

AMENDMENT TO SUBTITLE O
OFFERED BY M____.

Page 1, beginning on line 13, strike “a bureau” and all that follows through line 18, and insert the following: “the Bureau of Privacy established under section 31503.”.

Add at the end the following:

1 **SEC. 31502. PREVENTING REAL ONLINE THREATS ENDAN-**
 2 **GERING CHILDREN TODAY.**

3 (a) AMENDMENTS TO THE CHILDREN’S ONLINE PRI-
 4 VACY PROTECTION ACT OF 1998.—The Children’s Online
 5 Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.)
 6 is amended—

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

10 (2) in section 1302—

11 (A) in paragraph (1), by striking “age of
 12 13” and inserting “age of 16”;

13 (B) in paragraph (8)—

14 (i) in the matter preceding subpara-
 15 graph (A), by inserting “including a serv-

1 ice provided through a mobile application”
2 after “collected online”;

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

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

8 “(F) precise geolocation information;

9 “(G) biometric information;” and

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

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

14 “(A) a mobile telephone;

15 “(B) a tablet computer; or

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

18 “(14) BIOMETRIC INFORMATION.—The term
19 ‘biometric information’ means the record of any
20 unique, immutable biological attribute or measure-
21 ment generated by automatic measurements of a
22 consumer’s biological characteristics, including fin-
23 gerprints, genetic information, iris or retina pat-
24 terns, facial characteristics, or hand geometry, that
25 are used to uniquely and durably authenticate the

1 identity of a consumer when such consumer accesses
2 a physical location, device, system, or account.

3 “(15) PRECISE GEOLOCATION INFORMATION.—
4 The term ‘precise geolocation information’ means
5 historical or real-time location information, or infer-
6 ences drawn from other information, capable of iden-
7 tifying the location of an individual or a consumer
8 device of an individual with specificity sufficient to
9 identify street level location information or an indi-
10 vidual’s or device’s location within a range of 1,640
11 feet or less.”; and

12 (3) in section 1303(b)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)(I), by insert-
15 ing “or mobile application” after
16 “website”; and

17 (ii) in subparagraph (B)(ii), by strik-
18 ing “use or maintenance in retrievable
19 form, or future online collection” and in-
20 serting “collection or use”; and

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

23 “(3) CONTINUATION OF SERVICE.—The regula-
24 tions shall—

1 “(A) prohibit the operator of a website, on-
2 line service, or mobile application from termi-
3 nating service provided to a child whose parent
4 has refused, under the regulations prescribed
5 under paragraph (1)(B)(ii), to permit the oper-
6 ator’s further collection or use of personal in-
7 formation from that child, or has required such
8 operator to delete such information; and

9 “(B) require the operator, upon request of
10 a parent whose child has provided personal in-
11 formation to that website or, online service, in-
12 cluding a service provided through a mobile ap-
13 plication, upon proper identification of that par-
14 ent, to delete any personal information collected
15 from such child.”.

16 (b) FEDERAL TRADE COMMISSION STUDY.—

17 (1) IN GENERAL.—

18 (A) Not later than 2 years after the date
19 of enactment of this Act, the Commission shall
20 conduct a study on the knowledge standard
21 found in section 1303(a)(1) of the Children’s
22 Online Privacy Protection Act of 1998 (15
23 U.S.C. 6501 et seq).

24 (B) In conducting such study, the Commis-
25 sion shall—

1 (i) consider whether the existing
2 knowledge standard is still appropriate for
3 accomplishing the goals of this section;

4 (ii) consider the affect changing such
5 knowledge standard will have on children's
6 online privacy, including whether it will in-
7 crease or decrease such privacy;

8 (iii) consider the feasibility of com-
9 plying with any change to such knowledge
10 standard;

11 (iv) whether any Federal agency has
12 studied such change; and

13 (v) whether any think tank or privacy
14 advocacy or digital rights group has stud-
15 ied such a change.

16 (C) Based on the study, the Commission
17 shall—

18 (i) develop recommendations as to
19 whether the knowledge standard should be
20 changed;

21 (ii) develop recommendations as to
22 what the new knowledge standard should
23 be, if appropriate;

1 (iii) provide the basis for its rec-
2 ommendation to change the knowledge
3 standard, if appropriate;

4 (iv) cite examples of Federal agency
5 studies on changing the knowledge stand-
6 ard; and

7 (v) cite examples of think tank or pri-
8 vacy advocacy or digital rights group stud-
9 ies on changing the knowledge standard.

10 (2) REPORT TO CONGRESS.—Following comple-
11 tion of the study pursuant to subsection (a), the
12 Commission shall report the results and rec-
13 ommendations to the Committee on Energy and
14 Commerce of the House of Representatives and the
15 Committee on Commerce, Science, and Transpor-
16 tation of the Senate.

17 **SEC. 31503. BUREAU OF PRIVACY.**

18 (a) ESTABLISHMENT.—The Chairman of the Com-
19 mission shall establish a new administrative unit in the
20 Commission to be known as the Bureau of Privacy, which
21 shall—

22 (1) administer and enforce this section and
23 other consumer privacy or data security laws or reg-
24 ulations within the Commission’s jurisdiction;

1 (2) educate consumers regarding their rights
2 under this section;

3 (3) provide guidance to covered entities regard-
4 ing their obligations under this section; and

5 (4) provide support and assistance to small
6 businesses seeking to comply with this section.

7 (b) APPOINTMENTS.—

8 (1) DIRECTOR.—The Chairman of the Commis-
9 sion shall appoint a Director of the Bureau of Pri-
10 vacy.

11 (2) PERSONNEL.—

12 (A) IN GENERAL.—The Director of the
13 Bureau of Privacy may, without regard to the
14 civil service laws (including regulations), ap-
15 point not less than 250 certified professionals
16 for the purposes of implementing subsection
17 (a).

18 (B) APPOINTMENT OF TECHNOLOGISTS.—

19 In appointing certified professionals under sub-
20 paragraph (A), the Director of the Bureau of
21 Privacy shall appoint at least 25 certified tech-
22 nologists.

23 (C) TECHNOLOGISTS DEFINED.—The term
24 “technologists” means individuals, other than
25 attorneys, with training and expertise regarding

1 the state of the art in information technology,
2 information security, network security, software
3 development, computer science, and other re-
4 lated fields and applications.

5 (c) OFFICE OF BUSINESS MENTORSHIP.—

6 (1) IN GENERAL.—

7 (A) The Director of the Bureau of Privacy
8 shall establish within the Bureau an Office of
9 Business Mentorship to provide guidance and
10 consultation to covered entities regarding com-
11 pliance with this section.

12 (B) Covered entities may petition the Com-
13 mission through this office for tailored guidance
14 as to how to comply with the requirements of
15 this section.

16 (2) PERSONNEL.—The Director of the Bureau
17 of Privacy shall assign not less than 25 employees
18 of the Bureau of Privacy to staff the Office of Busi-
19 ness Mentorship, of which 15 must be certified pro-
20 fessionals.

21 (3) SMALL BUSINESS SUPPORT.—The Director
22 of the Bureau of Privacy shall assign not less than
23 5 employees of Office of Business Education to pro-
24 vide additional support to covered entities with fewer
25 than 50 employees.

1 (d) RULE OF CONSTRUCTION.—No provision of this
2 section shall be construed to limit the authority of the
3 Commission under any other provision of law.

