

119TH CONGRESS
1ST SESSION

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the “Shielding Children's Retinas from Egregious Exposure on the Net Act” or the “SCREEN Act”.

~~SEC. 2. DEFINITIONS Findings, sense of Congress.~~

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

~~(1) Over the 3 decades preceding the date of enactment of this Act, Congress has passed several bills to protect minors from access to online pornographic content, including title V of the Telecommunications Act of 1996 (Public Law 104–104)~~

(commonly known as the “Communications Decency Act”), section 231 of the Communications Act of 1934 (47 U.S.C. 231) (commonly known as the “Child Online Protection Act”), and the Children’s Internet Protection Act (title XVII of division B of Public Law 106-554).

(2) With the exception of the Children's Internet Protection Act (title XVII of division B of Public Law 106-554), the Supreme Court of the United States has struck down the previous efforts of Congress to shield children from pornographic content, finding that such legislation constituted a “compelling government interest” but that it was not the least restrictive means to achieve such interest. In *Ashcroft v. ACLU*, 542 U.S. 656 (2004), the Court even suggested at the time that “blocking and filtering software” could conceivably be a “primary alternative” to the requirements passed by Congress.

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

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

(5) 17 States have now recognized pornography as a public health hazard that leads to a broad range of individual harms, societal harms, and public health impacts.

(6) It is estimated that 80 percent of minors between the ages of 12 to 17 have been exposed to pornography, with 54 percent of teenagers seeking it out. The internet is the most common source for minors to access pornography with pornographic websites receiving more web traffic in the United States than Twitter, Netflix, Pinterest, and LinkedIn combined.

(7) Exposure to online pornography has created unique psychological effects for minors, including anxiety, addiction, low self-esteem, body image disorders, an

~~increase in problematic sexual activity at younger ages, and an increased desire among minors to engage in risky sexual behavior.~~

~~(8) The Supreme Court of the United States has recognized on multiple occasions that Congress has a “compelling government interest” to protect the physical and psychological well-being of minors, which includes shielding them from “indecent” content that may not necessarily be considered “obscene” by adult standards.~~

~~(9) Because “blocking and filtering software” has not produced the results envisioned nearly 2 decades ago, it is necessary for Congress to pursue alternative policies to enable the protection of the physical and psychological well-being of minors.~~

~~(10) The evolution of our technology has now enabled the use of age verification technology that is cost efficient, not unduly burdensome, and can be operated narrowly in a manner that ensures only adults have access to a website’s online pornographic content.~~

~~(b) SENSE OF CONGRESS.—It is the sense of Congress that—~~

~~(1) shielding minors from access to online pornographic content is a compelling government interest that protects the physical and psychological well-being of minors; and~~

~~(2) requiring interactive computer services that are in the business of creating, hosting, or making available pornographic content to enact technological measures that shield minors from accessing pornographic content on their platforms is the least restrictive means for Congress to achieve its compelling government interest.~~

SEC. ~~3~~ 2. Definitions.

In this Act:

(1) CHILD PORNOGRAPHY; MINOR.—The terms “child pornography” and “minor” have the meanings given those terms in section 2256 of title 18, United States Code.

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

(3) COVERED PLATFORM.—The term “covered platform” means a website or other online platform—

(A) that is accessible by the public;~~means an entity—~~

~~(i) that is an interactive computer service;~~

~~(ii) that—~~

~~(I) is engaged in interstate or foreign commerce; or~~

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

~~(iii) for which it is in the regular course of the trade or business of the entity to create, host, or make available content that meets the definition of harmful to minors under paragraph (4) and that is provided by the entity, a user, or other information content provider, with the objective of earning a profit; and~~

(B) with respect to which more than one-third of the material made available thereon is sexual material harmful to minors; and~~includes an entity described in subparagraph (A) regardless of whether—~~

~~(i) the entity earns a profit on the activities described in subparagraph (A)(iii); or~~

~~(ii) creating, hosting, or making available content that meets the definition of harmful to minors under paragraph (4) is the sole source of income or principal business of the entity.~~

(C) with respect to which the provider of such platform knowingly makes available the sexual material harmful to minors described in subparagraph (B).

