

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3149
OFFERED BY MR. JAMES OF MICHIGAN

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “App Store Accountability Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. App store obligations.
- Sec. 4. App developer obligations.
- Sec. 5. Compliance.
- Sec. 6. Enforcement by the Federal Trade Commission.
- Sec. 7. Enforcement by States.
- Sec. 8. Safe harbors.
- Sec. 9. Preemption.
- Sec. 10. Severability.
- Sec. 11. Effective date.
- Sec. 12. Judicial review.

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) ADULT.—The term “adult” means an indi-
9 vidual who has attained 18 or more years of age.

10 (2) AGE CATEGORY.—The term “age category”
11 means the category of an individual based on their

1 age and includes the categories of an adult, child,
2 teenager, and older teenager.

3 (3) AGE CATEGORY DATA.—The term “age cat-
4 egory data” means information that—

5 (A) identifies the age category of an indi-
6 vidual; and

7 (B) is collected by a covered app store pro-
8 vider and shared with an app developer.

9 (4) AGE RATING.—The term “age rating”
10 means a publicly displayed assessment of the appro-
11 priateness of an app for different age categories.

12 (5) APP.—The term “app” means a software
13 application or electronic service that may be run or
14 directed by a user on a computer, mobile device, or
15 any other general purpose computing device, includ-
16 ing a pre-installed app.

17 (6) APP DEVELOPER.—The term “app devel-
18 oper” means any person that owns or controls—

19 (A) an app on the app store of a covered
20 app store provider; or

21 (B) a pre-installed app.

22 (7) APP STORE.—The term “app store” means
23 a publicly available website, software application, or
24 other electronic service that—

1 (A) distributes and facilitates the installa-
2 tion onto a mobile device of an app from a
3 third-party developer that initiates installation
4 through the mobile operating system by a user
5 of a computer, mobile device, or any other gen-
6 eral purpose computing device; and

7 (B) exercises control over the distribution
8 of any such app through a review process for
9 acceptance and categorization.

10 (8) CHILD.—The term “child” means an indi-
11 vidual who has not attained 13 years of age.

12 (9) COMMISSION.—The term “Commission”
13 means the Federal Trade Commission.

14 (10) COVERED APP STORE PROVIDER.—The
15 term “covered app store provider” means any person
16 that owns, controls, or licenses—

17 (A) an app store; and

18 (B) the operating system on which such
19 app store operates.

20 (11) IN-APP PURCHASE.—The term “in-app
21 purchase” means a charge associated with any user
22 conduct within an app and billed by an app store,
23 including the acquisition of—

24 (A) virtual currency;

25 (B) digital goods;

1 (C) digital services; or

2 (D) other apps.

3 (12) MINOR.—The term “minor” means an in-
4 dividual who has not attained 18 years of age.

5 (13) MOBILE DEVICE.—The term “mobile de-
6 vice” means a phone or general purpose tablet that
7 provides cellular or wireless connectivity, is capable
8 of connecting to the Internet, runs a mobile oper-
9 ating system, and is capable of running apps
10 through the mobile operating system.

11 (14) MOBILE OPERATING SYSTEM.—The term
12 “mobile operating system” means a set of software
13 that manages mobile device hardware resources, pro-
14 vides common services for mobile device programs,
15 and provides interfaces for applications to access de-
16 vice functionality.

17 (15) PARENT.—The term “parent”, with re-
18 spect to a minor, means an adult with the legal right
19 to make decisions on behalf of the minor, includ-
20 ing—

21 (A) a natural parent;

22 (B) an adoptive parent;

23 (C) a legal guardian; or

24 (D) an individual with legal custody over
25 the minor.

1 (16) PARENTAL ACCOUNT.—The term “paren-
2 tal account” means an account with a covered app
3 store provider that is—

4 (A) verified to be established by an indi-
5 vidual who the app store provider has deter-
6 mined is an adult through the age verification
7 method or process of the covered app store pro-
8 vider; and

9 (B) affiliated with one or more account of
10 a user or prospective user who is a minor.

11 (17) PARENTAL CONSENT DISCLOSURE.—The
12 term “parental consent disclosure” means informa-
13 tion that is provided to a parent before obtaining pa-
14 rental consent that includes the following:

15 (A) A description of—

16 (i) the personal information collected
17 by the app from a user; and

18 (ii) the personal information shared
19 by the app with a third party.

