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H. R. 1623

To require certain interactive computer services to adopt and operate technology verification measures to ensure that users of the platform are not minors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2025

Mrs. MILLER of Illinois (for herself, Mr. VAN DREW, Mr. BRECHEEN, Mr. LAMALFA, Mr. AUSTIN SCOTT of Georgia, Mr. KENNEDY of Utah, Mr. CRANE, Mr. ADERHOLT, Mr. BABIN, and Mr. ROSE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require certain interactive computer services to adopt and operate technology verification measures to ensure that users of the platform are not minors, 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 “Shielding Children’s
5 Retinas from Egregious Exposure on the Net Act” or the
6 “SCREEN Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Over the 3 decades preceding the date of
4 enactment of this Act, Congress has passed several
5 bills to protect minors from access to online porno-
6 graphic content, including title V of the Tele-
7 communications Act of 1996 (Public Law 104–104)
8 (commonly known as the “Communications Decency
9 Act”), section 231 of the Communications Act of
10 1934 (47 U.S.C. 231) (commonly known as the
11 “Child Online Protection Act”), and the Children’s
12 Internet Protection Act (title XVII of division B of
13 Public Law 106–554).

14 (2) With the exception of the Children’s Inter-
15 net Protection Act (title XVII of division B of Public
16 Law 106–554), the Supreme Court of the United
17 States has struck down the previous efforts of Con-
18 gress to shield children from pornographic content,
19 finding that such legislation constituted a “compel-
20 ling government interest” but that it was not the
21 least restrictive means to achieve such interest. In
22 *Ashcroft v. ACLU*, 542 U.S. 656 (2004), the Court
23 even suggested at the time that “blocking and fil-
24 tering software” could conceivably be a “primary al-
25 ternative” to the requirements passed by Congress.

1 (3) In the nearly 2 decades since the Supreme
2 Court of the United States suggested the use of
3 “blocking and filtering software”, such technology
4 has proven to be ineffective in protecting minors
5 from accessing online pornographic content. The
6 Kaiser Family Foundation has found that filters do
7 not work on 1 in 10 pornography sites accessed in-
8 tentionally and 1 in 3 pornography sites that are
9 accessed unintentionally. Further, it has been proven
10 that children are able to bypass “blocking and fil-
11 tering” software by employing strategic searches or
12 measures to bypass the software completely.

13 (4) Additionally, Pew Research has revealed
14 studies showing that only 39 percent of parents use
15 blocking or filtering software for their minor’s online
16 activities, meaning that 61 percent of children only
17 have restrictions on their internet access when they
18 are at school or at a library.

19 (5) 17 States have now recognized pornography
20 as a public health hazard that leads to a broad
21 range of individual harms, societal harms, and pub-
22 lic health impacts.

23 (6) It is estimated that 80 percent of minors
24 between the ages of 12 to 17 have been exposed to
25 pornography, with 54 percent of teenagers seeking it

1 out. The internet is the most common source for mi-
2 nors to access pornography with pornographic
3 websites receiving more web traffic in the United
4 States than Twitter, Netflix, Pinterest, and
5 LinkedIn combined.

6 (7) Exposure to online pornography has created
7 unique psychological effects for minors, including
8 anxiety, addiction, low self-esteem, body image dis-
9 orders, an increase in problematic sexual activity at
10 younger ages, and an increased desire among minors
11 to engage in risky sexual behavior.

12 (8) The Supreme Court of the United States
13 has recognized on multiple occasions that Congress
14 has a “compelling government interest” to protect
15 the physical and psychological well-being of minors,
16 which includes shielding them from “indecent” con-
17 tent that may not necessarily be considered “ob-
18 scene” by adult standards.

19 (9) Because “blocking and filtering software”
20 has not produced the results envisioned nearly 2 dec-
21 ades ago, it is necessary for Congress to pursue al-
22 ternative policies to enable the protection of the
23 physical and psychological well-being of minors.

