

Calendar No. 304

119TH CONGRESS
2^D SESSION

S. 836

[Report No. 119–99]

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 teens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2025

Mr. MARKEY (for himself, Mr. CASSIDY, Ms. CANTWELL, Mr. SCHATZ, Mrs. CAPITO, Ms. KLOBUCHAR, Mr. CRAPO, Mr. WYDEN, Mr. GRASSLEY, Mr. LUJÁN, Mr. BLUMENTHAL, Mr. MERKLEY, Mr. WELCH, Mr. KING, Mr. KELLY, Mrs. BRITT, Mr. HEINRICH, Mr. OSSOFF, Mr. SCHUMER, Mr. CORNYN, Mr. KIM, and Mr. MCCORMICK) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JANUARY 27, 2026

Reported by Mr. CRUZ, with amendments

[Omit the parts struck through and insert the parts printed in *italic*]

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 teens, and for other purposes.

(a) SHORT TITLE.—This Act may be cited as the
“Children and Teens’ Online Privacy Protection Act”.

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.

Sec. 5. Severability.

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

16 “(2) OPERATOR.—The term ‘operator’—

18 “(i) who, for commercial purposes, in
19 interstate or foreign commerce operates or
20 provides a website on the internet, an on-
21 line service, an online application, or a mo-
22 bile application; and

1 “(ii) who—

2 “(I) collects or maintains, either
3 directly or through a service provider,
4 personal information from or about
5 the users of that website, service, or
6 application;

7 “(II) allows another person to
8 collect personal information directly
9 from users of that website, service, or
10 application (in which case, the oper-
11 ator is deemed to have collected the
12 information); or

13 “(III) allows users of that
14 website, service, or application to pub-
15 licly disclose personal information (in
16 which case, the operator is deemed to
17 have collected the information); and

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

22 (2) in paragraph (4)—

23 (A) by amending subparagraph (A) to read
24 as follows:

“(A) the release of personal information collected from a child or teen by an operator for any purpose, except where the personal information is provided to a person other than an operator who—

“(i) provides support for the internal operations of the website, online service, online application, or mobile application of the operator, excluding any activity relating to individual-specific advertising to children or teens; and

“(ii) does not disclose or use that personal information for any other purpose; and”;

(B) in subparagraph (B)—

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

(ii) by striking “website or online service” and inserting “website, online service, online application, or mobile application”; and

(iii) by striking “actual knowledge” and inserting “actual knowledge or knowledge fairly implied on the basis of objective circumstances”;

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

“(8) PERSONAL INFORMATION.—

“(A) IN GENERAL.—The term ‘personal information’ means individually identifiable information about an individual collected online, including—

“(i) a first and last name;

“(ii) a home or other physical address including street name and name of a city or town;

“(iii) an e-mail address;

“(iv) a telephone number;

“(v) a Social Security number;

“(vi) any other identifier that the Commission determines permits the physical or online contacting of a specific individual;

“(vii) a persistent identifier that can be used to recognize a specific child or teen over time and across different websites, online services, online applications, or mobile applications, including but not limited to a customer number held in a cookie, an Internet Protocol (IP) address, a processor

1 or device serial number, or unique device
 2 identifier, but excluding an identifier that
 3 is used by an operator solely for providing
 4 support for the internal operations of the
 5 website, online service, online application,
 6 or mobile application;

7 “(viii) a photograph, video, or audio
 8 file where such file contains a specific
 9 child’s or teen’s image or voice;

10 “(ix) geolocation information;

11 “(x) information generated from the
 12 measurement or technological processing of
 13 an individual’s biological, physical, or phys-
 14 iological characteristics that is used to
 15 identify an individual, including—

16 “(I) fingerprints;

17 “(II) voice prints;

18 “(III) iris or retina imagery
 19 scans;

20 “(IV) facial templates;

21 “(V) deoxyribonucleic acid
 22 (DNA) information; or

23 “(VI) gait; or

24 “(xi) information linked or reasonably
 25 linkable to a child or teen or the parents

1 of that child or teen (including any unique
2 identifier) that an operator collects online
3 from the child or teen and combines with
4 an identifier described in this subpara-
5 graph.

