

costs incurred by the Council in bringing such action.

(Pub. L. 104-284, § 7, Oct. 11, 1996, 110 Stat. 3374.)

§ 6407. Lobbying restrictions

No funds collected by the Council shall be used in any manner for influencing legislation or elections, except that the Council may recommend to the Secretary changes in this chapter or other statutes that would further the purposes of this chapter.

(Pub. L. 104-284, § 8, Oct. 11, 1996, 110 Stat. 3375.)

§ 6408. Market survey and consumer protection

(a) Price analysis

Beginning 2 years after establishment of the Council and annually thereafter, the Secretary of Commerce, using only data provided by the Energy Information Administration and other public sources, shall prepare and make available to the Council, the Secretary of Energy, and the public an analysis of changes in the price of propane relative to other energy sources. The propane price analysis shall compare indexed changes in the price of consumer grade propane to a composite of indexed changes in the price of residential electricity, residential natural gas, and refiner price to end users of No. 2 fuel oil on an annual national average basis. For purposes of indexing changes in consumer grade propane, residential electricity, residential natural gas, and end user No. 2 fuel oil prices, the Secretary of Commerce shall use a 5-year rolling average price beginning with the year 4 years prior to the establishment of the Council.

(b) Authority to restrict activities

If in any year the 5-year average rolling price index of consumer grade propane exceeds the 5-year rolling average price composite index of residential electricity, residential natural gas, and refiner price to end users of No. 2 fuel oil in an amount greater than 10.1 percent, the activities of the Council shall be restricted to research and development, training, and safety matters. The Council shall inform the Secretary of Energy and the Congress of any restriction of activities under this subsection. Upon expiration of 180 days after the beginning of any such restriction of activities, the Secretary of Commerce shall again conduct the propane price analysis described in subsection (a) of this section. Activities of the Council shall continue to be restricted under this subsection until the price index excess is 10.1 percent or less.

(Pub. L. 104-284, § 9, Oct. 11, 1996, 110 Stat. 3375.)

§ 6409. Pricing

In all cases, the price of propane shall be determined by market forces. Consistent with the antitrust laws, the Council may take no action, nor may any provision of this chapter be interpreted as establishing an agreement to pass along to consumers the cost of the assessment provided for in section 6405 of this title.

(Pub. L. 104-284, § 10, Oct. 11, 1996, 110 Stat. 3375.)

§ 6410. Relation to other programs

Nothing in this chapter may be construed to preempt or supersede any other program relat-

ing to propane education and research organized and operated under the laws of the United States or any State.

(Pub. L. 104-284, § 11, Oct. 11, 1996, 110 Stat. 3375.)

§ 6411. Reports

Within 2 years after October 11, 1996, and at least once every 2 years thereafter, the Secretary of Commerce shall prepare and submit to the Congress and the Secretary a report examining whether operation of the Council, in conjunction with the cumulative effects of market changes and Federal programs, has had an effect on propane consumers, including residential, agriculture, process, and nonfuel users of propane. The Secretary of Commerce shall consider and, to the extent practicable, shall include in the report submissions by propane consumers, and shall consider whether there have been long-term and short-term effects on propane prices as a result of Council activities and Federal programs, and whether there have been changes in the proportion of propane demand attributable to various market segments. To the extent that the report demonstrates that there has been an adverse effect, the Secretary of Commerce shall include recommendations for correcting the situation. Upon petition by affected parties or upon request by the Secretary of Energy, the Secretary of Commerce may prepare and submit the report required by this section at less than 2-year intervals.

(Pub. L. 104-284, § 12, Oct. 11, 1996, 110 Stat. 3375.)

CHAPTER 91—CHILDREN'S ONLINE PRIVACY PROTECTION

Sec.	
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§ 6501. Definitions

In this chapter:

(1) Child

The term "child" means an individual under the age of 13.

(2) Operator

The term "operator"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

- (i) among the several States or with 1 or more foreign nations;
- (ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

- (I) another such territory; or
- (II) any State or foreign nation; or
- (iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 45 of this title.

(3) Commission

The term “Commission” means the Federal Trade Commission.

(4) Disclosure

The term “disclosure” means, with respect to personal information—

(A) the release of personal information collected from a child in identifiable form by an operator for any purpose, except where such information is provided to a person other than the operator who provides support for the internal operations of the website and does not disclose or use that information for any other purpose; and

(B) making personal information collected from a child by a website or online service directed to children or with actual knowledge that such information was collected from a child, publicly available in identifiable form, by any means including by a public posting, through the Internet, or through—

- (i) a home page of a website;
- (ii) a pen pal service;
- (iii) an electronic mail service;
- (iv) a message board; or
- (v) a chat room.

(5) Federal agency

The term “Federal agency” means an agency, as that term is defined in section 551(1) of title 5.

(6) Internet

The term “Internet” means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(7) Parent

The term “parent” includes a legal guardian.

(8) Personal information

The term “personal information” means individually identifiable information about an individual collected online, including—

- (A) a first and last name;
- (B) a home or other physical address including street name and name of a city or town;
- (C) an e-mail address;
- (D) a telephone number;
- (E) a Social Security number;
- (F) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(G) information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

(9) Verifiable parental consent

The term “verifiable parental consent” means any reasonable effort (taking into consideration available technology), including a request for authorization for future collection, use, and disclosure described in the notice, to ensure that a parent of a child receives notice of the operator’s personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected from that child.

