

119TH CONGRESS
2D SESSION

H. R. 9706

To require operators of wagering or prediction market platforms to use facial recognition technology to verify the age of users of such wagering or prediction market platforms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2026

Mr. GOTTHEIMER (for himself, Mr. VAN DREW, Mr. PANETTA, Mr. SOTO, Mr. TORRES of New York, Mr. BRESNAHAN, Ms. McDONALD RIVET, Mr. LALOTA, Mr. SUOZZI, and Mr. WESTERMAN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require operators of wagering or prediction market platforms to use facial recognition technology to verify the age of users of such wagering or prediction market platforms, 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 “Facial Recognition to
5 Protect Children Act”.

1 **SEC. 2. AGE VERIFICATION REQUIREMENT FOR WAGERING**
2 **OR PREDICTION MARKET PLATFORMS.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—A wagering operator or a
5 prediction market platform operator may not permit
6 a user to access a wagering or prediction market
7 platform under the control of the wagering operator
8 or the prediction market platform operator, or ac-
9 cept a wager, in the case of a wagering operator, or
10 place an order, in the case of a prediction market
11 operator, from such user, that the wagering operator
12 or the prediction market platform operator has not
13 verified, using commercially available facial recogni-
14 tion technology, has attained more than 18 years of
15 age.

16 (2) DATA MINIMIZATION.—

17 (A) LIMITATION.—In verifying the age of
18 a user pursuant to paragraph (1), a wagering
19 operator or a prediction market platform oper-
20 ator may not collect, process, or transfer the
21 covered data of a user beyond what is reason-
22 ably necessary, proportionate, and limited to
23 the purposes for verifying the age of the user.

24 (B) DELETION REQUIRED.—A wagering
25 operator or a prediction market platform oper-
26 ator shall delete any covered data collected with

1 respect to a user that the wagering operator or
2 the prediction market platform operator deter-
3 mines is not necessary for compliance with the
4 requirements of this subsection.

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

7 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
8 TICES.—A violation of subsection (a) (or a regula-
9 tion promulgated under such section) shall be treat-
10 ed as a violation of a regulation under section
11 18(a)(1)(B) of the Federal Trade Commission Act
12 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
13 tive acts or practices.

14 (2) POWERS OF COMMISSION.—The Commis-
15 sion shall enforce subsection (a) (and any regula-
16 tions promulgated under such sections) 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 wa-
22 gering operator or prediction market platform oper-
23 ator that violates such sections (or any regulations
24 promulgated under such sections) shall be subject to
25 the penalties and entitled to the privileges and im-

1 munities provided in the Federal Trade Commission
2 Act.

3 (3) REGULATIONS.—The Commission may pro-
4 mulgate, pursuant to 553 of title 5, United States
5 Code, any regulations the Commission determines
6 necessary to carry out the provisions of this Act.

7 (c) SPECIAL RULES RELATING TO EVENT CON-
8 TRACTS.—Section 5c of the Commodity Exchange Act (7
9 U.S.C. 7a–2) is amended—

10 (1) in subsection (c)(5)(C)—

11 (A) in the subparagraph heading, by strik-
12 ing “EVENT CONTRACTS AND”;

13 (B) by striking clauses (i), (ii), and (iv);

14 (C) in clause (iii), by striking the clause
15 designation and heading and all that follows
16 through “In connection” in subclause (I) and
17 inserting the following:

18 “(i) IN GENERAL.—In connection”;

19 (D) by redesignating subclause (II) as
20 clause (ii) and indenting appropriately; and

21 (E) in clause (ii) (as so redesignated), by
22 redesignating items (aa) and (bb) as subclauses
23 (I) and (II), respectively, and indenting appro-
24 priately; and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) SPECIAL RULES RELATING TO EVENT CON-
4 TRACTS.—

5 “(1) DEFINITIONS.—In this subsection:

6 “(A) CONTINGENCY.—The term ‘contin-
7 gency’ means an event or circumstance that
8 may happen, but is not certain to occur, includ-
9 ing the outcome of another event or cir-
10 cumstance.