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

10 “(i) does not request information via
11 voice that would otherwise be considered
12 personal information under this paragraph;

13 “(ii) provides clear notice of its collec-
14 tion and use of the audio file and its dele-
15 tion policy in its privacy policy;

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

23 “(iv) only maintains the audio file
24 long enough to complete the stated purpose
25 and then immediately deletes the audio file

1 and does not make any other use of the
2 audio file prior to deletion.

3 “(C) SUPPORT FOR THE INTERNAL OPER-
4 ATIONS OF A WEBSITE, ONLINE SERVICE, ON-
5 LINE APPLICATION, OR MOBILE APPLICATION.—

6 “(i) IN GENERAL.—For purposes of
7 subparagraph (A)(vii), the term ‘support
8 for the internal operations of a website, on-
9 line service, online application, or mobile
10 application’ means those activities nec-
11 essary to—

12 “(I) maintain or analyze the
13 functioning of the website, online serv-
14 ice, online application, or mobile appli-
15 cation;

16 “(II) perform network commu-
17 nications;

18 “(III) authenticate users of, or
19 personalize the content on, the
20 website, online service, online applica-
21 tion, or mobile application;

22 “(IV) serve contextual adver-
23 tising, provided that any persistent
24 identifier is only used as necessary for
25 technical purposes to serve the contex-

1 tual advertisement, or cap the fre-
 2 quency of advertising;

3 “(V) protect the security or in-
 4 tegrity of the user, website, online
 5 service, online application, or mobile
 6 application;

7 “(VI) ensure legal or regulatory
 8 compliance, or

9 “(VII) fulfill a request of a child
 10 or teen as permitted by subpara-
 11 graphs (A) through (C) of section
 12 1303(b)(2).

13 “(ii) CONDITION.—Except as specifi-
 14 cally permitted under clause (i), informa-
 15 tion collected for the activities listed in
 16 clause (i) cannot be used or disclosed to
 17 contact a specific individual, including
 18 through individual-specific advertising to
 19 children or teens, to amass a profile on a
 20 specific individual, in connection with proc-
 21 esses that encourage or prompt use of a
 22 website or online service, or for any other
 23 purpose.”;

24 (4) by amending paragraph (9) to read as fol-

25 lows:

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

8 “(A) receives direct notice of the personal
 9 information collection, use, and disclosure prac-
 10 tices of the operator; and

11 “(B) before the personal information of the
 12 child or teen is collected, freely and unambig-
 13 uously authorizes—

14 “(i) the collection, use, and disclosure,
 15 as applicable, of that personal information;
 16 and

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

19 (5) in paragraph (10)—

20 (A) in the paragraph header, by striking
 21 “WEBSITE OR ONLINE SERVICE DIRECTED TO
 22 CHILDREN” and inserting “WEBSITE, ONLINE
 23 SERVICE, ONLINE APPLICATION, OR MOBILE AP-
 24 PLICATION DIRECTED TO CHILDREN”;

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

5 (C) by adding at the end the following new
6 subparagraph:

7 “(C) RULE OF CONSTRUCTION.—In con-
8 sidering whether a website, online service, on-
9 line application, or mobile application, or por-
10 tion thereof, is directed to children, the Com-
11 mission shall apply a totality of circumstances
12 test and will also consider competent and reli-
13 able empirical evidence regarding audience com-
14 position and evidence regarding the intended
15 audience of the website, online service, online
16 application, or mobile application.”; and

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

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

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

24 “(A) means an internet-connected software
25 program; and

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

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

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

7 “(i) a cellular telephone;

8 “(ii) a tablet computer; or

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

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

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

18 “(17) TEEN.—The term ‘teen’ means an indi-
 19 vidual who has attained age 13 and is under the age
 20 of 17.

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

23 “(A) IN GENERAL.—The term ‘individual-
 24 specific advertising to children or teens’ means
 25 advertising or any other effort to market a

1 product or service that is directed to a specific
2 child or teen or a connected device that is
3 linked or reasonably linkable to a child or teen
4 based on—

5 “(i) the personal information from—

6 “(I) the child or teen; or

7 “(II) a group of children or teens

8 who are similar in sex, age, household

9 income level, race, or ethnicity to the

10 specific child or teen to whom the

11 product or service is marketed;

12 “(ii) profiling of a child or teen or
13 group of children or teens; or

14 “(iii) a unique identifier of the con-
15 nected device.