(10) Website or online service directed to children

(A) In general

The term “website or online service directed to children” means—

- (i) a commercial website or online service that is targeted to children; or
- (ii) that portion of a commercial website or online service that is targeted to children.

(B) Limitation

A commercial website or online service, or a portion of a commercial website or online service, shall not be deemed directed to children solely for referring or linking to a commercial website or online service directed to children by using information location tools, including a directory, index, reference, pointer, or hypertext link.

(11) Person

The term “person” means any individual, partnership, corporation, trust, estate, cooperative, association, or other entity.

(12) Online contact information

The term “online contact information” means an e-mail address or another substantially similar identifier that permits direct contact with a person online.

(Pub. L. 105-277, div. C, title XIII, §1302, Oct. 21, 1998, 112 Stat. 2681-728.)

EFFECTIVE DATE

Pub. L. 105-277, div. C, title XIII, §1308, Oct. 21, 1998, 112 Stat. 2681-735, provided that: “Sections 1303(a), 1305, and 1306 of this title [enacting sections 6502(a), 6504, and 6505 of this title] take effect on the later of—

- “(1) the date that is 18 months after the date of enactment of this Act [Oct. 21, 1998]; or
- “(2) the date on which the Commission rules on the first application filed for safe harbor treatment under section 1304 [enacting section 6503 of this title] if the Commission does not rule on the first such application within one year after the date of enactment of this Act, but in no case later than the date that is 30 months after the date of enactment of this Act.”

SHORT TITLE

Pub. L. 105-277, div. C, title XIII, §1301, Oct. 21, 1998, 112 Stat. 2681-728, provided that: “This title [enacting this chapter] may be cited as the ‘Children’s Online Privacy Protection Act of 1998’.”

§ 6502. Regulation of unfair and deceptive acts and practices in connection with collection and use of personal information from and about children on the Internet

(a) Acts prohibited

(1) In general

It is unlawful for an operator of a website or online service directed to children, or any operator that has actual knowledge that it is collecting personal information from a child, to collect personal information from a child in a manner that violates the regulations prescribed under subsection (b) of this section.

(2) Disclosure to parent protected

Notwithstanding paragraph (1), neither an operator of such a website or online service nor the operator's agent shall be held to be liable under any Federal or State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under subsection (b)(1)(B)(iii) of this section to the parent of a child.

(b) Regulations

(1) In general

Not later than 1 year after October 21, 1998, the Commission shall promulgate under section 553 of title 5 regulations that—

(A) require the operator of any website or online service directed to children that collects personal information from children or the operator of a website or online service that has actual knowledge that it is collecting personal information from a child—

(i) to provide notice on the website of what information is collected from children by the operator, how the operator uses such information, and the operator's disclosure practices for such information; and

(ii) to obtain verifiable parental consent for the collection, use, or disclosure of personal information from children;

(B) require the operator to provide, upon request of a parent under this subparagraph whose child has provided personal information to that website or online service, upon proper identification of that parent, to such parent—

(i) a description of the specific types of personal information collected from the child by that operator;

(ii) the opportunity at any time to refuse to permit the operator's further use or maintenance in retrievable form, or future online collection, of personal information from that child; and

(iii) notwithstanding any other provision of law, a means that is reasonable under the circumstances for the parent to obtain any personal information collected from that child;

(C) prohibit conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than is reasonably necessary to participate in such activity; and

(D) require the operator of such a website or online service to establish and maintain reasonable procedures to protect the confidentiality, security, and integrity of personal information collected from children.

(2) When consent not required

The regulations shall provide that verifiable parental consent under paragraph (1)(A)(ii) is not required in the case of—

(A) online contact information collected from a child that is used only to respond directly on a one-time basis to a specific request from the child and is not used to recontact the child and is not maintained in retrievable form by the operator;

(B) a request for the name or online contact information of a parent or child that is used for the sole purpose of obtaining parental consent or providing notice under this section and where such information is not maintained in retrievable form by the operator if parental consent is not obtained after a reasonable time;

(C) online contact information collected from a child that is used only to respond more than once directly to a specific request from the child and is not used to recontact the child beyond the scope of that request—

(i) if, before any additional response after the initial response to the child, the operator uses reasonable efforts to provide a parent notice of the online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(ii) without notice to the parent in such circumstances as the Commission may determine are appropriate, taking into consideration the benefits to the child of access to information and services, and risks to the security and privacy of the child, in regulations promulgated under this subsection;

(D) the name of the child and online contact information (to the extent reasonably necessary to protect the safety of a child participant on the site)—

(i) used only for the purpose of protecting such safety;

(ii) not used to recontact the child or for any other purpose; and

(iii) not disclosed on the site,

if the operator uses reasonable efforts to provide a parent notice of the name and online contact information collected from the child, the purposes for which it is to be used, and an opportunity for the parent to request that the operator make no further use of the information and that it not be maintained in retrievable form; or

(E) the collection, use, or dissemination of such information by the operator of such a website or online service necessary—

(i) to protect the security or integrity of its website;

(ii) to take precautions against liability;