11 “(B) EVENT CONTRACT.—The term ‘event
12 contract’ means a contract for the sale of a
13 commodity for future delivery, option on such a
14 contract, or swap based on one or more ex-
15 cluded commodities that is—

16 “(i) based upon an occurrence, extent
17 of an occurrence, or contingency (other
18 than a change in the price, rate, value, or
19 levels of a commodity described in section
20 1a(19)(i)); and

21 “(ii) listed by a designated contract
22 market or swap execution facility.

23 “(C) OCCURRENCE.—The term ‘occur-
24 rence’ means something that happens, such as

1 an event, including the outcome of another
2 event.

3 “(2) REVIEW OR APPROVAL OF EVENT CON-
4 TRACTS.—

5 “(A) IN GENERAL.—In connection with the
6 listing of event contracts by a designated con-
7 tract market or swap execution facility, the
8 Commission, on a case-by-case basis, may de-
9 termine that an event contract is contrary to
10 the public interest if the event contract is based
11 on an occurrence, extent of an occurrence, or
12 contingency involving—

13 “(i) activity that is unlawful under
14 any Federal or State law;

15 “(ii) terrorism;

16 “(iii) assassination;

17 “(iv) war;

18 “(v) violence;

19 “(vi) gaming; or

20 “(vii) other similar activity deter-
21 mined by the Commission to be contrary to
22 the public interest.

23 “(B) PROHIBITION.—No event contract
24 determined by the Commission to be contrary
25 to the public interest under subparagraph (A)

1 may be listed or made available for clearing or
2 trading on or through a registered entity.

3 “(C) PUBLIC INTEREST CRITERIA.—

4 “(i) CRITERIA.—The Commission
5 shall promulgate such rules and regula-
6 tions as the Commission determines appro-
7 priate to specify the criteria for deter-
8 mining that event contracts based on the
9 activities described in clauses (i) through
10 (vii) of subparagraph (A) are contrary to
11 the public interest.

12 “(ii) PUBLIC INTEREST.—In the rules
13 and regulations promulgated under clause
14 (i), the Commission shall provide that an
15 event contract is likely to be contrary to
16 the public interest if the event contract
17 materially encourages violence or similar
18 unlawful activity.

19 “(iii) PUBLIC COMMENT.—In promul-
20 gating rules and regulations under clause
21 (i), the Commission shall provide not less
22 than a 60-day public comment period.

23 “(D) ENHANCED CERTIFICATION.—

24 “(i) FORMAT OF SUBMISSIONS.—The
25 Commission shall prescribe by rule or reg-

1 ulation standardized requirements, as de-
2 termined by the Commission, in addition to
3 the requirements of subsection (c), for the
4 format of written certifications of des-
5 ignated contract markets and swap execu-
6 tion facilities for new event contracts pur-
7 suant to subsection (c)(1) and for vol-
8 untary requests for prior approval for new
9 event contracts pursuant to subsection
10 (c)(4).

11 “(ii) DISCLOSURE REQUIREMENTS.—
12 The Commission shall prescribe by rule or
13 regulation disclosure requirements relating
14 to the material terms and conditions of
15 event contracts that are reasonably de-
16 signed to promote retail customer read-
17 ability.

18 “(iii) FINANCIAL PENALTY.—

19 “(I) IN GENERAL.—The Commis-
20 sion may prescribe by rule or regula-
21 tion a financial penalty for a violation
22 of clause (i).

23 “(II) CONSIDERATIONS.—In de-
24 termining the amount of a financial

1 penalty assessed under subclause (I),
2 the Commission shall consider—

3 “(aa) the gravity of the vio-
4 lation; and

5 “(bb) similar previous viola-
6 tions committed by the des-
7 ignated contract market or swap
8 execution facility.

9 “(III) APPEALS.—If the Commis-
10 sion prescribes a financial penalty
11 under subclause (I), the Commission
12 shall establish a procedure for appeal-
13 ing such penalties, including in Fed-
14 eral courts.