16 “(B) EXCLUSIONS.—The term ‘individual-
17 specific advertising to children or teens’ shall
18 not include—

19 “(i) advertising or marketing to an in-
20 dividual or the device of an individual in
21 response to the individual’s specific request
22 for information or feedback, such as a
23 child’s or teen’s current search query;

24 “(ii) contextual advertising, such as
25 when an advertisement is displayed based

on the content of the website, online service, online application, mobile application, or connected device in which the advertisement appears and does not vary based on personal information related to the viewer;
or

~~“(iii) processing personal information solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement.~~

“(iii) processing personal information solely for measuring or reporting advertising or content performance, reach, or frequency, including independent measurement; or

“(iv) advertising or marketing directed to a connected device used by both adult and child or teen members of a household where such advertising or marketing is directed to the profile of the adult user.

“(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit an operator with actual knowledge or knowledge fairly implied on the basis of objec-

1 tive circumstances that a user is under the age
 2 of 17 from delivering advertising or marketing
 3 that is age-appropriate and intended for a child
 4 or teen audience, so long as the operator does
 5 not use any personal information other than
 6 whether the user is under the age of 17.

7 “(19) EDUCATIONAL AGENCY OR INSTITU-
 8 TION.—The term ‘educational agency or institution’
 9 means—

10 “(A) a State educational agency or local
 11 educational agency, as such terms are defined
 12 in section 8101 of the Elementary and Sec-
 13 ondary Education Act of 1965 (20 U.S.C.
 14 7801); or

15 “(B) an institutional day or residential
 16 school, including a public school (including a
 17 charter school) or private school, that provides
 18 elementary or secondary education, as deter-
 19 mined under State law.”.

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

(1) by striking the heading and inserting the following: “**ONLINE COLLECTION, USE, DISCLOSURE, AND DELETION OF PERSONAL INFORMATION OF CHILDREN AND TEENS.**”;

(2) in subsection (a)—

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

“(1) IN GENERAL.—It is unlawful for an operator of a website, online service, online application, or mobile application directed to children or for any operator of a website, online service, online application, or mobile application with actual knowledge or knowledge fairly implied on the basis of objective circumstances that a user is a child or teen—

“(A) to collect personal information from a child or teen in a manner that violates the regulations prescribed under subsection (b);

“(B) except as provided in subparagraphs (B) and (C) of section 1302(18), to collect, use, disclose to third parties, or maintain personal information of a child or teen for purposes of individual-specific advertising to children or teens (or to allow another person to collect, use, disclose, or maintain such information for such purpose);

1 “(C) to collect the personal information of
2 a child or teen except when the collection of the
3 personal information is—

4 “(i) consistent with the context of a
5 particular transaction or service or the re-
6 lationship of the child or teen with the op-
7 erator, including collection necessary to
8 fulfill a transaction or provide a product or
9 service requested by the child or teen; or

10 “(ii) required or specifically author-
11 ized by Federal or State law; or

12 “(D) to store or transfer the personal in-
13 formation of a child or teen outside of the
14 United States unless the operator provides di-
15 rect notice to the parent of the child, in the
16 case of a child, or to the teen, in the case of
17 a teen, that the child’s or teen’s personal infor-
18 mation is being stored or transferred outside of
19 the United States; or

20 “(E) to retain the personal information of
21 a child or teen for longer than is reasonably
22 necessary to fulfill a transaction or provide a
23 service requested by the child or teen except as
24 required or specifically authorized by Federal or
25 State law.”; and

1 (B) in paragraph (2)—

2 (i) in the header, by striking “PAR-
3 ENT” and inserting “~~“PARENT OR TEEN”~~”
4 “*PARENT OR TEEN*”;

5 (ii) by striking “Notwithstanding
6 paragraph (1)” and inserting “Notwith-
7 standing paragraph (1)(A)”;

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

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

15 (3) in subsection (b)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A)—

18 (I) by striking “operator of any
19 website” and all that follows through
20 “from a child” and inserting “oper-
21 ator of a website, online service, on-
22 line application, or mobile application
23 directed to children or that has actual
24 knowledge or knowledge fairly implied

1 on the basis of objective circumstances
2 that a user is a child or teen”;

3 (II) in clause (i)—

4 (aa) by striking “notice on
5 the website” and inserting “clear
6 and conspicuous notice on the
7 website”;

8 (bb) by inserting “or teens”
9 after “children”;

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

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

25 (III) in clause (ii)—

1 (aa) by striking “parental”;

