

104TH CONGRESS
2D SESSION

H. R. 3508

To amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 1996

Mr. FRANKS of New Jersey (for himself, Mr. FROST, Mr. HUTCHINSON, Mr. NEY, Mr. MCHUGH, Mr. CALVERT, Mr. FAZIO of California, Mr. WELDON of Florida, and Mr. HORN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes.

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 “Children’s Privacy Pro-
5 tection and Parental Empowerment Act of 1996”.

1 **SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING**
2 **TO PERSONAL INFORMATION ABOUT CHIL-**
3 **DREN.**

4 (a) IN GENERAL.—Chapter 89 of title 18, United
5 States Code, is amended by adding at the end the follow-
6 ing:

7 **“§ 1822. Sale of personal information about children**

8 “(a) Whoever, in or affecting interstate or foreign
9 commerce—

10 “(1) being a list broker, knowingly—

11 “(A) sells, purchases, or receives remun-
12 eration for providing personal information
13 about a child without the written consent of a
14 parent of that child, or

15 “(B) conditions any sale or service to a
16 child or to that child’s parent on the granting
17 of such a consent;

18 “(2) being a list broker, knowingly fails to com-
19 ply with the request of a parent—

20 “(A) to disclose the source of personal in-
21 formation about that parent’s child;

22 “(B) to disclose all information that has
23 been sold by that list broker about that child
24 and all other information in the possession of
25 that list broker, except information which under

1 common law, statute, or the Constitution may
2 not be disclosed; or

3 “(C) to disclose the identity of all persons
4 to whom personal information about that child
5 has been disclosed;

6 “(3) being a person who, using any personal in-
7 formation about a child in the course of commerce
8 that was obtained for commercial purposes, has di-
9 rectly contacted that child or a parent of that child
10 to offer a commercial product or service to that
11 child, knowingly fails to comply with the request of
12 a parent—

13 “(A) to disclose the source of personal in-
14 formation about that parent’s child;

15 “(B) to disclose all information that has
16 been sold by that person about that child and
17 all other information in the possession of that
18 individual, except information which under com-
19 mon law, statute, or the Constitution may not
20 be disclosed; or

21 “(C) to disclose the identity of all persons
22 to whom personal information about that child
23 has been disclosed;

24 “(4) knowingly uses personal information about
25 a child that was collected from the child by the user

1 for commercial purposes in connection with a game,
2 contest, or club, sponsored by that user, to contact
3 that child other than in direct connection with that
4 game, contest, or club, without the permission of a
5 parent of that child;

6 “(5) knowingly uses prison inmate labor, or any
7 worker who is registered pursuant to title XVII of
8 the Violent Crime Control and Law Enforcement
9 Act of 1994, for data processing of personal infor-
10 mation about children; or

11 “(6) knowingly distributes or receives any per-
12 sonal information about a child, knowing or having
13 reason to believe that the information will be used
14 to abuse the child or physically to harm the child;
15 shall be fined under this title or imprisoned not more than
16 one year, or both.

17 “(b) A child with respect to whom a violation of this
18 section occurs may in a civil action obtain appropriate re-
19 lief, including statutory money damages of not less than
20 \$1,000. The court shall award a prevailing plaintiff in a
21 civil action under this subsection a reasonable attorney’s
22 fee as a part of the costs.

23 “(c) As used in this section—

24 “(1) the term ‘child’ means a person who has
25 not attained the age of 16 years;

1 “(2) the term “parent” includes a legal guard-
2 ian;

3 “(3) the term ‘personal information’ means in-
4 formation (including name, address, telephone num-
5 ber, social security number, electronic mail address,
6 and physical description) about an individual identi-
7 fied as a child, that would suffice to locate and con-
8 tact that individual; and

9 “(4) the term ‘list broker’ means a person who,
10 in the course of business, provides mailing lists,
11 computerized or telephone reference services, or the
12 like containing personal information of children.”

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 89 of title 18, United States
15 Code, is amended by adding at the end the following new
16 item:

“1822. Sale of personal information about children.”

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