116TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. Walberg introduced the following bill; which was referred to the Committee on ________

A BILL

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

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing Real Online Threats Endangering Children Today” or the “PRO-
TECT Kids Act”. 
SEC. 2. AMENDMENTS TO THE CHILDREN’S ONLINE PRIVACY PROTECTION ACT OF 1998.


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

(2) in section 1302—

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

(B) in paragraph (8)—

(i) in the matter preceding subparagraph (A), by inserting “including a service provided through a mobile application” after “collected online”;

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

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

“(F) precise geolocation information;

“(G) biometric information;”;

(C) by adding at the end the following:

“(13) Mobile application.—The term ‘mobile application’ means a software program that runs on the operating system of—

Mobile application.
“(A) a mobile telephone;
“(B) a tablet computer; or
“(C) a similar portable computing device that transmits data over a wireless connection.
“(14) BIOMETRIC INFORMATION.—The term ‘biometric information’ means the record of any unique, immutable biological attribute or measurement generated by automatic measurements of a consumer’s biological characteristics, including fingerprints, genetic information, iris or retina patterns, facial characteristics, or hand geometry, that are used to uniquely and durably authenticate the identity of a consumer when such consumer accesses a physical location, device, system, or account.
“(15) PRECISE GEOLOCATION INFORMATION.—The term ‘precise geolocation information’ means historical or real-time location information, or inferences drawn from other information, capable of identifying the location of an individual or a consumer device of an individual with specificity sufficient to identify street level location information or an individual’s or device’s location within a range of 1,640 feet or less.’’; and
(3) in section 1303(b)—
(A) in paragraph (1)—
(I) in subparagraph (A)(I), by inserting “or mobile application” after “website”;

(ii) in subparagraph (B)(ii), by striking “use or maintenance in retrievable form, or future online collection” and inserting “collection or use”; and

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

“(3) CONTINUATION OF SERVICE.—The regulations shall—

“(A) prohibit the operator of a website, online service, or mobile application from terminating service provided to a child whose parent has refused, under the regulations prescribed under paragraph (1)(B)(ii), to permit the operator’s further collection or use of personal information from that child, or has required such operator to delete such information; and

“(B) require the operator, upon request of a parent whose child has provided personal information to that website or, online service, including a service provided through a mobile application, upon proper identification of that par-
ent, to delete any personal information collected
from such child.”.

SEC. 3. FEDERAL TRADE COMMISSION STUDY.

(a) IN GENERAL.—

(1) Not later than 2 years after the date of en-
actment of this Act, the Commission shall conduct
a study on the knowledge standard found in section
1303(a)(1) of the Children’s Online Privacy Protec-

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

(A) consider whether the existing knowl-
edge standard is still appropriate for accompl-
ishing the goals of this Act;

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

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

(D) whether any federal agency has stud-
ied such change; and

(E) whether any think tank or privacy ad-
vocacy or digital rights group has studied such
a change.
(3) Based on the study, the Commission shall—

(A) develop recommendations as to whether the knowledge standard should be changed;

(B) develop recommendations as to what the new knowledge standard should be, if appropriate;

(C) provide the basis for its recommendation to change the knowledge standard, if appropriate;

(D) cite examples of federal agency studies on changing the knowledge standard; and

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

(b) REPORT TO CONGRESS.—Following completion of the study pursuant to subsection (a), the Commission shall report the results and recommendations to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.