2 (bb) by inserting “or teens”

3 after “children”;

4 (cc) by striking the semi-

5 colon at the end and inserting “;

6 and”; and

7 (IV) by inserting after clause (ii)

8 the following new clause:

9 “(iii) to obtain verifiable consent from

10 a parent of a child or from a teen before

11 using or disclosing personal information of

12 the child or teen for any purpose that is a

13 material change from the original purposes

14 and disclosure practices specified to the

15 parent of the child or the teen under

16 clause (i);”;

17 (ii) in subparagraph (B)—

18 (I) in the matter preceding clause

19 (i), by striking “website or online

20 service” and inserting “operator”;

21 (II) in clause (i), by inserting

22 “and the method by which the oper-

23 ator obtained the personal informa-

24 tion, and the purposes for which the

25 operator collects, uses, discloses, and

retains the personal information” before the semicolon;

(III) in clause (ii)—

(aa) by inserting “to delete personal information collected from the child or content or information submitted by the child to a website, online service, online application, or mobile application and” after “the opportunity at any time”; and

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

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

“(iii) the opportunity to challenge the accuracy of the personal information and, if the parent of the child establishes the inaccuracy of the personal information, to have the inaccurate personal information corrected;” and

(V) in clause (iv), as so redesignated, by inserting “, if such information is available to the operator at the

1 time the parent makes the request”
2 before the semicolon;

3 (iii) by redesignating subparagraphs
4 (C) and (D) as subparagraphs (D) and
5 (E), respectively;

6 (iv) by inserting after subparagraph
7 (B) the following new subparagraph:

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

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

20 “(ii) the opportunity at any time to
21 delete personal information collected from
22 the teen or content or information sub-
23 mitted by the teen to a website, online
24 service, online application, or mobile appli-
25 cation and to refuse to permit the opera-

tor’s further use or maintenance in retriev-
 able form, or online collection, of personal
 information from the teen;

“(iii) the opportunity to challenge the
 accuracy of the personal information and,
 if the teen establishes the inaccuracy of the
 personal information, to have the inac-
 curate personal information corrected; and

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

(v) in subparagraph (D), as so redes-
 ignated—

(I) by striking “a child’s” and in-
 serting “a child’s or teen’s”; and

(II) by inserting “or teen” after
 “the child”; and

(vi) by amending subparagraph (E),
 as so redesignated, to read as follows:

“(E) require the operator to establish, im-
 plement, and maintain reasonable security prac-
 tices to protect the confidentiality, integrity,

1 and accessibility of personal information of chil-
2 dren or teens collected by the operator, and to
3 protect such personal information against unau-
4 thorized access.”;

5 (B) in paragraph (2)—

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

10 (ii) in subparagraph (A)—

11 (I) by inserting “or teen” after
12 “collected from a child”;

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

15 (III) by inserting “or teen or to
16 contact another child or teen” after
17 “to recontact the child”;

18 (iii) in subparagraph (B)—

19 (I) by striking “parent or child”
20 and inserting “parent or teen”; and

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

24 (iv) in subparagraph (C)—

1 (I) in the matter preceding clause
 2 (i), by inserting “or teen” after
 3 “child” each place the term appears;

4 (II) in clause (i)—

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

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

11 (III) in clause (ii)—

12 (aa) by striking “without
 13 notice to the parent” and insert-
 14 ing “without notice to the parent
 15 or teen, as applicable,”; and

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

19 (v) in subparagraph (D)—

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

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

1 (III) in the flush text following
 2 clause (iii)—

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

8 (C) by redesignating paragraph (3) as
 9 paragraph (4) and inserting after paragraph
 10 (2) the following new paragraph:

11 “(3) APPLICATION TO OPERATORS ACTING
 12 UNDER AGREEMENTS WITH EDUCATIONAL AGENCIES
 13 OR INSTITUTIONS.—The regulations may provide
 14 that verifiable consent under paragraph (1)(A)(ii) is
 15 not required for an operator that is acting under a
 16 written agreement with an educational agency or in-
 17 stitution that, at a minimum, requires the—

18 “(A) operator to—

19 “(i) limit its collection, use, and dis-
 20 closure of the personal information from a
 21 child or teen to solely educational purposes
 22 and for no other commercial purposes;

23 “(ii) provide the educational agency or
 24 institution with a notice of the specific
 25 types of personal information the operator