15 “(3) COMMUNICATIONS WITH THE PUBLIC.—

16 “(A) IN GENERAL.—In connection with the
17 offer of an event contract to a person that is
18 not an eligible contract participant, a deriva-
19 tives clearing organization shall not use any
20 promotional material that—

21 “(i) is likely to deceive the public;

22 “(ii) contains any material
23 misstatement or omission that makes the
24 promotional material misleading;

1 “(iii) mentions the possibility of profit
2 unless accompanied by an equally promi-
3 nent discussion of the risk of loss;

4 “(iv) includes any reference to actual
5 past trading profits without mentioning
6 that past results are not necessarily indic-
7 ative of future results;

8 “(v) includes any specific numerical or
9 statistical information about the past per-
10 formance of any actual account, unless
11 permitted by the Commission by rule or
12 regulation; or

13 “(vi) includes a testimonial that—

14 “(I) is not representative of all
15 reasonably comparable investors;

16 “(II) does not prominently state
17 that the testimonial is not indicative
18 of future performance or success; and

19 “(III) if applicable, does not
20 prominently state that it is a paid tes-
21 timonial.

22 “(B) RULEMAKING.—The Commission
23 shall promulgate such rules or regulations as
24 the Commission determines to be appropriate to
25 carry out subparagraph (A), consistent with ap-

1 plicable standards for futures commission mer-
2 chants, including—

3 “(i) relating to records to be made
4 available for examination by the Commis-
5 sion; and

6 “(ii) applicable disciplinary actions or
7 penalties for noncompliance with this para-
8 graph.

9 “(4) KNOW YOUR CUSTOMER APPLICATION.—

10 “(A) ANTI-MONEY LAUNDERING COMPLI-
11 ANCE PROGRAM.—In connection with the offer
12 of an event contract to a person that is not an
13 eligible contract participant, a derivatives clear-
14 ing organization shall have an anti-money laun-
15 dering compliance program in place in accord-
16 ance with section 5318(h) of title 31, United
17 States Code, which shall include—

18 “(i) internal policies, procedures, and
19 controls reasonably designed to achieve
20 compliance with subchapter II of chapter
21 53 of title 31, United States Code, and
22 chapter 2 of title I of Public Law 91–508
23 (12 U.S.C. 1951 et seq.) (commonly known
24 as the ‘Bank Secrecy Act’) (including regu-

lations promulgated under that subchapter and chapter);

“(ii) appointment of one or more individuals responsible for implementing and monitoring the program’s day-to-day operations;

“(iii) an ongoing training program;

“(iv) independent testing;

“(v) appropriate risk-based procedures for conducting customer due diligence, including—

“(I) understanding the nature and the purpose of developing a customer risk profile; and

“(II) conducting ongoing monitoring to detect and report suspicious transactions and on a risk basis to maintain and update customer information, including identifying and verifying beneficial owners; and

“(vi) appropriate procedures to verify that individual customers have attained the age of 18 years.

“(B) RULEMAKING.—The Commission shall promulgate such rules or regulations, with

1 consideration of the application of the applica-
2 ble core principles described in this Act, as the
3 Commission determines to be appropriate to
4 carry out subparagraph (A), including—

5 “(i) relating to records to be made
6 available for examination by the Commis-
7 sion; and

8 “(ii) applicable disciplinary actions or
9 penalties for noncompliance with this para-
10 graph.

11 “(5) FUNDS.—

12 “(A) SEGREGATION REQUIRED.—In con-
13 nection with the offer of an event contract to a
14 person that is not an eligible contract partici-
15 pant and accessing a derivatives clearing orga-
16 nization as a direct clearing member, the Com-
17 mission shall promulgate such rules or regula-
18 tions as the Commission determines to be ap-
19 propriate regarding the segregation of member
20 funds from the derivatives clearing organiza-
21 tion’s own funds.

22 “(B) CUSTOMER COMMUNICATION.—A fu-
23 tures commission merchant, designated contract
24 market, or swap execution facility shall disclose
25 to event contract customers the relevant risks

1 of loss or potential delay in access to the funds
2 and assets.

3 “(C) DEFAULT FUND.—For default man-
4 agement purposes, a derivatives clearing organi-
5 zation shall treat funds held for members and
6 customers solely trading fully collateralized con-
7 tracts separately from funds held for members
8 and customers trading leveraged contracts.

