

MYTH VS. FACT: AGE VERIFICATION

Myth: Age verification is a risk to consumer privacy and data security.

Fact: Age verification can be done in a privacy- security-protective way. Significant advances in age verification technology mean that we can reject the false binary between kids' safety and privacy. Companies already use existing technologies (e.g., ApplePay) for age verification. The App Store Accountability Act and SCREEN Act also include strict privacy and data security requirements, including restrictions on the use, storage, and sharing of personal data. The Federal Trade Commission, as well as privacy-conscious trading partners, including Australia, Brazil, France, Singapore, and the European Union are all embracing age verification.

The Bottom Line: Advances in age verification technology give us the ability to protect kids' safety and their privacy simultaneously.

Myth: Age verification chills adult speech.

Fact: The Supreme Court held that Texas's age verification law for pornography in *Free Speech Coalition v. Paxton* is only an "incidental burden" on adult speech. The SCREEN Act and the App Store Accountability Act follow this court-approved approach and require privacy-preserving practices and commercially available methods already used by companies such as Apple. Neither bill requires Americans to provide a government issued ID online. These bills center anonymity, accuracy, and ease for adults and minors alike when utilizing age verification.

The Bottom Line: Our legislation follows the approach in Texas's age verification law for pornography that the Supreme Court upheld in *Free Speech Coalition v. Paxton* as only an "incidental burden" on adult speech.

Myth: Age verification is unconstitutional.

Fact: The Supreme Court upheld Texas's age verification law for pornography, giving Congress a constitutional green light for federal action. The App Store Accountability Act is a content-neutral law that focuses on commercial transactions—such as downloading apps and engaging in-app transactions. While Texas's app store age verification bill is making its way through the courts, the App Store Accountability Act before Congress is substantially different from the Texas law, such as by including all apps, even preinstalled apps.

The Bottom Line: The Supreme Court upheld Texas's age verification law for pornography, giving a constitutional green light to the SCREEN Act. Our App Store Accountability Act is content-neutral and substantially different from the app store law enjoined in Texas.



Myth: Mandating age verification means that everyone will need a government ID to access the Internet.

Fact: None of the kids' internet and digital safety bills before the Committee require a government ID for anyone to use the internet. In fact, the App Store Accountability Act and SCREEN Act expressly state that submitting a government ID is not required. We give online platforms and app stores the flexibility to use commercially available approaches to age verification, which companies such as Apple are already rolling out worldwide.

The Bottom Line: The App Store Accountability Act and SCREEN Act expressly state that collection of a government ID is not required for age verification.

Myth: Age verification is a partisan issue.

Fact: Democrats and Republicans across the country are embracing age verification as a critical tool for protecting kids and empowering parents. Democrats in Alabama, Texas, Utah, and Louisiana have all overwhelmingly voted for app store-level age verification laws. Half of all states have enacted age verification laws for pornography, with Democrats in each/many of these states voting in favor of these requirements. Prominent Democrats Gavin Newsom and Rahm Emmanuel have embraced kids' internet and digital safety proposals that require age verification.

The Bottom Line: Leaders on both sides of the aisle agree: age verification is necessary to protect kids and empower American families.

Myth: Age verification technologies are inaccurate and unreliable.

Fact: Innovations in age verification technology have created numerous commercially available and accurate methods to verify age. Age verification has been successfully deployed in fraud prevention and detection, access to controlled actions such as online gambling or online purchase of alcohol and tobacco, and in online dating. The use of technologies such as zero knowledge proofs, AI and blockchain, and biometric recognition, combined with our provisions on strict data privacy, retention, storage, and minimization requirements, sets a national standard on the use of accurate and reliable age verification while ensuring the privacy of users.

The Bottom Line: Advances in age verification technology have led to commercially available and increasingly accurate methods to verify age.

Myth: Age estimation can determine the age of users, and so age verification is unnecessary.

Fact: Estimation is a guess; verification is proof. While estimation tools (like behavioral analysis) can help improve online safety, they are not foolproof and are easily tricked. For high-stakes situations—like stopping a child from accessing hardcore pornography or entering into binding financial contracts—families cannot rely on a “best guess.” Verification is the only way

The Bottom Line: Estimation is a guess; verification is proof.

