to de-
25 termine the third party is capable of maintaining the

1 confidentiality, integrity, and accessibility of such
2 personal data, including by obtaining written assur-
3 ances that such third party will employ reasonable
4 administrative, technical, and physical data security
5 practices to do so, will not process such personal
6 data for any purpose other than determining the age
7 of the user, and will delete the personal data
8 promptly after determining the age of the user.

9 (c) WRITTEN CONFIRMATION.—Upon obtaining
10 verifiable consent from a parent of a covered minor, the
11 provider of a covered platform shall provide the parent of
12 such covered minor with written or electronic confirmation
13 of the consent and a description of the account and data
14 practices to which it applies.

15 (d) WITHDRAWAL OF PARENTAL CONSENT.—

16 (1) IN GENERAL.—A parent may withdraw con-
17 sent for a covered minor at any time through a
18 method that is at least as easy to use as the method
19 by which consent was granted.

20 (2) TERMINATION REQUIRED.—Not later than
21 10 days after withdrawal, the provider of a covered
22 platform shall terminate the covered minor’s account
23 and comply with the deletion obligations of section
24 5.

1 (e) RE-CONSENT.—A provider of a covered platform
2 shall obtain renewed verifiable parental consent upon a
3 material change to the covered platform’s design features
4 or data practices the covered minor’s transition across an
5 age band, if a tiered structure is adopted every 24 months.

6 **SEC. 4. RIGHT TO CURE.**

7 A provider of a covered platform may not be held lia-
8 ble for a violation of section 3(a) if, within five days of
9 identifying or being notified that a user is a covered minor,
10 the provider—

11 (1) promptly deletes all personal data about the
12 covered minor that is processed in connection with
13 the account of the user; or

14 (2) the provider obtains the verifiable consent
15 of a parent of the covered minor.

16 **SEC. 5. DATA DELETION AND PORTABILITY.**

17 (a) IN GENERAL.—Upon termination of a covered
18 minor’s account under this Act, the provider of a covered
19 platform shall delete the personal data of the covered
20 minor, except data the provider of a covered platform is
21 required by law to retain.

22 (b) GRADUATION.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), the provider of a covered platform may
25 not retain the personal data associated with an ac-

1 count of a covered minor after the date on which the
2 covered minor attains the age of 16.

3 (2) PARENTAL CONSENT.—Paragraph (1) shall
4 not apply if a parent of a covered minor submits to
5 the provider of a covered platform a request to re-
6 tain the personal data associated with the account of
7 the covered minor after the covered minor attains
8 the age of 16.

9 (c) AVAILABILITY.—The operator shall, for a period
10 of not fewer than 90 days before deletion pursuant to sub-
11 section (a) or subsection (b), make available to the parent
12 a means to download the covered minor’s personal data
13 in a portable, machine-readable format.

14 **SEC. 6. RULE OF CONSTRUCTION.**

15 (a) IN GENERAL.—Nothing in this Act shall be con-
16 strued to impose liability on a provider of a covered plat-
17 form on the basis of—

18 (1) the viewpoint, subject matter, or content of
19 any user-generated content or of the covered plat-
20 form; or

21 (2) a covered minor’s or provider of a covered
22 platform’s access to, or dissemination of, any par-
23 ticular category of speech.

1 (b) COVERAGE.—Coverage under this Act is deter-
2 mined solely by reference to the structural and design
3 characteristics enumerated in paragraph (4) of section 2.

4 **SEC. 7. ENFORCEMENT.**

5 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
6 SION.—

7 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
8 TICES.—A violation of this Act or a regulation pro-
9 mulgated under this Act shall be treated as a viola-
10 tion of a regulation under section 18(a)(1)(B) of the
11 Federal Trade Commission Act (15 U.S.C.
12 57a(a)(1)(B)) regarding unfair or deceptive acts or
13 practices.

