

To the office of U.S. Representative Michael Cloud

Re: HR 8652 (119th Congress), YODA • Latest action (2026-05-04): Referred to the House Committee on Energy and Commerce.

VFA SI Solution #37 • published 2026-05-15 • <https://www.valuesforamerica.com/solutions/37>

Office of record (Congress.gov): 304 Cannon House Office Building, Washington, DC • (202) 225-7742

Narrowed Youth Online Data Consent Act (YODCA)

The measure, as described from the official record: Protect children under 16 from excessive online data collection by requiring verifiable parental consent for platforms engaging in interstate commerce, building on COPPA.

THE PROPOSAL

This Act requires websites and apps in interstate commerce that target or knowingly serve U.S. children under 16 to obtain verifiable parental consent before collecting, selling, or sharing their personal data for behavioral advertising or profiling. Consent must use secure methods approved by the FTC, like credit card verification or video calls, and parents can revoke it anytime with data deletion in 30 days.

Platforms must conduct annual privacy audits and post clear notices of data practices. The FTC enforces via civil penalties up to \$50,000 per violation, but only after notice and a 90-day cure period for first offenses. States retain full authority over intrastate activities and can enforce stricter rules.

No content moderation requirements; this targets only data practices, not speech. Small platforms under \$1M annual revenue are exempt.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	FTC existing annual appropriation, plus 10% of collected fines deposited into a dedicated enforcement fund
Funding Amount	\$50 million cap over 5 years
Sunset Years	5 years
Oversight Body	FTC with annual reports to congressional committees on Energy and Commerce and Commerce, Science, and Transportation
Enforcement Mechanism	Civil actions by FTC after administrative hearing; private right of action for parents with \$1,000 statutory damages cap per violation
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (interstate commerce regulation)
- First Amendment (no speech restrictions)
- Tenth Amendment (states handle intrastate)
- Fifth Amendment Due Process (notice/cure periods)

Concerns with the measure as written:

- Potential overreach beyond interstate commerce into purely intrastate activities (Article I, Section 8, Clause 3; Tenth Amendment)
- Risk of vague definitions chilling protected speech (First Amendment)
- Lack of defined enforcement limits and funding caps risking due process issues (Fifth Amendment)

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities of child privacy and corporate accountability via strong FTC enforcement; honors Republican priorities of federalism (state authority preserved), limited government (\$50M cap, exemptions for small biz), parental rights (verifiable consent), and free speech (no content rules).

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