

106TH CONGRESS
1ST SESSION

H. R. 369

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

JANUARY 19, 1999

Mr. FRANKS of New Jersey 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 1999”.

1 **SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING**
2 **TO PERSONAL INFORMATION ABOUT CHILD-**
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, being a list broker, knowingly—

10 “(1) sells, purchases, or receives remuneration
11 for providing personal information about a child,
12 knowing that such information pertains to a child,
13 without the written consent of a parent of that child;

14 “(2) conditions any sale or service to a child or
15 to that child’s parent on the granting of such a con-
16 sent; or

17 “(3) fails to comply with the request of a
18 parent—

19 “(A) to disclose the source of personal in-
20 formation offered for sale or remuneration by
21 the list broker about that parent’s child;

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

25 “(C) to disclose the identity of all persons
26 to whom the list broker has sold or otherwise

1 disclosed personal information about that child;

2 or

3 “(D) to discontinue providing personal in-
4 formation to third parties about that parent’s
5 child;

6 shall be fined under this title or imprisoned for not more
7 than 1 year, or both.

8 “(b) Whoever, in or affecting interstate or foreign
9 commerce, being a person who uses, in the course of com-
10 merce, any personal information about a child under age
11 16, that was obtained for commercial purposes, to contact
12 that child or a parent of that child to offer a commercial
13 product or service to that child, knowingly fails to comply
14 with the request of a parent—

15 “(1) to disclose the source of personal informa-
16 tion about that parent’s child;

17 “(2) to disclose all information that has been
18 sold or otherwise disclosed by that list broker about
19 that child;

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

23 “(4) to discontinue providing personal informa-
24 tion to third parties about that parent’s child;

25 shall be fined not more than \$5,000.

1 “(c) Whoever, in or affecting interstate or foreign
2 commerce, knowingly—

3 “(1) uses prison inmate labor, or any worker
4 who is registered pursuant to title XVII of the Vio-
5 lent Crime Control and Law Enforcement Act of
6 1994, for data processing of personal information
7 about children; or

8 “(2) distributes or solicits any personal infor-
9 mation about a child, with the intent of abusing or
10 causing physical harm to the child or to sexually ex-
11 ploit the child, or having reason to believe that the
12 child will be so abused, harmed, or exploited as a re-
13 sult of that distribution or solicitation;

14 shall be fined under this title or imprisoned not more than
15 5 years, or both.

16 “(d) Whoever, in or affecting interstate or foreign
17 commerce, knowingly releases personal information about
18 another person’s child to any entity that intends to use
19 the information to solicit the sale of a product or service,
20 without the permission of that child’s parent, shall be
21 fined not more than \$5,000.

22 “(e) A child or a parent of a child with respect to
23 whom a violation of this section occurs may in a civil ac-
24 tion obtain appropriate relief, including statutory money
25 damages of not less than \$5,000. The court shall award

1 a prevailing plaintiff in a civil action under this subsection
2 a reasonable attorney’s fee as a part of the costs.

3 “(f) Nothing in this section affects the sale of lists
4 to—

5 “(1) the National Center for Missing and Ex-
6 ploited Children;

7 “(2) accredited colleges, universities, and other
8 institutions of higher learning;

9 “(3) the United States military; or

10 “(4) local, State, or Federal law enforcement
11 agencies.

12 “(g) It shall be the duty of each list broker operating
13 in or affecting interstate or foreign commerce to make
14 that broker’s databases available twice annually, without
15 charge, to the National Center for Missing and Exploited
16 Children, established under section 404(b) of the Missing
17 Children’s Assistance Act, in order to allow the Center to
18 match it with the database of missing children held by
19 the Center.

20 “(h) As used in this section—

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

23 “(2) the term ‘parent’ includes a legal guard-
24 ian;

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

7 “(4) the term ‘list broker’ means a person who
8 provides for remuneration mailing lists, computer-
9 ized or telephone reference services, databases, or
10 the like, containing personal information about chil-
11 dren.”.

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

“1822. Sale of personal information about children.”.