1 will collect from the child or teen, the
2 method by which the operator will obtain
3 the personal information, and the purposes
4 for which the operator will collect, use, dis-
5 close, and retain the personal information;

6 “(iii) provide the educational agency
7 or institution with a link to the operator’s
8 online notice of information practices as
9 required under subsection (b)(1)(A)(i); and

10 “(iv) provide the educational agency
11 or institution, upon request, with a means
12 to review the personal information collected
13 from a child or teen, to prevent further use
14 or maintenance or future collection of per-
15 sonal information from a child or teen, and
16 to delete personal information collected
17 from a child or teen or content or informa-
18 tion submitted by a child or teen to the op-
19 erator’s website, online service, online ap-
20 plication, or mobile application;

21 “(B) representative of the educational
22 agency or institution to acknowledge and agree
23 that they have authority to authorize the collec-
24 tion, use, and disclosure of personal information
25 from children or teens on behalf of the edu-

1 cational agency or institution, along with such
2 authorization, their name, and title at the edu-
3 cational agency or institution; and

4 “(C) educational agency or institution to—

5 “(i) provide on its website a notice
6 that identifies the operator with which it
7 has entered into a written agreement
8 under this subsection and provides a link
9 to the operator’s online notice of informa-
10 tion practices as required under paragraph
11 (1)(A)(i);

12 “(ii) provide the operator’s notice re-
13 garding its information practices, as re-
14 quired under subparagraph (A)(ii), upon
15 request, to a parent, in the case of a child,
16 or a parent or teen, in the case of a teen;
17 and

18 “(iii) upon the request of a parent, in
19 the case of a child, or a parent or teen, in
20 the case of a teen, request the operator
21 provide a means to review the personal in-
22 formation from the child or teen and pro-
23 vide the parent, in the case of a child, or
24 parent or teen, in the case of the teen, a

1 means to review the personal informa-
2 tion.”;

3 (D) by amending paragraph (4), as so re-
4 designated, to read as follows:

5 “(4) TERMINATION OF SERVICE.—The regula-
6 tions shall permit the operator of a website, online
7 service, online application, or mobile application to
8 terminate service provided to a child whose parent
9 has refused, or a teen who has refused, under the
10 regulations prescribed under paragraphs (1)(B)(ii)
11 and (1)(C)(ii), to permit the operator’s further use
12 or maintenance in retrievable form, or future online
13 collection of, personal information from that child or
14 teen.”; and

15 (E) by adding at the end the following new
16 paragraphs:

17 “(5) CONTINUATION OF SERVICE.—The regula-
18 tions shall prohibit an operator from discontinuing
19 service provided to a child or teen on the basis of
20 a request by the parent of the child or by the teen,
21 under the regulations prescribed under subpara-
22 graph (B) or (C) of paragraph (1), respectively, to
23 delete personal information collected from the child
24 or teen, to the extent that the operator is capable of
25 providing such service without such information.

1 “(6) RULE OF CONSTRUCTION.—A request
 2 made pursuant to subparagraph (B) or (C) of para-
 3 graph (1) to delete or correct personal information
 4 of a child or teen shall not be construed—

5 “(A) to limit the authority of a law en-
 6 forcement agency to obtain any content or in-
 7 formation from an operator pursuant to a law-
 8 fully executed warrant or an order of a court of
 9 competent jurisdiction;

10 “(B) to require an operator or third party
 11 delete or correct information that—

12 “(i) any other provision of Federal or
 13 State law requires the operator or third
 14 party to maintain; or

15 “(ii) was submitted to the website, on-
 16 line service, online application, or mobile
 17 application of the operator by any person
 18 other than the user who is attempting to
 19 erase or otherwise eliminate the content or
 20 information, including content or informa-
 21 tion submitted by the user that was repub-
 22 lished or resubmitted by another person; or

23 “(C) to prohibit an operator from—

24 “(i) retaining a record of the deletion
 25 request and the minimum information nec-

1 essary for the purposes of ensuring compli-
 2 ance with a request made pursuant to sub-
 3 paragraph (B) or (C);

4 “(ii) preventing, detecting, protecting
 5 against, or responding to security inci-
 6 dents, identity theft, or fraud, or reporting
 7 those responsible for such actions;

8 “(iii) protecting the integrity or secu-
 9 rity of a website, online service, online ap-
 10 plication or mobile application; or

11 “(iv) ensuring that the child’s or
 12 teen’s information remains deleted.