20 (B) A description of each measure taken
21 by the app developer to protect the privacy of
22 the personal information of the user.

23 (C) If there is an age rating for the app,
24 the age rating of the app.

1 (D) If there is a content description for
2 the app, the content description for the app.

3 (18) PERSONAL INFORMATION.—The term
4 “personal information” has meaning given that term
5 in section 1302 of the Children’s Online Privacy
6 Protection Act (15 U.S.C. 6501).

7 (19) PRE-INSTALLED APP.—The term “pre-in-
8 stalled app” means any app, or portion thereof, that
9 is present on a mobile device at the time of pur-
10 chase, initial activation, or first use by the con-
11 sumer. Such term does not include, with respect to
12 such mobile device—

13 (A) core operating system functions;

14 (B) essential device drives; and

15 (C) basic device operations, such as tele-
16 phone, setting, and emergency service functions.

17 (20) SIGNAL.—The term “signal” means age
18 category data sent by a real-time secure application
19 programming interface or operating system.

20 (21) SIGNIFICANT CHANGE.—The term “signifi-
21 cant change” means a material modification of the
22 terms of service or privacy policy of an app beyond
23 the ordinary course of business that does any of the
24 following:

1 (A) Changes the age category data col-
2 lected or stored.

3 (B) Changes the age category data shared
4 with an unaffiliated third party that is not a
5 service provider or processor.

6 (C) Alters the age rating or content de-
7 scription of the app.

8 (D) Adds a new monetization feature that
9 materially expands the collection or sharing of
10 personal information associated with a mone-
11 tization feature.

12 (22) TEENAGER.—The term “teenager” means
13 an individual who—

14 (A) has attained 13 years of age; and

15 (B) has not attained 17 years of age.

16 (23) OLDER TEENAGER.—The term “older
17 teenager” means an individual who—

18 (A) has attained 17 years of age; and

19 (B) has not attained 18 years of age.

20 (24) PARENTAL CONSENT.—The term “paren-
21 tal consent” means authorization that is provided—

22 (A) by a parental account;

23 (B) in response to a clear and conspicuous
24 parental content disclosure; and

1 (C) signifies a freely given, specific, in-
2 formed, and unambiguous agreement by the
3 parent for the minor of the parent to use an
4 app.

5 **SEC. 3. APP STORE OBLIGATIONS.**

6 (a) IN GENERAL.—A covered app store provider shall
7 do the following:

8 (1) At the time an individual creates an account
9 with the covered app store provider—

10 (A) request age information from the indi-
11 vidual; and

12 (B) verify the age category of the indi-
13 vidual using a commercially available method or
14 process that is reasonably designed to ensure
15 accuracy.

16 (2) With respect to an account created with the
17 covered app store provider before the date of the en-
18 actment of this Act, by not later than 18 months
19 after such date—

20 (A) request age information from the indi-
21 vidual who created the account; and

22 (B) verify the age category of the indi-
23 vidual using a commercially available method or
24 process that is reasonably designed to ensure
25 accuracy.

1 (b) PARENTAL CONSENT.—If, pursuant to the age
2 verification method or process under subsection (a)(1)(B)
3 or subsection (a)(2)(B), a covered app store provider de-
4 termines the individual is a minor, the covered app store
5 provider shall—

6 (1) require the account to be affiliated with a
7 parental account; and

8 (2) obtain parental consent from the holder of
9 the affiliated parental account before allowing the
10 minor to download, install, or purchase an app or
11 make an in-app purchase.

12 (c) PARENTAL ATTESTATION.—A covered app store
13 provider shall permit a parent to attest to the age category
14 of a minor and establish an affiliated minor account if—

15 (1) the age category of the parent is verified
16 pursuant to paragraph (1)(B) or paragraph (2)(B),
17 as the case may be;

18 (2) the parent establishes a parental account;
19 and

20 (3) the parent attests that the minor who uses
21 the affiliated minor account is the child of the par-
22 ent.

23 (d) PARENT DASHBOARD.—A covered app store pro-
24 vide shall provide a parental account with a single user
25 interface that permits a parent to grant, withdraw, and

1 manage parental consents granted under this Act, includ-
2 ing for app downloads and categories of in-app purchases.