9 “(D) RULEMAKING.—The Commission
10 shall promulgate such rules or regulations as
11 the Commission determines to be appropriate to
12 carry out subparagraphs (B) and (C).

13 “(6) ADVISORY COUNCIL ON CONSUMER PRO-
14 TECTION.—

15 “(A) ESTABLISHMENT.—Not later than 90
16 days after the date of enactment of the Pre-
17 diction Market Act of 2026, the Chairman of
18 the Commission shall establish the Advisory
19 Council on Consumer Protection (referred to in
20 this paragraph as the ‘Advisory Council’).

21 “(B) CHAIR AND VICE-CHAIR.—The Chair-
22 man of the Commission shall appoint a Chair
23 and Vice-Chair of the Advisory Council from
24 among the members of the Advisory Council.

1 “(C) MISSION.—The mission of the Advi-
2 sory Council shall be—

3 “(i) to provide a forum for regular
4 communication and analysis related to re-
5 tail investor participation in derivatives
6 markets;

7 “(ii) to encourage discussions relating
8 to consumer protection regarding event
9 contract markets and related markets; and

10 “(iii) to develop recommendations to
11 ensure that markets promote customer
12 protection, market integrity, and respon-
13 sible participation.

14 “(D) MEMBERSHIP.—The Advisory Coun-
15 cil shall be composed of 15 members, who shall
16 be appointed by the Chairman of the Commis-
17 sion and shall include—

18 “(i) the Retail Advocate described in
19 paragraph (7)(C);

20 “(ii) not fewer than 3 State attorneys
21 general;

22 “(iii) subject matter experts in behav-
23 ioral science and health, financial risk, and
24 consumer finance; and

25 “(iv) representatives of—

1 “(I) the Office of Customer Edu-
2 cation and Outreach;

3 “(II) the Department of Justice;

4 “(III) State and local law en-
5 forcement;

6 “(IV) State and local regulatory
7 agencies, as appropriate;

8 “(V) market operators; and

9 “(VI) market participants.

10 “(E) DUTIES.—The duties of the Advisory
11 Council shall include—

12 “(i) meeting not less frequently than
13 once every 120 days, in a manner to be de-
14 termined by the Chairman of the Commis-
15 sion, to provide independent advice and
16 recommendations to the Commission and
17 Congress;

18 “(ii) identifying policies to promote
19 retail customer protection and specific
20 gaps in investor protections for retail cus-
21 tomers;

22 “(iii) assessing the viability of a self-
23 exclusion program, which would allow a
24 customer to be voluntarily prohibited from
25 entering into an event contract;

1 “(iv) assessing the viability of a pro-
2 gram to implement voluntary deposit and
3 trade limits;

4 “(v) reviewing the considerations of
5 the retail customer profile, including age,
6 income, and behavioral vulnerabilities,
7 when assessing investor protection;

8 “(vi) studying behavioral prompts and
9 marketing features designed to engage cus-
10 tomers in connection with the offer of an
11 event contract;

12 “(vii) reviewing the effectiveness of
13 existing legal or regulatory recommenda-
14 tions to improve customer protections in
15 connection with the offer of an event con-
16 tract; and

17 “(viii) evaluating the design, accessi-
18 bility, and use of mobile applications,
19 smartphones, and other personal electronic
20 devices in connection with the offer of
21 event contracts.

22 “(F) REPORTS.—The Advisory Council
23 shall—

24 “(i) not later than 180 days after the
25 date of enactment of the Prediction Mar-

1 ket Act of 2026, submit to Congress an
2 initial report with analysis and rec-
3 ommendations regarding matters studied
4 under subparagraph (E), which shall in-
5 clude consumer protection, market integ-
6 rity, investor profile, marketing features,
7 and other related topics; and

8 “(ii) twice each year thereafter, sub-
9 mit to Congress a report containing find-
10 ings, and recommendations for legislation,
11 regulations, and oversight, relating to the
12 matters studied under subparagraph (E).