13 “(7) COMMON VERIFIABLE CONSENT MECHA-
 14 NISM.—

15 “(A) IN GENERAL.—

16 “(i) FEASIBILITY OF MECHANISM.—
 17 The Commission shall assess the feasi-
 18 bility, with notice and public comment, of
 19 allowing operators the option to use a com-
 20 mon verifiable consent mechanism that
 21 fully meets the requirements of this title.

22 “(ii) REQUIREMENTS.—The feasibility
 23 assessment described in clause (i) shall
 24 consider whether a single operator could
 25 use a common verifiable consent mecha-

nism to obtain verifiable consent, as required under this title, from a parent of a child or from a teen on behalf of multiple, listed operators that provide a joint or related service.

“(B) REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives with the findings of the assessment required by subparagraph (A).

“(C) REGULATIONS.—If the Commission finds that the use of a common verifiable consent mechanism is feasible and would meet the requirements of this title, the Commission shall issue regulations to permit the use of a common verifiable consent mechanism in accordance with the findings outlined in such report.”;

(4) in subsection (c), by striking “a regulation prescribed under subsection (a)” and inserting “subparagraph (B), (C), (D), or (E) of subsection (a)(1), or of a regulation prescribed under subsection (b),”; and

1 (5) by striking subsection (d) and inserting the
2 following:

3 “(d) RELATIONSHIP TO STATE LAW.—The provisions
4 of this title shall preempt any State law, rule, or regula-
5 tion only to the extent that such State law, rule, or regula-
6 tion conflicts with a provision of this title. Nothing in this
7 title shall be construed to prohibit any State from enacting
8 a law, rule, or regulation that provides greater protection
9 to children or teens than the provisions of this title.”.

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

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

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

16 “(d) PUBLICATION.—

17 “(1) IN GENERAL.—Subject to the restrictions
18 described in paragraph (2), the Commission shall
19 publish on the internet website of the Commission
20 any report or documentation required by regulation
21 to be submitted to the Commission to carry out this
22 section.

23 “(2) RESTRICTIONS ON PUBLICATION.—The re-
24 strictions described in section 6(f) and section 21 of
25 the Federal Trade Commission Act (15 U.S.C.

1 46(f), 57b–2) applicable to the disclosure of infor-
 2 mation obtained by the Commission shall apply in
 3 same manner to the disclosure under this subsection
 4 of information obtained by the Commission from a
 5 report or documentation described in paragraph
 6 (1).”.

7 (d) ACTIONS BY STATES.—Section 1305 of the Chil-
 8 dren’s Online Privacy Protection Act of 1998 (15 U.S.C.
 9 6504) is amended—

10 (1) in subsection (a)(1)—

11 (A) in the matter preceding subparagraph
 12 (A), by inserting “section 1303(a)(1) or” before
 13 “any regulation”; and

14 (B) in subparagraph (B), by inserting
 15 “section 1303(a)(1) or” before “the regula-
 16 tion”; and

17 (2) in subsection (d)—

18 (A) by inserting “section 1303(a)(1) or”
 19 before “any regulation”; and

20 (B) by inserting “section 1303(a)(1) or”
 21 before “that regulation”.

22 (e) ADMINISTRATION AND APPLICABILITY OF ACT.—
 23 Section 1306 of the Children’s Online Privacy Protection
 24 Act of 1998 (15 U.S.C. 6505) is amended—

25 (1) in subsection (b)—

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

9 (B) by striking paragraph (2) and redesign-
 10 ating paragraphs (3) through (6) as para-
 11 graphs (2) through (5), respectively;
 12 (2) in subsection (d)—

13 (A) by inserting “section 1303(a)(1) or”
 14 before “a rule”; and

15 (B) by striking “such rule” and inserting
 16 “section 1303(a)(1) or a rule of the Commis-
 17 sion under section 1303”; and

18 (3) by adding at the end the following new sub-
 19 sections:

20 “(f) DETERMINATION OF WHETHER AN OPERATOR
 21 HAS KNOWLEDGE FAIRLY IMPLIED ON THE BASIS OF
 22 OBJECTIVE CIRCUMSTANCES.—

23 “(1) RULE OF CONSTRUCTION.—For purposes
 24 of enforcing this title or a regulation promulgated
 25 under this title, in making a determination as to

1 whether an operator has knowledge fairly implied on
2 the basis of objective circumstances that a specific
3 user is a child or teen, the Commission or State at-
4 torneys general shall rely on competent and reliable
5 evidence, taking into account the totality of the cir-
6 cumstances, including whether a reasonable and pru-
7 dent person under the circumstances would have
8 known that the user is a child or teen. Nothing in
9 this title, including a determination described in the
10 preceding sentence, shall be construed to require an
11 operator to—

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

16 “(B) implement an age gating or age
17 verification functionality.