3 (e) APPEAL OF AGE CATEGORY DETERMINATION.—

4 (1) IN GENERAL.—A covered app store provider
5 shall do the following:

6 (A) Provide an individual who has under-
7 gone an age verification method or process
8 under subsection (a)(1)(B) or subsection
9 (a)(2)(B) with one or more mechanisms for
10 such individual to—

11 (i) contest the age category assigned
12 by the covered app store provider; and

13 (ii) submit to the covered app store
14 provider additional information as needed
15 to reassess the age category of the indi-
16 vidual.

17 (B) Review and respond to any such ap-
18 peal made under subparagraph (A) by not later
19 than 5 days after the date on which such indi-
20 vidual made such appeal.

21 (C) Transmit a signal with the updated
22 age category of an individual in a timely man-
23 ner to any app developer who owns or controls
24 any app that the individual has downloaded or
25 purchased.

1 (D) If the initial age category determina-
2 tion assigned by the covered app store provider
3 is upheld by the covered app store provider
4 after an appeal made by an individual under
5 subparagraph (A), such provider shall notify
6 the individual and explain the basis for the de-
7 cision in clear, concise, and easily understand-
8 able language.

9 (2) FREQUENCY OF APPEALS.—A covered app
10 store provider may establish a reasonable limit on
11 the frequency of appeals made by an individual
12 under subparagraph (A), provided that an individual
13 is permitted to submit an appeal not less frequently
14 than once every 6 months.

15 (f) SIGNIFICANT CHANGE.—After receiving notice of
16 a significant change from an app developer for a minor
17 account, a covered app store provider shall—

18 (1) notify the holder of the affiliated parental
19 account and obtain a new parental consent before
20 providing the minor account with access to the app;
21 and

22 (2) make available to the app developer a mech-
23 anism through which the app developer can update
24 the rating of the app or content description of the
25 app to indicate such significant change.

1 (g) REVOCATION OF PARENTAL CONSENT.—A cov-
2 ered app store provider shall notify an app developer when
3 a parent revokes parental consent.

4 (h) PRIVACY AND DATA SECURITY.—A covered app
5 store provider shall protect the confidentiality, integrity,
6 and accessibility of personal information related to age
7 verification by—

8 (1) limiting the collection, processing, storage,
9 and retention of such data to what is strictly nec-
10 essary to verify the age, obtain parental consent, or
11 maintain compliance records of the user; and

12 (2) safeguarding personal information related
13 to age verification by adopting reasonable adminis-
14 trative, technical, and physical safeguards to secure
15 the collection, processing, storage, retention, and
16 transmission of such data, including through indus-
17 try-standard encryption.

18 (i) DISCLOSURE OF AGE RATINGS.—If a covered app
19 store provider displays an age rating or description of the
20 content of an app, the covered app store provider shall
21 display such age rating or description prominently and in
22 plan and concise language.

23 (j) APP DEVELOPERS.—A covered app store provider
24 shall provide to an app developer the signal necessary to
25 determine, in real time, the age category of any user and,

1 with respect to any user that is a minor, whether the cov-
2 ered app store provider has obtained parental consent.

3 (k) PRE-INSTALLED APPS.—With respect to a pre-
4 installed app, a covered app store provider shall—

5 (1) provide to an app developer the signal nec-
6 essary to determine the age category of the user in
7 response to a request from the app developer; and

8 (2) take reasonable measures to facilitate pa-
9 rental consent for use of the app in response to a
10 request from an app developer.

11 (l) RESPONDING TO APP DEVELOPER OPT OUT.—

12 (1) IN GENERAL.—If the covered app store pro-
13 vider receives a request from an app developer made
14 in accordance with section 4(g) of this Act, the cov-
15 ered app store provider shall act expeditiously to—

16 (A) prevent a minor account from
17 downloading the app subject to such request;
18 and

19 (B) ensure such app developer is not pro-
20 vided with a signal indicating age category data
21 under this Act.

22 (2) MINOR ACCOUNTS.—If the minor account
23 has already downloaded such app, the covered app
24 store provider shall prevent the minor account from

1 updating the app and ensure the minor may not re-
2 quest or obtain parental consent for such app.

