
SCREEN Act

In the last 30 years, Congress has enacted numerous bills to prevent children from being able to access online pornography, however each bill (with one exception) has been struck down by the Supreme Court, failing to pass First Amendment scrutiny. Within each case, the Supreme Court found that Congress did have a “compelling government interest” to shield children from pornographic content, but did not use the least restrictive means to achieve such interest. The Court even suggested that personal “blocking and filtering software” could be a less restrictive alternative.

In the 20 years since the Supreme Court last took up this issue, such technology has proven to be ineffective in protecting children from accessing online pornographic content with nearly 80% of teenagers between the ages of 12-17 exposed to pornography.¹ This is especially alarming because of the unique psychological effects pornography has on 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.² The urgency of this problem is evidenced by seventeen states that have recently recognized pornography as a public health hazard that leads to a broad range of individual harms, societal harms, and public health impacts.³

Technology has vastly improved in the last 20 years and Sen. Lee believes that age verification technology is now the least restrictive means for Congress to fully achieve its compelling government interest of shielding children from online pornographic content.

Bill Specifics:

The Shielding Children’s Retinas from Egregious Exposure on the Net (SCREEN) Act requires all commercial pornographic websites to adopt age verification technology to ensure a child cannot access its pornographic content.

- Sec. 2 establishes findings describing the problem and the need for a legislative change (as described above).
- Sec. 4 requires pornography websites to adopt age verification measures to ensure users are not minors beginning on year after date of enactment.
 - Does not allow for simple age attestation (i.e., simply entering in a birthdate) See Sec. 4(b)(2).
 - Requires public transparency of the verification process. Sec. 4(b)(3).
 - Includes IP addresses in the verification process. Sec. 4(b)(4).
 - Allows the companies to choose verification measures and contract with third parties. Sec. 4(c)&(d)
 - Establishes data security requirements and prohibits companies from collecting data beyond what is minimally necessary to verify a user’s age and from retraining information longer than is necessary to demonstrate compliance. Sec. 4(f).
- Requires the FTC to issue guidance and enforce the law, treating a violation as an unfair or deceptive act or practice under section 18(a)(1)(B) of the FTC Act. See Sec. 6(B) and Sec. 7.
 - Same enforcement authority as in COPPA and the TICKET Act, among others.
 - Directs the FTC to consult with appropriate experts. Sec. 5.
 - Requires the FTC to conduct regular audits to ensure compliance. Sec. 6.
- Directs GAO to complete a report analyzing compliance and issuing recommendations to Congress. Sec. 8

Supporters: National Center on Sexual Exploitation, Culture Reframed, National Decency Coalition, Enough Is Enough, and Envoc (creator of LA Wallet).

¹ Barna, *Teens and young Adults Use Porn More Than Anyone Else*, January 28, 2016, available at <https://www.barna.com/research/teens-young-adults-use-porn-more-than-anyone-else/>

² Bravehearts, *An Overview of Research on the Impact that Viewing Pornography has on Children, Pre-Teens, and Teenagers*, July 2017, available at https://bravehearts.org.au/wp-content/uploads/2018/01/Research-Report_Overview-of-research-into-the-effects-of-viewing-pornography-on-children....pdf

³ American Journal of Public Health, *Should Public Health Professionals Consider Pornography a Public Health Crisis?*, February 2020, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6951382/>. Notably, Utah was the first state to make the declaration.