

116TH CONGRESS
2D SESSION

H. R. 5573

To amend the Children’s Online Privacy Protection Act of 1998.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2020

Mr. WALBERG (for himself and Mr. RUSH) introduced the following bill; which
was referred to the Committee on Energy and Commerce

A BILL

To amend the Children’s Online Privacy Protection Act of
1998.

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 “Preventing Real Online
5 Threats Endangering Children Today” or the “PRO-
6 TECT Kids Act”.

7 **SEC. 2. AMENDMENTS TO THE CHILDREN’S ONLINE PRI-**
8 **VACY PROTECTION ACT OF 1998.**

9 The Children’s Online Privacy Protection Act of 1998
10 (15 U.S.C. 6501 et seq.) is amended—

1 (1) by inserting “, including a service provided
2 through a mobile application,” after “online service”
3 each place it appears;

4 (2) in section 1302—

5 (A) in paragraph (1), by striking “age of
6 13” and inserting “age of 16”;

7 (B) in paragraph (8)—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “including a serv-
10 ice provided through a mobile application”
11 after “collected online”;

12 (ii) by redesignating subparagraphs
13 (F) and (G) as subparagraphs (H) and (I),
14 respectively; and

15 (iii) by inserting after subparagraph
16 (E) the following:

17 “(F) precise geolocation information;

18 “(G) biometric information;” and

19 (C) by adding at the end the following:

20 “(13) MOBILE APPLICATION.—The term ‘mo-
21 bile application’ means a software program that
22 runs on the operating system of—

23 “(A) a mobile telephone;

24 “(B) a tablet computer; or

1 “(C) a similar portable computing device
2 that transmits data over a wireless connection.

3 “(14) BIOMETRIC INFORMATION.—The term
4 ‘biometric information’ means the record of any
5 unique, immutable biological attribute or measure-
6 ment generated by automatic measurements of a
7 consumer’s biological characteristics, including fin-
8 gerprints, genetic information, iris or retina pat-
9 terns, facial characteristics, or hand geometry, that
10 are used to uniquely and durably authenticate the
11 identity of a consumer when such consumer accesses
12 a physical location, device, system, or account.

13 “(15) PRECISE GEOLOCATION INFORMATION.—
14 The term ‘precise geolocation information’ means
15 historical or real-time location information, or infer-
16 ences drawn from other information, capable of iden-
17 tifying the location of an individual or a consumer
18 device of an individual with specificity sufficient to
19 identify street level location information or an indi-
20 vidual’s or device’s location within a range of 1,640
21 feet or less.”; and

22 (3) in section 1303(b)—

23 (A) in paragraph (1)—

1 (i) in subparagraph (A)(I), by insert-
2 ing “or mobile application” after
3 “website”; and

4 (ii) in subparagraph (B)(ii), by strik-
5 ing “use or maintenance in retrievable
6 form, or future online collection” and in-
7 serting “collection or use”; and

8 (B) by amending paragraph (3) to read as
9 follows:

10 “(3) CONTINUATION OF SERVICE.—The regula-
11 tions shall—

12 “(A) prohibit the operator of a website, on-
13 line service, or mobile application from termi-
14 nating service provided to a child whose parent
15 has refused, under the regulations prescribed
16 under paragraph (1)(B)(ii), to permit the oper-
17 ator’s further collection or use of personal in-
18 formation from that child, or has required such
19 operator to delete such information; and

20 “(B) require the operator, upon request of
21 a parent whose child has provided personal in-
22 formation to that website or, online service, in-
23 cluding a service provided through a mobile ap-
24 plication, upon proper identification of that par-

1 ent, to delete any personal information collected
2 from such child.”.

3 **SEC. 3. FEDERAL TRADE COMMISSION STUDY.**

4 (a) IN GENERAL.—

5 (1) Not later than 2 years after the date of en-
6 actment of this Act, the Commission shall conduct
7 a study on the knowledge standard found in section
8 1303(a)(1) of the Children’s Online Privacy Protec-
9 tion Act of 1998 (15 U.S.C. 6501 et seq).

10 (2) In conducting such study, the Commission
11 shall—

12 (A) consider whether the existing knowl-
13 edge standard is still appropriate for accom-
14 plishing the goals of this Act;

15 (B) consider the affect changing such
16 knowledge standard will have on children’s on-
17 line privacy, including whether it will increase
18 or decrease such privacy;

19 (C) consider the feasibility of complying
20 with any change to such knowledge standard;

21 (D) whether any Federal agency has stud-
22 ied such change; and

23 (E) whether any think tank or privacy ad-
24 vocacy or digital rights group has studied such
25 a change.

1 (3) Based on the study, the Commission shall—

2 (A) develop recommendations as to wheth-
3 er the knowledge standard should be changed;

4 (B) develop recommendations as to what
5 the new knowledge standard should be, if ap-
6 propriate;

7 (C) provide the basis for its recommenda-
8 tion to change the knowledge standard, if ap-
9 propriate;

10 (D) cite examples of Federal agency stud-
11 ies on changing the knowledge standard; and

12 (E) cite examples of think tank or privacy
13 advocacy or digital rights group studies on
14 changing the knowledge standard.

15 (b) REPORT TO CONGRESS.—Following completion of
16 the study pursuant to subsection (a), the Commission shall
17 report the results and recommendations to the Committee
18 on Energy and Commerce of the House of Representatives
19 and the Committee on Commerce, Science, and Transpor-
20 tation of the Senate.

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