

118TH CONGRESS  
2D SESSION

# H. R. 7534

To amend the Children’s Online Privacy Protection Act of 1998 to improve protections for children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2024

Mr. AUCHINCLOSS introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Children’s Online Privacy Protection Act of 1998 to improve protections for children, 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 “Verifying Kids’ Online  
5 Privacy Act”.

6 **SEC. 2. CHILDREN’S ONLINE PRIVACY PROTECTION.**

7 (a) CHILD DEFINED.—Section 1302(1) of the Chil-  
8 dren’s Online Privacy Protection Act of 1998 (15 U.S.C.

1 6501(1)) is amended by striking “age of 13” and inserting  
2 “age of 16”.

3 (b) VERIFICATION OF AGE REQUIRED.—Section  
4 1303(b) of the Children’s Online Privacy Protection Act  
5 of 1998 (15 U.S.C. 6502(b)) is amended by adding at the  
6 end the following:

7 “(4) VERIFICATION OF AGE REQUIRED.—The  
8 regulations shall—

9 “(A) require each operator to verify the  
10 age of each individual accessing the website or  
11 online service of such operator to determine  
12 whether such individual is a child; and

13 “(B) with respect to information collected  
14 from an individual to verify the age of such in-  
15 dividual, prohibit each operator—

16 “(i) from selling or transferring such  
17 information or otherwise making use of  
18 such information for a purpose other than  
19 age verification; and

20 “(ii) from further using or maintain-  
21 ing in retrievable form such information  
22 with respect to such individual on and  
23 after the date that is 30 days after the  
24 date on which an account or similar reg-  
25 istration, of such individual and associated

1           with such information, is closed or other-  
2           wise terminated.”.

3           (c) REGULATIONS.—Not later than 180 days after  
4 the date of the enactment of this Act, the Federal Trade  
5 Commission shall promulgate regulations to implement  
6 the amendments made by subsections (a) and (b), includ-  
7 ing regulations that, as necessary—

8           (1) revise the regulations promulgated under  
9 section 1303(b) of the Children’s Online Privacy  
10 Protection Act of 1998 (15 U.S.C. 6502(b));

11           (2) require the revision of, or adoption of new,  
12 guidelines approved pursuant to section 1304 of the  
13 Children’s Online Privacy Protection Act of 1998  
14 (15 U.S.C. 6503) and establish a process under  
15 which an operator may satisfy requirements relating  
16 to age verification by following a set of self-regu-  
17 latory guidelines approved under such section; and

18           (3) take other actions the Commission deter-  
19 mines necessary to implement the amendments.

20           (d) APPLICABILITY.—The amendments made by sub-  
21 sections (a) and (b)—

22           (1) shall apply to activities occurring on and  
23 after the date on which the regulations promulgated  
24 under subsection (c) take effect; and

1           (2) do not apply with respect to an individual  
2           accessing a website or online service of an operator  
3           if such individual established an account or similar  
4           registration with respect to such website or online  
5           service before the date on which the regulations pro-  
6           mulgated under subsection (c) take effect.

7           (e) CHILDREN’S ONLINE SAFETY FUND.—

8           (1) ESTABLISHMENT.—There is established in  
9           the Treasury of the United States a fund to be  
10          known as the “Children’s Online Safety Fund” (in  
11          this subsection referred to as the “Fund”).

12          (2) DEPOSITS.—On and after the date of the  
13          enactment of this Act, civil penalty amounts ob-  
14          tained by a Federal entity under the Children’s On-  
15          line Privacy Protection Act of 1998 (15 U.S.C. 6501  
16          et seq.) shall be deposited into the Fund.

17          (3) USE OF FUND.—

18                (A) AVAILABILITY TO SECRETARY OF EDU-  
19                CATION FOR GRANTS.—Amounts in the Fund  
20                shall be available, without further appropria-  
21                tion, to the Secretary of Education to carry out  
22                a program under which the Secretary awards  
23                grants to local educational agencies to support  
24                digital literacy programming for children with  
25                respect to online safety.

1           (B) REGULATIONS.—Not later than 180  
2 days after the date of the enactment of this  
3 Act, the Secretary of Education shall promul-  
4 gate regulations necessary to carry out the  
5 grant program described in subparagraph (A),  
6 which shall include—

7           (i) standards for the digital literacy  
8 programming to be supported with grant  
9 funds; and

10          (ii) in consultation with the Secretary  
11 of Health and Human Services, require-  
12 ments that such programming prioritize  
13 education on mental health and appro-  
14 priate social media use.

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