3 (m) RULES OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to—

5 (1) prevent a covered app store provider from
6 taking reasonable measures to block, detect, or pre-
7 vent the distribution of unlawful or obscene material
8 to minors, to block or filter spam, to prevent crimi-
9 nal activity, or to protect the security of an app
10 store or app;

11 (2) require a covered app store provider to dis-
12 close to an app developer information other than the
13 age category of a user and, with respect to any user
14 that is a minor, whether the covered app store pro-
15 vider has obtained parental consent in accordance
16 with this section;

17 (3) prevent a covered app store provider from
18 graduating a user from a minor account to the ac-
19 count of an adult once the user has attained the age
20 of 18;

21 (4) require a covered app store provider to cre-
22 ate, adopt, or implement age rating or content de-
23 scriptions;

24 (5) allow a covered app store provider to use
25 any measure required by this section in a way that

1 is arbitrary, capricious, anti-competitive, or unlaw-
2 ful;

3 (6) affect or restrict the expression of a polit-
4 ical, religious, or any other viewpoint;

5 (7) require the submission of Government-
6 issued identification of any individual to a covered
7 app store provider; or

8 (8) prevent an app developer from making an
9 update to an app that is necessary to protect the
10 privacy of personal information or the confiden-
11 tiality, integrity, and accessibility of such personal
12 information.

13 **SEC. 4. APP DEVELOPER OBLIGATIONS.**

14 (a) IN GENERAL.—An app developer shall do the fol-
15 lowing:

16 (1) Request from the covered app store pro-
17 vider, through a mechanism provided by such cov-
18 ered app store provider, a signal indicating age cat-
19 egory data or parental consent—

20 (A) at the time a potential app user
21 downloads or purchases an app;

22 (B) when the app developer implements a
23 significant change to the app; or

24 (C) to comply with an applicable law or
25 regulation.

1 (2) Notify a covered app store provider of a sig-
2 nificant change to the app.

3 (b) APP DEVELOPER REQUESTS.—An app developer
4 may request age category data or parental consent—

5 (1) to confirm the accuracy of the age category
6 of an individual or continued account use within the
7 verified age category;

8 (2) when there is reasonable suspicion of ac-
9 count transfer or misuse outside the verified age cat-
10 egory; or

11 (3) at the time an individual creates a new ac-
12 count with the app developer.

13 (c) PERMISSIBLE USES.—An app developer may only
14 use age category data to do the following:

15 (1) Enforce any app developer-created age-re-
16 lated restrictions.

17 (2) Ensure compliance with applicable laws and
18 regulations.

19 (3) Implement any app developer-created pri-
20 vacy or safety features or defaults.

21 (d) RESTRICTIONS.—An app developer may not—

22 (1) enforce a contract or terms of service
23 against a minor unless the app developer has
24 verified through the covered app store provider that
25 parental consent has been obtained; or

1 (2) share age category data provided by a cov-
2 ered app store provider with an unaffiliated third
3 party that is not a service provider or processor.

4 (e) APP AGE RATING.—If an app developer provides
5 an age rating or description of the content of an app to
6 a covered app store or user, the age rating or description
7 must be in plain and concise language.

8 (f) COVERED APP STORE PROVIDER SIGNAL.—

9 (1) IN GENERAL.—Each app developer shall use
10 the signal of a covered app store provider to deter-
11 mine the age category of a user.

12 (2) RULE OF CONSTRUCTION.—Receipt of the
13 signal of a covered app store provider serves as ac-
14 tual knowledge of the age category of a user.

15 (3) APP-DEVELOPER AGE ASSESSMENT.—

16 (A) IN GENERAL.—Notwithstanding sec-
17 tion (f)(1), an app developer may rely on an as-
18 sessment of the age category of an individual
19 that is different than the signal provided by the
20 covered app store provider if the app developer
21 possesses clear and convincing evidence that the
22 assessment of the age category is of greater ac-
23 curacy than the signal provided by the covered
24 app store provider.

1 (B) BURDEN OF PROOF.—An app devel-
2 oper bears the burden of producing clear and
3 convincing evidence that an assessment of the
4 age of an individual is more accurate than the
5 signal provided by a covered app store provider.

6 (g) APP DEVELOPER OPT OUT.—An app developer
7 may, notwithstanding section 3 or subsections (a) through
8 (f) of section 4 of this Act, indicate to a covered app store
9 provider that the app owned or controlled by the app de-
10 veloper may not be made available to minors and request
11 that the covered app store provider prevent minor ac-
12 counts from downloading or purchasing such app.

