

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6292
OFFERED BY MR. PALLONE OF NEW JERSEY

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Don’t Sell Kids’ Data
3 Act of 2025”.

4 SEC. 2. PROHIBITION ON DATA BROKERS WITH RESPECT
5 TO THE PERSONAL DATA OF CERTAIN MI-
6 NORS.

7 (a) PROHIBITION.—

8 (1) IN GENERAL.—An entity acting as a data
9 broker may not carry out the following:

10 (A) Collect, use, or maintain any personal
11 data of an individual the data broker knows is
12 a child or teen.

13 (B) Sell, license, rent, trade, transfer, re-
14 lease, disclose, provide access to, or otherwise
15 make available any personal data of an indi-
16 vidual the data broker knows is a child or teen.

17 (2) EXCEPTION.—An entity acting as a data
18 broker may collect, use, or maintain only such per-

1 sonal data of an individual that the data broker
2 knows is a child or teen that is necessary to ensure
3 compliance with paragraph (1)(A) or subsection (b)
4 and shall not collect, use, or maintain such personal
5 data for any other purpose than for such compli-
6 ance.

7 (b) DELETION OF PERSONAL DATA.—

8 (1) IN GENERAL.—An entity acting as a data
9 broker shall—

10 (A) delete any personal data of an indi-
11 vidual the data broker knows is a child or teen
12 that the data broker maintained; and

13 (B) establish a mechanism for any of the
14 following individuals to submit a request to the
15 data broker to delete any such personal data:

16 (i) Teen.

17 (ii) The parent or legal guardian of a
18 child.

19 (iii) An agent acting at the request of
20 a teen or the parent or legal guardian of
21 a child.

22 (2) PROCESS.—Not later than 10 days after the
23 date on which a teen, the parent or legal guardian
24 of a child, or an agent acting at the request of a
25 teen or the parent or legal guardian of a child sub-

1 mits a request pursuant to the mechanism estab-
2 lished pursuant to paragraph (1)(B), the data
3 broker shall carry out the following responsibilities:

4 (A) Identify any personal data of the child
5 or teen that the data broker collected, used, or
6 maintained.

7 (B) Delete any personal data identified
8 under subparagraph (A).

9 (C) Notify the individual who submitted
10 the request of the deletion under subparagraph
11 (B) upon completion.

12 (3) NOTICE.—A data broker shall make pub-
13 licly available (such as on a website of the data
14 broker), in a clear and conspicuous manner, infor-
15 mation written in plain language and relating to the
16 following:

17 (A) The mechanism established by the
18 data broker under paragraph (1)(B).

19 (B) The responsibilities of the data broker
20 under paragraph (2).

21 (c) ENFORCEMENT BY COMMISSION.—

22 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
23 TICES.—A violation of this Act shall be treated as
24 a violation of a rule defining an unfair or deceptive
25 act or practice under section 18(a)(1)(B) of the Fed-

1 eral Trade Commission Act (15 U.S.C.
2 57a(a)(1)(B)).

3 (2) POWERS OF COMMISSION.—

4 (A) IN GENERAL.—The Commission shall
5 enforce this Act in the same manner, by the
6 same means, and with the same jurisdiction,
7 powers, and duties as though all applicable
8 terms and provisions of the Federal Trade
9 Commission Act (15 U.S.C. 41 et seq.) were in-
10 corporated into and made a part of this Act.

11 (B) PRIVILEGES AND IMMUNITIES.—Any
12 entity who violates this Act shall be subject to
13 the penalties and entitled to the privileges and
14 immunities provided in the Federal Trade Com-
15 mission Act (15 U.S.C. 41 et seq.).

16 (C) AUTHORITY PRESERVED.—Nothing in
17 this Act may be construed to limit the authority
18 of the Commission under any other provision of
19 law.

20 (d) ENFORCEMENT BY STATES.—

21 (1) IN GENERAL.—In any case in which the at-
22 torney general of a State, or an official or agency of
23 a State, has reason to believe that an interest of the
24 residents of such State has been or is threatened or
25 adversely affected by an act or practice in violation

1 of this Act, the State, as *parens patriae*, may bring
2 a civil action on behalf of the residents of the State
3 in an appropriate district court of the United States
4 to—

5 (A) enjoin such act or practice;

6 (B) enforce compliance with such sub-
7 section;

8 (C) obtain damages, restitution, or other
9 compensation on behalf of residents of the
10 State; or

11 (D) obtain such other legal and equitable
12 relief as the court may consider to be appro-
13 priate.