13 “(G) REVIEW BY COMMISSION.—The Com-
14 mission shall—

15 “(i) review the findings and rec-
16 ommendations of the Advisory Council;
17 and

18 “(ii) make publicly available a report
19 containing an assessment by the Commis-
20 sion of any findings and recommendations
21 of the Advisory Council.

22 “(7) OFFICE OF THE RETAIL ADVOCATE.—

23 “(A) DEFINITIONS.—In this paragraph:

1 “(i) CHAIRMAN.—The term ‘Chair-
2 man’ means the Chairman of the Commis-
3 sion.

4 “(ii) OFFICE.—The term ‘Office’
5 means the Office of the Retail Advocate es-
6 tablished by subparagraph (B).

7 “(iii) RETAIL PARTICIPANT.—The
8 term ‘retail participant’ means a person
9 that—

10 “(I) is not an eligible contract
11 participant; and

12 “(II) is participating in a des-
13 ignated contract market.

14 “(B) OFFICE ESTABLISHED.—There is es-
15 tablished within the Commission the Office of
16 the Retail Advocate.

17 “(C) RETAIL ADVOCATE.—

18 “(i) IN GENERAL.—The Retail Advo-
19 cate shall—

20 “(I) report directly to the Com-
21 mission; and

22 “(II) be appointed by the Chair-
23 man from among individuals with ex-
24 perience in advocating for the inter-
25 ests of retail participants.

1 “(ii) COMPENSATION.—The annual
2 rate of pay for the Retail Advocate shall be
3 equal to the highest rate of annual pay for
4 other senior executives who report to the
5 Chairman.

6 “(D) FUNCTIONS OF THE RETAIL ADVOCATE.—The Retail Advocate shall—
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8 “(i) assist retail participants in resolving significant problems relating to transactions;
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11 “(ii) analyze the potential impact on retail participants of proposed regulations of the Commission;
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14 “(iii) to the extent practicable, propose to the Commission changes in the regulations or orders of the Commission that may be appropriate to promote the interests of retail participants;
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19 “(iv) conduct research to identify and understand issues that affect retail participants; and
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22 “(v) operate with and provide assistance to the Office of Customer Education and Outreach to conduct initiatives and outreach for retail participants.
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1 “(E) ACCESS TO DOCUMENTS.—

2 “(i) IN GENERAL.—At the discretion
3 of the Chairman, the Retail Advocate shall
4 have full access to the documents of the
5 Commission as necessary to carry out the
6 functions of the Office.

7 “(ii) EFFECT.—Nothing in this sub-
8 paragraph authorizes the Retail Advocate,
9 or staff of the Office, to have access to, or
10 to release publicly or internally within the
11 Commission, proprietary or sensitive mar-
12 ket data, including data and information
13 that would separately disclose the business
14 transactions or market positions of any
15 person and trade secrets or names of cus-
16 tomers, consistent with section 8.

17 “(iii) POLICIES AND PROCEDURES.—
18 The Office shall establish and make public
19 on the website of the Commission policies
20 and procedures to safeguard the confiden-
21 tiality of any documents the Retail Advo-
22 cate or staff of the Office has access to.

23 “(F) ANNUAL REPORT ON OBJECTIVES
24 AND ACTIVITIES.—

1 “(i) IN GENERAL.—Not later than
2 September 30 of each year, the Retail Ad-
3 vocate shall submit to Congress a report
4 describing the objectives and activities of
5 the Retail Advocate for the following fiscal
6 year.

7 “(ii) CONTENTS.—Each report re-
8 quired under clause (i) shall include—

9 “(I) appropriate statistical infor-
10 mation and full and substantive anal-
11 ysis;

12 “(II) information on steps that
13 the Retail Advocate has taken during
14 the reporting period to improve—

15 “(aa) services to and com-
16 munication with retail partici-
17 pants; and

18 “(bb) the responsiveness of
19 the Commission;

20 “(III) a summary of the most se-
21 rious problems reported to the Office
22 or the Commission by retail partici-
23 pants during the reporting period;

1 “(IV) an inventory of the items
2 described in subclause (III) that in-
3 cludes—

4 “(aa) identification of any
5 action taken by the Commission
6 and the result of that action;

7 “(bb) the period of time that
8 each item has remained on the
9 inventory; and

10 “(cc) for items with respect
11 to which no action has been
12 taken, the reasons for inaction,
13 and an identification of any offi-
14 cial who is responsible for the ac-
15 tion;

16 “(V) recommendations for such
17 administrative and legislative actions
18 as may be appropriate to resolve prob-
19 lems encountered by retail partici-
20 pants; and

21 “(VI) any other information, as
22 determined appropriate by the Retail
23 Advocate.