18 “(2) COMMISSION GUIDANCE.—

19 “(A) IN GENERAL.—Within 180 days of
20 enactment, the Commission shall issue guidance
21 to provide information, including best practices
22 and examples for operators to understand the
23 Commission’s determination of whether an op-
24 erator has knowledge fairly implied on the basis

1 of objective circumstances that a user is a child
2 or teen.

3 “(B) LIMITATION.—No guidance issued by
4 the Commission with respect to this title shall
5 confer any rights on any person, State, or local-
6 ity, nor shall operate to bind the Commission or
7 any person to the approach recommended in
8 such guidance. In any enforcement action
9 brought pursuant to this title, the Commission
10 or State attorney general, as applicable, shall
11 allege a specific violation of a provision of this
12 title. The Commission or State attorney gen-
13 eral, as applicable, may not base an enforce-
14 ment action on, or execute a consent order
15 based on, practices that are alleged to be incon-
16 sistent with any such guidance, unless the prac-
17 tices allegedly violate this title. For purposes of
18 enforcing this title or a regulation promulgated
19 under this title, State attorneys general shall
20 take into account any guidance issued by the
21 Commission under subparagraph (A).

22 “(g) ADDITIONAL REQUIREMENT.—Any regulations
23 issued under this title shall include a description and anal-
24 ysis of the impact of proposed and final Rules on small

1 entities per the Regulatory Flexibility Act of 1980 (5
2 U.S.C. 601 et seq.).”.

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

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

15 (1) this Act, the amendments made by this Act,
16 and rules promulgated under this Act; and

17 (2) rules promulgated by the Commission under
18 section 18 of the Federal Trade Commission Act (15
19 U.S.C. 57a) relating to unfair or deceptive acts or
20 practices in marketing.

21 (b) ENFORCEMENT REPORT.—Not later than 1 year
22 after the date of enactment of this Act, and each year
23 thereafter, the Federal Trade Commission shall submit to
24 the Committee on Commerce, Science, and Transportation
25 of the Senate and the Committee on Energy and Com-

merce of the House of Representatives a report that addresses, at a minimum—

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

(2) the total number of investigations or inquiries into potential violations of the Act; during the reporting year;

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

(4) the number and nature of complaints received by the Commission relating to an allegation of a violation of the Act during the reporting year; and

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

SEC. 4. GAO STUDY.

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

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

3 (2) identify the potential risks to teens' privacy
4 from using such financial technology products; and
5 (3) determine whether existing laws are suffi-
6 cient to address such risks to teens' privacy.

7 (a) *STUDY.*—The Comptroller General of the United
8 States (in this section referred to as the “Comptroller Gen-
9 eral”) shall conduct a study on the privacy and mental
10 health of teens who use financial technology products. Such
11 study shall—

12 (1) identify the type of financial technology
13 products that teens are using;

14 (2) identify the potential risks to teens' privacy
15 and mental health from using such financial tech-
16 nology products; and

17 (3) determine whether existing laws are suffi-
18 cient to address such risks to teens' privacy and men-
19 tal health.

20 (b) *REPORT.*—Not later than 1 year after the date
21 of enactment of this section, the Comptroller General shall
22 submit to Congress a report containing the results of the
23 study conducted under subsection (a), together with rec-
24 ommendations for such legislation and administrative ac-
25 tion as the Comptroller General determines appropriate.

1 **SEC. 5. SEVERABILITY.**

2 If any provision of this Act, or an amendment made
3 by this Act, is determined to be unenforceable or invalid,
4 the remaining provisions of this Act and the amendments
5 made by this Act shall not be affected.

Calendar No. 304

119TH CONGRESS
2D Session

S. 836

[Report No. 119-99]

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 teens, and for other purposes.

JANUARY 27, 2026

Reported with amendments