14 (2) NOTICE.—Before filing an action under this
15 subsection, the attorney general, official, or agency
16 of the State involved shall provide to the Commis-
17 sion a written notice of such action and a copy of
18 the complaint for such action. If the attorney gen-
19 eral, official, or agency determines that it is not fea-
20 sible to provide the notice described in this para-
21 graph before the filing of the action, the attorney
22 general, official, or agency shall provide written no-
23 tice of the action and a copy of the complaint to the
24 Commission immediately upon the filing of the ac-
25 tion.

1 (3) AUTHORITY OF COMMISSION.—

2 (A) IN GENERAL.—On receiving notice
3 under paragraph (2) of an action under this
4 subsection, the Commission shall have the
5 right—

6 (i) to intervene in the action; and

7 (ii) upon so intervening—

8 (I) to be heard on all matters
9 arising therein; and

10 (II) to file petitions for appeal.

11 (B) LIMITATION ON STATE ACTION WHILE
12 FEDERAL ACTION IS PENDING.—If the Commis-
13 sion or the Attorney General of the United
14 States has instituted a civil action for violation
15 of this Act (referred to in this subparagraph as
16 the “Federal action”), no State attorney gen-
17 eral, official, or agency may bring an action
18 under this subsection during the pendency of
19 the Federal action against any defendant
20 named in the complaint in the Federal action
21 for any violation of such subsection alleged in
22 such complaint.

23 (4) RULE OF CONSTRUCTION.—For purposes of
24 bringing a civil action under this subsection, nothing
25 in this Act shall be construed to prevent an attorney

1 general, official, or agency of a State from exercising
2 the powers conferred on the attorney general, offi-
3 cial, or agency by the laws of such State to conduct
4 investigations, administer oaths and affirmations, or
5 compel the attendance of witnesses or the production
6 of documentary and other evidence.

7 (5) SAVINGS PROVISION.—Nothing in this sub-
8 section may be construed to prohibit an authorized
9 official of a State from initiating or continuing any
10 proceeding in a court of the State for a violation of
11 any civil or criminal law of the State.

12 (e) EFFECTIVE DATE.—This Act shall take effect on
13 the date that is 180 days after the date of the enactment
14 of this Act.

15 (f) DEFINITIONS.—In this section:

16 (1) CHILD.—The term “child” means an indi-
17 vidual under the age of 13 years.

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

20 (3) DATA BROKER.—

21 (A) IN GENERAL.—The term “data
22 broker” means an entity that, for valuable con-
23 sideration, sells, licenses, rents, trades, trans-
24 fers, releases, discloses, provides access to, or
25 otherwise makes available to another entity per-

1 sonal data of an individual that the entity did
2 not collect directly from such individual.

3 (B) EXCEPTION.—The term “data broker”
4 does not include an entity to the extent the en-
5 tity—

6 (i) acts as a service provider;

7 (ii) provides, maintains, or offers a
8 product or service with respect to which
9 personal data, or access to such data, is
10 not the product or service;

11 (iii) transmits personal data of an in-
12 dividual, including any communication of
13 such individual, at the request or direction
14 of such individual; or

15 (iv) reports or publishes news or in-
16 formation that concerns local, national, or
17 international events or other matters of
18 public interest.

19 (4) KNOWS.—The term “knows” means to have
20 actual knowledge or knowledge fairly implied on the
21 basis of objective circumstances.

22 (5) PERSONAL DATA.—The term “personal
23 data” means information that identifies or is linked
24 or reasonably linkable, alone or in combination with
25 other information, to an individual or a device that

1 identifies or is linked or reasonably linkable to an in-
2 dividual.

3 (6) SERVICE PROVIDER.—The term “service
4 provider” means an entity that collects, processes, or
5 transfers personal data on behalf of, and at the di-
6 rection of—

7 (A) the individual to whom such informa-
8 tion pertains;

9 (B) the parent or legal guardian of the in-
10 dividual to whom such information pertains;

11 (C) a Federal, State, or local government
12 entity; or

13 (D) another entity acting at the direction
14 of an individual or entity described in subpara-
15 graphs (A), (B), or (C).

16 (7) STATE.—The term “State” means each
17 State of the United States, the District of Columbia,
18 each territory or possession of the United States,
19 and each federally recognized Indian Tribe.

20 (8) TEEN.—The term “teen” means an indi-
21 vidual who has attained age 13 years and is under
22 the age of 18 years.