24 (10) The evolution of our technology has now
25 enabled the use of age verification technology that is

1 cost efficient, not unduly burdensome, and can be
2 operated narrowly in a manner that ensures only
3 adults have access to a website’s online pornographic
4 content.

5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—

7 (1) shielding minors from access to online por-
8 nographic content is a compelling government inter-
9 est that protects the physical and psychological well-
10 being of minors; and

11 (2) requiring interactive computer services that
12 are in the business of creating, hosting, or making
13 available pornographic content to enact technological
14 measures that shield minors from accessing porno-
15 graphic content on their platforms is the least re-
16 strictive means for Congress to achieve its compel-
17 ling government interest.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) CHILD PORNOGRAPHY; MINOR.—The terms
21 “child pornography” and “minor” have the mean-
22 ings given those terms in section 2256 of title 18,
23 United States Code.

24 (2) COMMISSION.—The term “Commission”
25 means the Federal Trade Commission.

1 (3) COVERED PLATFORM.—The term “covered
2 platform”—

3 (A) means an entity—

4 (i) that is an interactive computer
5 service;

6 (ii) that—

7 (I) is engaged in interstate or
8 foreign commerce; or

9 (II) purposefully avails itself of
10 the United States market or a portion
11 thereof; and

12 (iii) for which it is in the regular
13 course of the trade or business of the enti-
14 ty to create, host, or make available con-
15 tent that meets the definition of harmful to
16 minors under paragraph (4) and that is
17 provided by the entity, a user, or other in-
18 formation content provider, with the objec-
19 tive of earning a profit; and

20 (B) includes an entity described in sub-
21 paragraph (A) regardless of whether—

22 (i) the entity earns a profit on the ac-
23 tivities described in subparagraph (A)(iii);

24 or

1 (ii) creating, hosting, or making avail-
2 able content that meets the definition of
3 harmful to minors under paragraph (4) is
4 the sole source of income or principal busi-
5 ness of the entity.

6 (4) HARMFUL TO MINORS.—The term “harmful
7 to minors”, with respect to a picture, image, graphic
8 image file, film, videotape, or other visual depiction,
9 means that the picture, image, graphic image file,
10 film, videotape, or other depiction—

11 (A)(i) taken as a whole and with respect to
12 minors, appeals to the prurient interest in nu-
13 dity, sex, or excretion;

14 (ii) depicts, describes, or represents, in a
15 patently offensive way with respect to what is
16 suitable for minors, an actual or simulated sex-
17 ual act or sexual contact, actual or simulated
18 normal or perverted sexual acts, or lewd exhi-
19 bition of the genitals; and

20 (iii) taken as a whole, lacks serious, lit-
21 erary, artistic, political, or scientific value as to
22 minors;

23 (B) is obscene; or

24 (C) is child pornography.

1 (5) INFORMATION CONTENT PROVIDER; INTER-
2 ACTIVE COMPUTER SERVICE.—The terms “informa-
3 tion content provider” and “interactive computer
4 service” have the meanings given those terms in sec-
5 tion 230(f) of the Communications Act of 1934 (47
6 U.S.C. 230(f)).

7 (6) SEXUAL ACT; SEXUAL CONTACT.—The
8 terms “sexual act” and “sexual contact” have the
9 meanings given those terms in section 2246 of title
10 18, United States Code.

11 (7) TECHNOLOGY VERIFICATION MEASURE.—
12 The term “technology verification measure” means
13 technology that—

14 (A) employs a system or process to deter-
15 mine whether it is more likely than not that a
16 user of a covered platform is a minor; and

17 (B) prevents access by minors to any con-
18 tent on a covered platform.