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

~~(45)~~ **SEXUAL MATERIAL HARMFUL TO MINORS.**—The term “sexual material harmful to minors”, ~~with respect to a picture, image, graphic image file, film, videotape, or other visual depiction,~~ means ~~that the~~ a picture, image, graphic image file, film, videotape, or other visual depiction that—

(A) (i) taken as a whole and with respect to minors, appeals to the prurient interest in nudity, sex, or excretion;

(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or lewd exhibition of the genitals; and

(iii) taken as a whole, lacks serious, literary, artistic, political, or scientific value as to minors; ~~or~~

(B) ~~is obscene; or~~

~~(C)~~ is child pornography.

~~(5) INFORMATION CONTENT PROVIDER; INTERACTIVE COMPUTER SERVICE.—The terms “information content provider” and “interactive computer service” have the meanings given those terms in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).~~

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

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

(A) employs a system or process to determine whether it is more likely than not that a user of a covered platform is a minor; and

(B) prevents access by minors to any ~~content~~ sexual material harmful to minors on a covered platform.

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

(A) identifies, is linked to, or is reasonably linkable to an individual or a device that identifies, is linked to, or is reasonably linkable to an individual;

(B) is collected or processed for the purpose of fulfilling a request by an individual to access any content on a covered platform; and

(C) is collected and processed solely for the purpose of utilizing a technology verification measure and meeting the obligations imposed under this Act.

SEC. ~~4~~ 3. Technology verification measures.

(a) COVERED PLATFORM REQUIREMENTS.—Beginning on the date that is 1 year after the date of enactment of this Act, a provider of a covered platform shall adopt and utilize technology verification measures ~~on~~ with respect to the covered platform of such provider to ensure that—

(1) users of the covered platform are not minors; and

(2) minors are prevented from accessing any ~~content~~ sexual material harmful to minors on the covered platform ~~that is harmful to minors~~.

(b) ~~ADDITIONAL REQUIREMENTS FOR AGE VERIFICATION MEASURES COMPLIANCE~~ COMPLIANCE.—In order to comply with ~~the requirement of~~ subsection (a), ~~the technology verification measures adopted and utilized by a covered platform shall do~~ a provider of a covered platform shall, with respect to the covered platform of the provider, carry out the following:

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

(2) Provide that ~~requiring~~ a user ~~to confirm~~ confirming that the user is not a minor ~~shall not be~~ is not sufficient to ~~satisfy the requirement of subsection (a)~~ verify age.

(3) Make publicly available ~~the verification information~~ on the processes ~~that the covered platform is employing to comply with the requirements under~~ utilized to comply with this Act.

(4) Subject the Internet Protocol (IP) addresses, including known virtual ~~proxy~~ private network IP addresses, of ~~all each~~ users ~~of a covered platform~~ to the technology

verification measure described in paragraph (1) unless the ~~covered platform~~ provider determines based on available technology that a user is not located within the United States.

(c) CHOICE OF VERIFICATION MEASURES.—A covered platform may choose the specific technology verification measures to ~~employ~~ utilize for purposes of complying with subsection (a), ~~provided that the technology verification measure employed by the covered platform meets the requirements of~~ if such measures satisfy subsection (b) and prohibits a minor from accessing the covered platform of the provider or any ~~information~~ material on ~~the~~ such platform that is ~~obscene, child pornography, or sexual material~~ harmful to minors.

(d) USE OF THIRD PARTIES.—A provider of a covered platform may contract with a third party to employ technology verification measures for purposes of complying with subsection (a), but the use of ~~such~~ a third party ~~shall does~~ not relieve ~~the covered platform of its~~ such provider from obligations under this Act or from liability under this Act.

(e) RULE OF CONSTRUCTION.—Nothing in this section ~~shall~~ may be construed to require ~~a covered platform to submit~~ submission to the Commission of any information that identifies, is linked to, or is reasonably linkable to a user of ~~the~~ a covered platform or a device that identifies, is linked to, or is reasonably linkable to a user of ~~the~~ a covered platform.

(f) TECHNOLOGY VERIFICATION MEASURE DATA SECURITY.—A provider of a covered platform shall—

(1) establish, implement, and maintain reasonable administrative, technical, and physical data security practices to—

(A) protect the confidentiality, integrity, and accessibility of technology verification measure data collected ~~by~~ with respect to the covered platform of such provider, including by ~~or~~ a third party employed ~~by the covered~~ with respect to such platform; and

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

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

SEC. ~~5~~ 4. Consultation requirements.