1 “(iii) CONFIDENTIALITY.—No report
2 required under clause (i) may contain con-
3 fidential information.

4 “(G) OMBUDSMAN.—

5 “(i) APPOINTMENT.—Not later than
6 180 days after the date on which the first
7 Retail Advocate is appointed under sub-
8 paragraph (C)(i)(II), the Retail Advocate
9 shall appoint an Ombudsman, who shall
10 report directly to the Retail Advocate.

11 “(ii) DUTIES.—The Ombudsman ap-
12 pointed under clause (i) shall—

13 “(I) act as a liaison between the
14 Commission and any retail participant
15 in resolving problems the retail partic-
16 ipant may have with the Commission;

17 “(II) review and make rec-
18 ommendations regarding policies and
19 procedures to encourage persons to
20 present questions to the Retail Advo-
21 cate regarding compliance with this
22 Act; and

23 “(III) establish safeguards to
24 maintain the confidentiality of com-
25 munications between the persons de-

scribed in subclause (II) and the Ombudsman.

“(iii) LIMITATION.—

“(I) PERSONNEL.—In carrying out the duties of the Ombudsman under clause (ii), the Ombudsman shall utilize personnel of the Commission, to the extent practicable.

“(II) EFFECT.—Nothing in this clause shall be construed as replacing, altering, or diminishing the activities of any ombudsman or similar office of any other agency.

“(iv) REPORT ON ACTIVITIES.—

“(I) IN GENERAL.—The Ombudsman shall submit to the Retail Advocate an annual report that describes the activities and evaluates the effectiveness of the Ombudsman during the preceding 1-year period.

“(II) SUBMISSION.—The Retail Advocate shall include the report required under subclause (I) in the reports required to be submitted by the

1 Retail Advocate under subparagraph
2 (F).

3 “(8) RULE OF CONSTRUCTION.—Nothing in
4 this subsection may be construed to affect—

5 “(A) the ability of a State to investigate
6 and bring enforcement actions under this Act,
7 including pursuant to section 6d; or

8 “(B) the jurisdiction of the Commission
9 described in section 2(a)(1)(A).”.

10 (d) DEFINITIONS.—In this section:

11 (1) CONTINGENCY.—The term “contingency”
12 means an event or circumstance that may happen,
13 but is not certain to occur, including the outcome of
14 another event or circumstance.

15 (2) COVERED DATA.—The term “covered data”
16 means biometric data that—

17 (A) identifies a user; or

18 (B) is reasonably linkable to the identity of
19 a user.

20 (3) EVENT CONTRACT.—The term “event con-
21 tract” means a contract for the sale of a commodity
22 for future delivery, option on such a contract, or
23 swap based on one or more excluded commodities
24 that is—

1 (A) based upon an occurrence, extent of an
2 occurrence, or contingency (other than a change
3 in the price, rate, value, or levels of a com-
4 modity described in section 1a(19)(i) of the
5 Commodity Exchange Act (7 U.S.C. 1a)); and

6 (B) listed by a designated contract market
7 or swap execution facility.

8 (4) OCCURRENCE.—The term “occurrence”
9 means something that happens, such as an event, in-
10 cluding the outcome of another event.

11 (5) WAGER.—The term “wager” has the mean-
12 ing given such term in section 5362 of title 31,
13 United States Code.

14 (6) WAGERING OPERATOR.—The term “wager-
15 ing operator” means—

16 (A) a licensed gaming facility that offers
17 sports wagering; and

18 (B) an interactive sports wagering plat-
19 form.

○