

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Hearing on “Protecting Children’s Privacy in an Electronic World”
Subcommittee on Commerce, Manufacturing, and Trade
October 5, 2011

In 1998, thanks to the leadership of Representative Ed Markey and Dr. Kathryn Montgomery, Congress passed and President Clinton signed the Children’s Online Privacy Protection Act.

Today, we are fortunate to have Dr. Montgomery back before the Committee to talk about this landmark law and her recommendations for the future. I am pleased that 11 years after enactment, her overall assessment is that COPPA is a “clear legislative success.”

COPPA has withstood the test of time, which is remarkable because innovation occurs at warp speed online. One reason for its success is that it was written to be flexible. The law gives the Federal Trade Commission the authority and the discretion to carry out several broad mandates aimed at protecting young children from the unfair collection and use of their information.

The last several years in particular have been a period of rapid change in the delivery of online services. Young children now have access to social networks, interactive gaming, and “apps” on mobile devices that they carry with them everywhere they go. The FTC is responding to these developments by using its authority to update the COPPA rule so that the law remains an effective tool for protecting children’s privacy and safety.

The updates to the COPPA rule proposed by the FTC are appropriate, reasonable, well thought-out, and true to the intent of the law. These changes will ensure that parents of young children remain in control of their information, whether it be their precise location at any given time, their photographic images, or a record of their online habits and activities. That is consistent with the goal of the law: that parents, not businesses, get to decide what information about their children can and should be revealed online.

While the focus of this hearing is children's privacy, we must not forget that adults need privacy protections too. People of all ages need more control over their information and better privacy protection.

I have said this before; we should enact comprehensive privacy legislation. Next week's privacy hearing will be our fourth this year. There were six privacy hearings in the last Congress. Each hearing has made me more and more convinced that current law does not ensure proper privacy protections for consumer information.

As we consider comprehensive legislation, there are some clear lessons to be drawn from the 11 years of privacy protection for young children under COPPA. First, it is possible to provide consumers with real, enforceable online privacy protections without killing innovation or the Internet. Second, it is possible to craft legislation in such a way that the direction from Congress is precise and clear, but the authority of the agency is flexible enough to adapt to changes in technology and changes in social expectations and behavior.

Those are valuable lessons and I hope they will be remembered when hopefully comprehensive privacy legislation is considered by this Committee.

Thank you.