13 (h) EFFECTIVE DATE.—This section shall take effect
14 on the date that is 2 years after the date of the enactment
15 of this Act.

16 **SEC. 5. COMPLIANCE.**

17 (a) GUIDANCE.—Not later than 1 year after the date
18 of the enactment of this Act, the Commission shall issue
19 guidance to assist covered app store providers and app de-
20 velopers in complying with the requirements of this Act.

21 (b) LIMITATIONS.—

22 (1) NO CONFERRING OF RIGHTS OR BINDING
23 EFFECT.—Any guidance issued by the Commission
24 with respect to this Act shall not confer any right
25 on any person, State, or locality, nor shall such

1 guidance operate to bind the Commission or any
2 person to the approach recommended in such guid-
3 ance.

4 (2) BASIS OF ENFORCEMENT ACTIONS.—In any
5 enforcement action brought under this Act, the
6 Commission shall allege a specific violation of a pro-
7 vision of this Act. The Commission may not base an
8 enforcement action on, or execute a consent order
9 based on, practices that are alleged to be incon-
10 sistent with any such guideline, unless the practices
11 allegedly violate sections 3 or 4.

12 **SEC. 6. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
13 **SION.**

14 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—
15 A violation of this Act or a regulation promulgated there-
16 under shall be treated as a violation of a rule defining
17 an unfair or deceptive act or practice under section
18 18(a)(1)(B) of the Federal Trade Commission Act (15
19 U.S.C. 57a(a)(1)(B)).

20 (b) POWERS OF THE COMMISSION.—

21 (1) IN GENERAL.—The Commission shall en-
22 force this Act in the same manner, by the same
23 means, and with the same jurisdiction, powers, and
24 duties as though all applicable terms and provisions
25 of the Federal Trade Commission Act (15 U.S.C. 41

1 et seq.) were incorporated into and made a part of
2 this Act.

3 (2) PRIVILEGES AND IMMUNITIES.—Any person
4 who violates this Act or a regulation promulgated
5 thereunder shall be subject to the penalties and enti-
6 tled to the privileges and immunities provided in the
7 Federal Trade Commission Act (15 U.S.C. 41 et
8 seq.).

9 (3) AUTHORITY PRESERVED.—Nothing in this
10 Act shall be construed to limit the authority of the
11 Commission under any other provision of law.

12 **SEC. 7. ENFORCEMENT BY STATES.**

13 (a) IN GENERAL.—

14 (1) CIVIL ACTIONS.—In any case in which the
15 attorney general of a State has reason to believe
16 that an interest of the residents of that State has
17 been or is threatened or adversely affected by the
18 engagement of any person in a practice that violates
19 this Act, the State, as *parens patriae*, may bring a
20 civil action on behalf of the residents of the State in
21 a district court of the United States of appropriate
22 jurisdiction to—

23 (A) enjoin that practice;

24 (B) enforce compliance with the regulation;

1 (C) obtain damages, restitution, or other
2 compensation on behalf of residents of the
3 State; or

4 (D) obtain such other relief as the court
5 may consider to be appropriate.

6 (2) NOTICE.—

7 (A) IN GENERAL.—Before filing an action
8 under paragraph (1), the attorney general of
9 the State involved shall provide to the Commis-
10 sion—

11 (i) a written notice of that action; and

12 (ii) a copy of the complaint for that
13 action.

14 (B) EXEMPTION.—

15 (i) IN GENERAL.—Subparagraph (A)
16 does not apply with respect to the filing of
17 an action by an attorney general of a State
18 under this subsection, if the attorney gen-
19 eral determines that it is not feasible to
20 provide the notice described in that sub-
21 paragraph before the filing of the action.

22 (ii) NOTIFICATION.—In an action de-
23 scribed in clause (i), the attorney general
24 of a State shall provide notice and a copy
25 of the complaint to the Commission at the

1 same time as the attorney general files the
2 action.

3 (b) INTERVENTION.—

4 (1) IN GENERAL.—On receiving notice under
5 subsection (a)(2), the Commission shall have the
6 right to intervene in the action that is the subject
7 of the notice.