In ~~enforcing the requirements under section 4~~ carrying out this Act, the Commission shall consult with the following individuals, including with respect to the applicable standards and metrics for making a determination on whether a user of a ~~user of a~~ covered platform is ~~or is~~ not a minor:

- (1) Individuals with experience in computer science and software engineering.
- (2) Individuals with experience in—
 - (A) advocating for online child safety; or
 - (B) providing services to minors who have been victimized by online child exploitation.
- (3) Individuals with experience in consumer protection and online privacy.
- (4) Individuals who supply technology verification measure products or have expertise in technology verification measure solutions.
- (5) Individuals with experience in data security and cryptography.

~~SEC. 6. Commission requirements.~~

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

- ~~(1) conduct regular audits of covered platforms to ensure compliance with the requirements of section 4;~~
- ~~(2) make public the terms and processes for the audits conducted under paragraph (1), including the processes for any third party conducting an audit on behalf of the Commission;~~
- ~~(3) establish a process for each covered platform to submit only such documents or other materials as are necessary for the Commission to ensure full compliance with the requirements of section 4 when conducting audits under this section; and~~
- ~~(4) prescribe the appropriate documents, materials, or other measures required to demonstrate full compliance with the requirements of section 4.~~

~~(b) GUIDANCE.—~~

~~(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall issue guidance to assist covered platforms in complying with the requirements of section 4.~~

~~(2) LIMITATIONS ON GUIDANCE.—No guidance issued by the Commission with respect to this Act shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this Act, the Commission shall allege a specific violation of a provision of this Act. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate a provision of this Act.~~

SEC. ~~7~~ 5. Enforcement.

(a) ENFORCEMENT BY COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section ~~4~~ 3 shall be treated as a violation of a **rule regulation defining an unfair or deceptive act or practice** under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

~~(b-2)~~ POWERS OF THE COMMISSION.—

~~(1) IN GENERAL.—~~The Commission shall enforce section ~~4~~ 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this **title Act**. Any person who violates such section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

~~(2) PRIVILEGES AND IMMUNITIES.—Any person who violates section 4 shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).~~

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

(b) ACTIONS BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of such State has been or is threatened or adversely affected by an act or practice in violation of section 3, the State, as *parens patriae*, may bring a civil action on behalf of the residents of the State in an appropriate State court or an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with such section;

(C) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—Before filing an action under this subsection, the attorney general, official, or agency of the State involved shall provide to the Commission a written notice of such action and a copy of the complaint for such action. If the attorney general, official, or agency determines that it is not feasible to provide the notice described in this paragraph before the filing of the action, the attorney general, official, or agency shall provide written notice of the action and a copy of the complaint to the Commission immediately upon the filing of the action.

(3) AUTHORITY OF COMMISSION.—

(A) IN GENERAL.—On receiving notice under paragraph (2) of an action under this subsection, the Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein; and

(iii) to file petitions for appeal.

(B) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or the Attorney General

of the United States has instituted a civil action for violation of section 3 (referred to in this subparagraph as the “Federal action”), no State attorney general, official, or agency may bring an action under this subsection during the pendency of the Federal action against any defendant named in the complaint in the Federal action for any violation of such section alleged in such complaint.

(4) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under this subsection, nothing in this Act shall be construed to prevent an attorney general, official, or agency of a State from exercising the powers conferred on the attorney general, official, or agency by the laws of such State to conduct investigations, administer oaths and affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

SEC. 6. GAO report.

Not later than ~~2~~ 3 years after the date ~~on which covered platforms are required to comply with the requirement of section 4(a)~~ of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes—

- (1) an analysis of the effectiveness of the technology verification measures required under ~~such~~ section 3;
- (2) an analysis of rates of compliance with such section ~~among~~ with respect to covered platforms;
- (3) an analysis of the data security measures used by covered platforms ~~in the~~ with respect to age verification processes;
- (4) an analysis of the behavioral, economic, psychological, and societal effects of ~~implementing~~ requiring technology verification measures under section 3; and
- (5) recommendations, if any, to the Commission on improving the enforcement of this Act. ~~section 4(a), if any; and~~
- ~~(6) recommendations to Congress on potential legislative improvements to this Act, if any.~~

SEC. 7. Relationship to state laws.

No State or political subdivision of a State may prescribe, maintain, or enforce any law, rule, regulation, requirement, standard, or other provision having the force and effect of law, if such law, rule, regulation, requirement, standard, or other provision relates to the provisions of this Act.

SEC.~~9~~ 8. Severability clause.

If any provision of this Act, or the application of such a provision to any person or circumstance, is held ~~to be unconstitutional~~ **invalid**, the remaining provisions of this Act, and the application of such provisions to any other person or circumstance, shall not be affected ~~thereby~~.