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## Rebutting the E&C Majority's "Myth vs. Fact: Age Verification"

E&C Majority's "Myth vs. Fact" [document](#) on age verification attempts to downplay the severe privacy, security, and constitutional risks associated with mandatory, sweeping age verification frameworks like H.R. 3149, the *App Store Accountability Act* (ASAA). Their claims ignore recent federal court injunctions, the consensus of hundreds of cybersecurity academics, and the practical realities of the app economy. Here is a step-by-step rebuttal to each of their claims.

### 1. Privacy and Data Security

- **The Majority's Claim:** Age verification can be done in a privacy-protective way without risking consumer privacy.
- **The Reality:** ASAA mandates a massive, insecure data-sharing pipeline.
- **The Facts:** ASAA requires app stores to collect age data and share it, along with parental consent status, with *every single app developer*, regardless of whether the app poses any risk to children. This forces the sharing of highly sensitive age data with millions of general-audience apps (like calculators, weather apps, or small business tools), creating thousands of new repositories of children's data for hackers to exploit. Furthermore, an [open letter](#) signed by 419 security and privacy academics from 30 countries recently warned that rolling out large-scale age verification is "dangerous and socially unacceptable," citing severe risks to security and privacy.

### 2. Chilling Adult Speech

- **The Majority's Claim:** Age verification is only an "incidental burden" on adult speech, pointing to the Supreme Court upholding Texas's pornography law.
- **The Reality:** Equating the entire internet and app ecosystem to pornography is a massive legal overreach.
- **The Facts:** The "incidental burden" language in the Texas case was applied narrowly, in the specific context of sexually explicit material. Federal courts have explicitly rejected the attempt to treat all apps like pornography sites. On December 23, 2025, a federal judge [blocked](#) the Texas equivalent of the ASAA (SB 2420), stating that forcing users to verify their age to download harmless apps (like news or sports apps) is "akin to a law that would require every bookstore to verify the age of every customer at the door." The court ruled that this broad restriction cuts teenagers off from the "democratic forum of the Internet" and acts as a massive, unconstitutional prior restraint on protected speech.

### 3. Constitutionality

# NetChoice

- **The Majority's Claim:** The Supreme Court gave a "constitutional green light" for federal action, and the App Store Accountability Act is "content-neutral" and follows a court-approved approach.
- **The Reality:** The ASAA model was just [enjoined](#) by a federal court for being wildly overbroad and completely failing the "narrowly tailored" requirement of the First Amendment.
- **The Facts:** In *CCIA v. Paxton*, Judge Robert Pitman ruled that the Texas App Store Accountability Act—which ASAA is modeled after—triggers strict scrutiny and fails to prove it is "the least restrictive means of achieving a compelling state interest." Judge Pitman specifically struck down the law for being "exceedingly overbroad." He ruled that the law fails the narrowly tailored prong because it is massively "over-inclusive": in its attempt to block children from harmful content, it unconstitutionally "prohibits minors from participating in the democratic exchange of views online by curtailing their access to all apps." The court noted that instead of banning minors from downloading *all* apps, a narrowly tailored law would have employed "less restrictive means," such as "incentivizing companies to offer voluntary content filters," educating parents, or narrowly targeting "regulations toward apps that the State demonstrates have specific addictive qualities". Because ASAA restricts everything rather than a "narrowly tailored subset of apps," it violates the Constitution.
- Distinguishing the federal ASAA from the enjoined Texas law by noting it "includes all apps, even preinstalled apps" is not a constitutional argument — it's a description of scope that makes the overbreadth problem worse, not better.

## 4. The "Government ID" Requirement

- **The Majority's Claim:** The bills expressly state that submitting a government ID is not required and offer flexibility, citing ApplePay as an example form of age verification.
- **The Reality:** The bill's strict liability standards make the collection of hard IDs a practical necessity. Further, the bill's parental consent requirements may require birth certificates to establish parental relationships.
- **The Facts:** ASAA requires app stores to verify users into four highly granular age categories: "young child" (under 13), "child" (13-15), "teenager" (16-17), and "adult" (18+) using methods "reasonably designed to ensure accuracy". App stores and developers face massive financial liability (including FTC enforcement) if they get this wrong. Distinguishing between a 12-year-old and a 13-year-old, or a 17-year-old and an 18-year-old, is technically impossible through simple, privacy-preserving estimation. To avoid crippling liability for inaccuracy, platforms will be forced to demand hard identifiers like government IDs or birth certificates to prove age and establish legal

# NetChoice

parental relationships. Even the example they cite, using Apple Pay, requires the user to [verify their identity in their Apple Pay account](#) *before* it can be used for any downstream identity verification purposes. And roughly 20% of Americans simply don't have a credit card, the only way they could comply with this law would be to submit a hard ID.

## 5. Bipartisan and International Support

- **The Majority's Claim:** Age verification is a bipartisan issue embraced by leaders across the country—and by international partners like the EU, France and Australia—to protect kids and empower families.
- **The Reality:** The specific *app-store-level* verification mandated by ASAA is highly unpopular with the parents it claims to empower.
- **The Facts:** Polling shows that parents reject the ASAA model. [70% of parents](#) say protections should constantly keep minors safe while they use apps, not just rely on a one-time age check at the app store level. Furthermore, 70% of parents worry that requiring parental approval for *every single app download* will restrict access to important information, and only 34% believe app store age verification alone will keep kids safe. Parents want continuous platform accountability, not a massive new bureaucratic hurdle that induces "consent fatigue." The Majority is pointing to countries that built age verification on top of a comprehensive privacy foundation and asking Congress to copy the mandate while skipping the foundation entirely. If Congress wants to follow the lead of these privacy-conscious nations, it should start by passing a federal privacy law.

## 6. Accuracy and Reliability

- **The Majority's Claim:** Innovations in technology have created accurate and reliable methods to verify age, such as AI and biometrics.
- **The Reality:** Experts warn these technologies are not foolproof for general internet use and carry massive centralized risks.
- **The Facts:** The 419 international academics and scientists [warned](#) that current age verification technologies are "not effective and carry significant risks". Implementing a robust age verification system would require "checking 'government-issued IDs with strong cryptographic protection for every single interaction with the service,'" which centralizes sensitive data in the hands of a few companies and creates massive honeypots for cybercriminals. Furthermore, mandating age verification across the whole internet is not a risk-proportionate response. As the scientists noted, doing so "would require all users — minors and adults — to prove their age to converse with friends and

# NetChoice

family, read news, or search for information; well beyond what has ever happened in our offline lives."

## 7. Age Estimation vs. Verification

- **The Majority's Claim:** Estimation is just a "guess," and strict verification is the "only way" to protect families.
- **The Reality:** The FTC actively encourages age *estimation* to protect privacy, whereas strict *verification* demands invasive surveillance.
- **The Facts:** The Federal Trade Commission (FTC) just issued an [enforcement policy statement](#) specifically to promote the adoption of age verification technology – explicitly defined to include age estimation and inference tools. By demanding absolute "verification" instead of encouraging innovation in age assurance technology, ASAA rejects privacy-preserving technology in favor of maximum data collection. Furthermore, mandating strict verification and parental approval creates massive barriers that risks cutting teenagers and youth off from [important resources and lifesaving information](#).