19 (8) TECHNOLOGY VERIFICATION MEASURE
20 DATA.—The term “technology verification measure
21 data” means information that—

22 (A) identifies, is linked to, or is reasonably
23 linkable to an individual or a device that identi-
24 fies, is linked to, or is reasonably linkable to an
25 individual;

1 (B) is collected or processed for the pur-
2 pose of fulfilling a request by an individual to
3 access any content on a covered platform; and
4 (C) is collected and processed solely for the
5 purpose of utilizing a technology verification
6 measure and meeting the obligations imposed
7 under this Act.

8 **SEC. 4. TECHNOLOGY VERIFICATION MEASURES.**

9 (a) COVERED PLATFORM REQUIREMENTS.—Begin-
10 ning on the date that is 1 year after the date of enactment
11 of this Act, a covered platform shall adopt and utilize tech-
12 nology verification measures on the platform to ensure
13 that—

14 (1) users of the covered platform are not mi-
15 nors; and

16 (2) minors are prevented from accessing any
17 content on the covered platform that is harmful to
18 minors.

19 (b) REQUIREMENTS FOR AGE VERIFICATION MEAS-
20 URES.—In order to comply with the requirement of sub-
21 section (a), the technology verification measures adopted
22 and utilized by a covered platform shall do the following:

23 (1) Use a technology verification measure in
24 order to verify a user's age.

1 (2) Provide that requiring a user to confirm
2 that the user is not a minor shall not be sufficient
3 to satisfy the requirement of subsection (a).

4 (3) Make publicly available the verification
5 process that the covered platform is employing to
6 comply with the requirements under this Act.

7 (4) Subject the Internet Protocol (IP) address-
8 es, including known virtual proxy network IP ad-
9 dresses, of all users of a covered platform to the
10 technology verification measure described in para-
11 graph (1) unless the covered platform determines
12 based on available technology that a user is not lo-
13 cated within the United States.

14 (c) CHOICE OF VERIFICATION MEASURES.—A cov-
15 ered platform may choose the specific technology
16 verification measures to employ for purposes of complying
17 with subsection (a), provided that the technology
18 verification measure employed by the covered platform
19 meets the requirements of subsection (b) and prohibits a
20 minor from accessing the platform or any information on
21 the platform that is obscene, child pornography, or harm-
22 ful to minors.

23 (d) USE OF THIRD PARTIES.—A covered platform
24 may contract with a third party to employ technology
25 verification measures for purposes of complying with sub-

1 section (a) but the use of such a third party shall not re-
2 lieve the covered platform of its obligations under this Act
3 or from liability under this Act.

4 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to require a covered platform to
6 submit to the Commission any information that identifies,
7 is linked to, or is reasonably linkable to a user of the cov-
8 ered platform or a device that identifies, is linked to, or
9 is reasonably linkable to a user of the covered platform.

10 (f) TECHNOLOGY VERIFICATION MEASURE DATA SE-
11 CURITY.—A covered platform shall—

12 (1) establish, implement, and maintain reason-
13 able data security to—

14 (A) protect the confidentiality, integrity,
15 and accessibility of technology verification
16 measure data collected by the covered platform
17 or a third party employed by the covered plat-
18 form; and

19 (B) protect such technology verification
20 measure data against unauthorized access; and

21 (2) retain the technology verification measure
22 data for no longer than is reasonably necessary to
23 utilize a technology verification measure or what is
24 minimally necessary to demonstrate compliance with
25 the obligations under this Act.

1 **SEC. 5. CONSULTATION REQUIREMENTS.**

2 In enforcing the requirements under section 4, the
3 Commission shall consult with the following individuals,
4 including with respect to the applicable standards and
5 metrics for making a determination on whether a user of
6 a covered platform is not a minor:

7 (1) Individuals with experience in computer
8 science and software engineering.

9 (2) Individuals with experience in—

10 (A) advocating for online child safety; or

11 (B) providing services to minors who have
12 been victimized by online child exploitation.

13 (3) Individuals with experience in consumer
14 protection and online privacy.