14 (2) POWERS OF COMMISSION.—The Federal
15 Trade Commission shall enforce this Act and the
16 regulations promulgated under this Act in the same
17 manner, by the same means, and with the same ju-
18 risdiction, powers, and duties as though all applica-
19 ble terms and provisions of the Federal Trade Com-
20 mission Act (15 U.S.C. 41 et seq.) were incor-
21 porated into and made a part of this Act. Any per-
22 son who violates this Act or a regulation promul-
23 gated under this Act shall be subject to the penalties
24 and entitled to the privileges and immunities pro-
25 vided in the Federal Trade Commission Act.

1 (b) ACTIONS BY STATES.—

2 (1) IN GENERAL.—In any case in which the at-
3 torney general of a State, or an official or agency of
4 a State, has reason to believe that an interest of the
5 residents of such State has been or is threatened or
6 adversely affected by an act or practice in violation
7 of this Act or a regulation promulgated under this
8 Act, the State, as *parens patriae*, may bring a civil
9 action on behalf of the residents of the State in an
10 appropriate State court or an appropriate district
11 court of the United States to—

12 (A) enjoin such act or practice;

13 (B) enforce compliance with this Act or
14 such regulation;

15 (C) obtain damages, restitution, or other
16 compensation on behalf of residents of the
17 State; or

18 (D) obtain such other legal and equitable
19 relief as the court may consider to be appro-
20 priate.

21 (2) NOTICE.—Before filing an action under this
22 subsection, the attorney general of the State involved
23 shall provide to the Federal Trade Commission a
24 written notice of such action and a copy of the com-
25 plaint for such action. If the attorney general deter-

1 mines that it is not feasible to provide the notice de-
2 scribed in this paragraph before the filing of the ac-
3 tion, the attorney general shall provide written no-
4 tice of the action and a copy of the complaint to the
5 Federal Trade Commission immediately upon the fil-
6 ing of the action.

7 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
8 SION.—

9 (A) IN GENERAL.—On receiving notice
10 under paragraph (2) of an action under this
11 subsection, the Federal Trade Commission shall
12 have the right—

13 (i) to intervene in the action;

14 (ii) upon so intervening, to be heard
15 on all matters arising therein; and

16 (iii) to file petitions for appeal.

17 (B) LIMITATION ON STATE ACTION WHILE
18 FEDERAL ACTION IS PENDING.—If the Federal
19 Trade Commission or the Attorney General of
20 the United States has instituted a civil action
21 for violation of this Act or a regulation promul-
22 gated under this Act (referred to in this sub-
23 paragraph as the “Federal action”), no State
24 attorney general may bring an action under this
25 subsection during the pendency of the Federal

1 action against any defendant named in the com-
2 plaint in the Federal action for any violation of
3 this Act or regulation alleged in such complaint.

4 (4) RULE OF CONSTRUCTION.—For purposes of
5 bringing a civil action under this subsection, nothing
6 in this Act shall be construed to prevent an attorney
7 general of a State from exercising the powers con-
8 ferred on the attorney general by the laws of such
9 State to conduct investigations, administer oaths
10 and affirmations, or compel the attendance of wit-
11 nesses or the production of documentary and other
12 evidence.

13 **SEC. 8. RELATIONSHIP TO STATE LAWS.**

14 (a) IN GENERAL.—The provisions of this Act shall
15 preempt any law, rule, requirement, or regulation of a
16 State, or a political subdivision of a State, only to the ex-
17 tent that such law, rule, requirement, or regulation con-
18 flicts with a provision of this Act.

19 (b) EXCEPTION.—Notwithstanding subsection (a),
20 nothing in this Act may be construed—

21 (1) to preempt any law, rule, requirement, or
22 regulation of a State, or political subdivision of a
23 State, with respect to contract, tort, or product li-
24 ability; or

1 (2) to prohibit a State, or a political subdivision
2 of a State, from enacting or enforcing any law, rule,
3 requirement, or regulation that provides greater pro-
4 tection to minors than the protection provided by the
5 provisions of this Act.

6 **SEC. 9. EFFECTIVE DATE.**

7 This Act shall take effect on the date that is 18
8 months after the date of the enactment of this Act.

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