8 (2) EFFECT OF INTERVENTION.—If the Com-
9 mission intervenes in an action under subsection (a),
10 it shall have the right—

11 (A) to be heard with respect to any matter
12 that arises in that action; and

13 (B) to file a petition for appeal.

14 (c) CONSTRUCTION.—For purposes of bringing any
15 civil action under subsection (a), nothing in this Act may
16 be construed to prevent an attorney general of a State
17 from exercising the powers conferred on the attorney gen-
18 eral by the laws of that State to—

19 (1) conduct investigations;

20 (2) administer oaths or affirmations; or

21 (3) compel the attendance of witnesses or the
22 production of documentary and other evidence.

23 (d) ACTIONS BY THE COMMISSION.—In any case in
24 which an action is instituted by or on behalf of the Com-
25 mission for a violation of this Act, no State may, during

1 the pendency of that action, institute an action under sub-
2 section (a) against any defendant named in the complaint
3 in that action for such violation.

4 (e) VENUE; SERVICE OF PROCESS.—

5 (1) VENUE.—Any action brought under sub-
6 section (a) may be brought in the district court of
7 the United States that meets applicable require-
8 ments relating to venue under section 1391 of title
9 28, United States Code.

10 (2) SERVICE OF PROCESS.—In an action
11 brought under subsection (a), process may be served
12 in any district in which the defendant—

13 (A) is an inhabitant; or

14 (B) may be found.

15 **SEC. 8. SAFE HARBORS.**

16 (a) IN GENERAL.—An app developer is deemed not
17 liable for a violation of this Act if—

18 (1) the app developer demonstrates the devel-
19 oper has—

20 (A) relied in good faith on a signal ob-
21 tained from a covered app store provider that
22 indicates the age category of an individual;

23 (B) complied with the requirements of sec-
24 tion 4;

1 (C) relied in good faith on parental consent
2 provided by a covered app store provider if the
3 individual is a minor; and

4 (D) reasonably conformed to widely accept-
5 ed industry standards or best practices, or to
6 standards or best practices identified by the
7 Commission, for age ratings and app content
8 descriptions and applies those standards or best
9 practices consistently and in good faith; or

10 (2) the app developer has made a request to a
11 covered app store provider under section 4(g) of this
12 Act and such app developer has taken reasonable
13 steps to confirm that a covered app store provider
14 has complied with such request under section 3(1) of
15 this Act.

16 (b) LIMITATIONS.—The safe harbor described in this
17 section applies only to actions brought under this Act and
18 does not limit the liability of an app developer under any
19 other applicable law.

20 **SEC. 9. PREEMPTION.**

21 (a) IN GENERAL.—A State or political subdivision of
22 a State may not maintain, enforce, prescribe, or continue
23 in effect any law, rule, regulation, requirement, standard,
24 or other provision having the force and effect of law of

1 any State, or political subdivision of a State, related to
2 the provisions of this Act.

3 (b) **RULE OF CONSTRUCTION.**—Nothing in this sub-
4 section may be construed as preempting, displacing, or
5 supplanting contract or tort law.

6 **SEC. 10. SEVERABILITY.**

7 If any provision of this Act, or the application thereof
8 to any person or circumstance, is held invalid, the remain-
9 der of this Act, and the application of such provision to
10 other persons not similarly situated or to other cir-
11 cumstances, shall not be affected by the invalidation.

12 **SEC. 11. EFFECTIVE DATE.**

13 Except as provided in section 4(h), this Act shall take
14 effect on the date that is 18 months after the date of the
15 enactment of this Act.

16 **SEC. 12. JUDICIAL REVIEW.**

17 (a) **EXCLUSIVE JURISDICTION.**—The United States
18 District Court for the District of Columbia shall have ex-
19 clusive jurisdiction over any challenge to the constitu-
20 tionality of—

21 (1) this Act; or

22 (2) any action, finding, or determination under
23 this Act.

24 (b) **STATUTE OF LIMITATIONS.**—A challenge to this
25 Act may only be brought—

1 (1) in the case of a challenge to the constitu-
2 tionality of this Act, not later than 60 days after the
3 date of the enactment of this Act; and

4 (2) in the case of a challenge to the constitu-
5 tionality of any action, finding, or determination
6 under this Act, not later than 120 days after the
7 date of such action, finding, or determination.