15 (4) Individuals who supply technology
16 verification measure products or have expertise in
17 technology verification measure solutions.

18 (5) Individuals with experience in data security
19 and cryptography.

20 **SEC. 6. COMMISSION REQUIREMENTS.**

21 (a) IN GENERAL.—The Commission shall—

22 (1) conduct regular audits of covered platforms
23 to ensure compliance with the requirements of sec-
24 tion 4;

25 (2) make public the terms and processes for the
26 audits conducted under paragraph (1), including the

1 processes for any third party conducting an audit on
2 behalf of the Commission;

3 (3) establish a process for each covered plat-
4 form to submit only such documents or other mate-
5 rials as are necessary for the Commission to ensure
6 full compliance with the requirements of section 4
7 when conducting audits under this section; and

8 (4) prescribe the appropriate documents, mate-
9 rials, or other measures required to demonstrate full
10 compliance with the requirements of section 4.

11 (b) GUIDANCE.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Commis-
14 sion shall issue guidance to assist covered platforms
15 in complying with the requirements of section 4.

16 (2) LIMITATIONS ON GUIDANCE.—No guidance
17 issued by the Commission with respect to this Act
18 shall confer any rights on any person, State, or lo-
19 cality, nor shall operate to bind the Commission or
20 any person to the approach recommended in such
21 guidance. In any enforcement action brought pursu-
22 ant to this Act, the Commission shall allege a spe-
23 cific violation of a provision of this Act. The Com-
24 mission may not base an enforcement action on, or
25 execute a consent order based on, practices that are

1 alleged to be inconsistent with any such guidelines,
2 unless the practices allegedly violate a provision of
3 this Act.

4 **SEC. 7. ENFORCEMENT.**

5 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A
6 violation of section 4 shall be treated as a violation of a
7 rule defining an unfair or deceptive act or practice under
8 section 18(a)(1)(B) of the Federal Trade Commission Act
9 (15 U.S.C. 57a(a)(1)(B)).

10 (b) POWERS OF THE COMMISSION.—

11 (1) IN GENERAL.—The Commission shall en-
12 force section 4 in the same manner, by the same
13 means, and with the same jurisdiction, powers, and
14 duties as though all applicable terms and provisions
15 of the Federal Trade Commission Act (15 U.S.C. 41
16 et seq.) were incorporated into and made a part of
17 this title.

18 (2) PRIVILEGES AND IMMUNITIES.—Any person
19 who violates section 4 shall be subject to the pen-
20 alties and entitled to the privileges and immunities
21 provided in the Federal Trade Commission Act (15
22 U.S.C. 41 et seq.).

23 (3) AUTHORITY PRESERVED.—Nothing in this
24 Act shall be construed to limit the authority of the
25 Commission under any other provision of law.

1 **SEC. 8. GAO REPORT.**

2 Not later than 2 years after the date on which cov-
3 ered platforms are required to comply with the require-
4 ment of section 4(a), the Comptroller General of the
5 United States shall submit to Congress a report that in-
6 cludes—

7 (1) an analysis of the effectiveness of the tech-
8 nology verification measures required under such
9 section;

10 (2) an analysis of rates of compliance with such
11 section among covered platforms;

12 (3) an analysis of the data security measures
13 used by covered platforms in the age verification
14 process;

15 (4) an analysis of the behavioral, economic, psy-
16 chological, and societal effects of implementing tech-
17 nology verification measures;

18 (5) recommendations to the Commission on im-
19 proving enforcement of section 4(a), if any; and

20 (6) recommendations to Congress on potential
21 legislative improvements to this Act, if any.

22 **SEC. 9. SEVERABILITY CLAUSE.**

23 If any provision of this Act, or the application of such
24 a provision to any person or circumstance, is held to be
25 unconstitutional, the remaining provisions of this Act, and

- 1 the application of such provisions to any other person or
- 2 circumstance, shall not be affected thereby.

