

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 7757
OFFERED BY MRS. HOUCHIN OF INDIANA**

Page 76, after line 10, insert the following:

1 **TITLE VII—REDUCING EXPLOIT-**
2 **ATIVE SOCIAL MEDIA EXPO-**
3 **SURE FOR TEENS ACT**

4 **SEC. 701. PROHIBITION ON ACCOUNTS AND PROFILES FOR**
5 **MINORS.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—A covered platform may not
8 allow an individual to create or maintain an account
9 or profile on the covered platform if the covered
10 platform knows that the individual is a minor.

11 (2) TERMINATION OF EXISTING ACCOUNTS.—A
12 covered platform shall—

13 (A) not later than 60 days after the date
14 of the enactment of this section, identify any
15 account or profile of a user on the covered plat-
16 form that the covered platform knows is a
17 minor;

18 (B) not later than 180 days after the date
19 of the enactment of this section, notify any user

1 of an account or profile identified under sub-
2 paragraph (A) that the covered platform will
3 terminate the account or profile of the user;
4 and

5 (C) not later than 30 days after the date
6 on which a user is notified pursuant to sub-
7 paragraph (B), terminate the account or profile
8 of the user.

9 (3) DELETION OF THE PERSONAL DATA OF A
10 MINOR.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), upon termination of an existing ac-
13 count or profile of a user pursuant to para-
14 graph (2), a covered platform shall immediately
15 delete all personal data collected from the user
16 or submitted by the user to the covered plat-
17 form.

18 (B) ACCESS TO PERSONAL DATA BY A
19 MINOR.—To the extent technically feasible and
20 not in violation of any licensing agreement, a
21 covered platform shall allow the user of an ex-
22 isting account or profile that the covered plat-
23 form has terminated pursuant to paragraph
24 (2), from the date such termination occurs to
25 the date that is 90 days after such date, to re-

1 quest, and shall provide to such user upon such
2 request, a copy of the personal data collected
3 from the user or submitted by the user to the
4 covered platform both—

5 (i) in a manner that is readable and
6 which a reasonable person can understand;
7 and

8 (ii) in a portable, structured, and ma-
9 chine-readable format.

10 (C) COMPLIANCE.—A covered platform
11 shall fulfill a request under subparagraph (B)
12 not later than 45 days after the date on which
13 such request is made to the covered platform.

14 (b) ENFORCEMENT BY COMMISSION.—

15 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
16 TICES.—A violation of this section shall be treated
17 as a violation of a regulation under section
18 18(a)(1)(B) of the Federal Trade Commission Act
19 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
20 tive acts or practices.

21 (2) POWERS OF COMMISSION.—The Commis-
22 sion shall enforce this section in the same manner,
23 by the same means, and with the same jurisdiction,
24 powers, and duties as though all applicable terms
25 and provisions of the Federal Trade Commission Act

1 (15 U.S.C. 41 et seq.) were incorporated into and
2 made a part of this Act. Any person who violates
3 this section shall be subject to the penalties and en-
4 titled to the privileges and immunities provided in
5 the Federal Trade Commission Act.

6 (c) ACTIONS BY STATES.—

7 (1) IN GENERAL.—In any case in which the at-
8 torney general of a State, or an official or agency of
9 a State, has reason to believe that an interest of the
10 residents of such State has been or is threatened or
11 adversely affected by an act or practice in violation
12 of this section, the State, as *parens patriae*, may
13 bring a civil action on behalf of the residents of the
14 State in an appropriate State court or an appro-
15 priate district court of the United States to—

16 (A) enjoin such act or practice;

17 (B) enforce compliance with this section;

18 (C) obtain damages, restitution, or other
19 compensation on behalf of residents of the
20 State; or

21 (D) obtain such other legal and equitable
22 relief as the court may consider to be appro-
23 priate.

24 (2) NOTICE.—Before filing an action under this
25 subsection, the attorney general, official, or agency

1 of the State involved shall provide to the Commis-
2 sion a written notice of such action and a copy of
3 the complaint for such action. If the attorney gen-
4 eral, official, or agency determines that it is not fea-
5 sible to provide the notice described in this para-
6 graph before the filing of the action, the attorney
7 general, official, or agency shall provide written no-
8 tice of the action and a copy of the complaint to the
9 Commission immediately upon the filing of the ac-
10 tion.

11 (3) AUTHORITY OF COMMISSION.—

12 (A) IN GENERAL.—On receiving notice
13 under paragraph (2) of an action under this
14 subsection, the Commission shall have the
15 right—

16 (i) to intervene in the action;

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

19 (iii) to file petitions for appeal.

20 (B) LIMITATION ON STATE ACTION WHILE
21 FEDERAL ACTION IS PENDING.—If the Commis-
22 sion or the Attorney General of the United
23 States has instituted a civil action for violation
24 of this Act (referred to in this subparagraph as
25 the “Federal action”), no State attorney gen-

1 eral, official, or agency may bring an action
2 under this subsection during the pendency of
3 the Federal action against any defendant
4 named in the complaint in the Federal action
5 for any violation of this Act alleged in such
6 complaint.

7 (4) RULE OF CONSTRUCTION.—For purposes of
8 bringing a civil action under this subsection, nothing
9 in this Act shall be construed to prevent an attorney
10 general, official, or agency of a State from exercising
11 the powers conferred on the attorney general, offi-
12 cial, or agency by the laws of such State to conduct
13 investigations, administer oaths and affirmations, or
14 compel the attendance of witnesses or the production
15 of documentary and other evidence.

16 (d) RELATIONSHIP TO OTHER LAWS.—No State, or
17 political subdivision of a State, may prescribe, maintain,
18 or enforce any law, rule, regulation, requirement, stand-
19 ard, or other provision having the force and effect of law,
20 if such law, rule, regulation, requirement, standard, or
21 other provision conflicts with the provisions of this section.

22 (e) EFFECTIVE DATE.—Unless otherwise specified,
23 this section shall take effect on the date that is 1 year
24 after the date of the enactment of this section.

25 (f) DEFINITIONS.—In this section:

1 (1) COVERED PLATFORM.—The term “covered
2 platform” has the meaning given that term in sec-
3 tion 4 of the TAKE IT DOWN Act (Public Law
4 119–12; 47 U.S.C. 223a note).

5 (2) MINOR.—The term “minor” means an indi-
6 vidual under the age of 16.

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

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

