

104TH CONGRESS
2D SESSION

S. 1908

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 SENATE OF THE UNITED STATES

JUNE 26, 1996

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and 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 knowing that such information
14 pertains to a child without the consent of a par-
15 ent of that child; or

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

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

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

23 “(B) to disclose all information that has
24 been sold or otherwise disclosed by that list
25 broker about that child; or

1 “(C) to disclose the identity of all persons
2 to whom the list broker has sold or otherwise
3 disclosed personal information about that child;

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

11 “(A) to disclose to the parent the source of
12 personal information about that parent’s child;

13 “(B) to disclose all information that has
14 been sold or otherwise disclosed by that person
15 about that child; or

16 “(C) to disclose the identity of all persons
17 to whom such a person has sold or otherwise
18 disclosed personal information about that child;

19 “(4) knowingly uses prison inmate labor, or any
20 worker who is registered pursuant to title XVII of
21 the Violent Crime Control and Law Enforcement
22 Act of 1994, for data processing of personal infor-
23 mation about children; or

24 “(5) knowingly distributes or receives any per-
25 sonal information about a child, knowing or having

1 reason to believe that the information will be used
2 to abuse the child or physically to harm the child;
3 shall be fined under this title or imprisoned not more than
4 one year, or both.

5 “(b) A child or the parent of that child with respect
6 to whom a violation of this section occurs may in a civil
7 action obtain appropriate relief, including statutory money
8 damages of not less than \$1,000. The court shall award
9 a prevailing plaintiff in a civil action under this subsection
10 a reasonable attorney’s fee as a part of the costs.

11 “(c) As used in this section—

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

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

16 “(3) the term ‘personal information’ means in-
17 formation (including name, address, telephone num-
18 ber, social security number, and physical descrip-
19 tion) about an individual identified as a child, that
20 would suffice to physically locate and contact that
21 individual; and

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

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 89 of title 18, United States
3 Code, is amended by adding at the end the following new
4 item:

“1822. Sale of personal information about children.”

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