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2D SESSION

S. 4213

To prohibit users who are under age 13 from accessing social media platforms, to prohibit the use of personalized recommendation systems on individuals under age 17, and limit the use of social media in schools.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2024

Mr. SCHATZ (for himself, Mr. CRUZ, Mr. MURPHY, Mrs. BRITT, Mr. WELCH, and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prohibit users who are under age 13 from accessing social media platforms, to prohibit the use of personalized recommendation systems on individuals under age 17, and limit the use of social media in schools.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Kids Off Social Media Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—KIDS OFF SOCIAL MEDIA ACT

- Sec. 101. Short title.
 Sec. 102. Definitions.
 Sec. 103. No children under 13.
 Sec. 104. Prohibition on the use of personalized recommendation systems on children or teens.
 Sec. 105. Determination of whether an operator has knowledge fairly implied on the basis of objective circumstances that an individual is a child or teen.
 Sec. 106. Enforcement.
 Sec. 107. Relationship to other laws.
 Sec. 108. Effective date.

TITLE II—EYES ON THE BOARD ACT OF 2024

- Sec. 201. Short title.
 Sec. 202. Updating the Children’s Internet Protection Act to include social media platforms.
 Sec. 203. Empowering transparency with respect to screen time in schools.
 Sec. 204. Internet safety policies.

TITLE III—SEVERABILITY

- Sec. 301. Severability.

1 **TITLE I—KIDS OFF SOCIAL**
 2 **MEDIA ACT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be referred to as the “Kids Off Social
 5 Media Act”.

6 **SEC. 102. DEFINITIONS.**

7 In this title:

8 (1) **PERSONALIZED RECOMMENDATION SYS-**
 9 **TEM.**—The term “personalized recommendation sys-
 10 tem” means a fully or partially automated system
 11 used to suggest, promote, or rank content, including
 12 other users or posts, based on the personal data of
 13 users.

1 (2) CHILD.—The term “child” means an indi-
2 vidual under the age of 13.

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

5 (4) KNOW OR KNOWS.—The term “know” or
6 “knows” means to have actual knowledge or knowl-
7 edge fairly implied on the basis of objective cir-
8 cumstances.

9 (5) PERSONAL DATA.—The term “personal
10 data” has the same meaning as the term “personal
11 information” as defined in section 1302 of the Chil-
12 dren’s Online Privacy Protection Act (15 U.S.C.
13 6501) .

14 (6) SOCIAL MEDIAL PLATFORM.—

15 (A) IN GENERAL.—The term “social media
16 platform” means a public-facing website, online
17 service, online application, or mobile application
18 that—

19 (i) is directed to consumers;

20 (ii) collects personal data;

21 (iii) primarily derives revenue from
22 advertising or the sale of personal data;
23 and

24 (iv) as its primary function provides a
25 community forum for user-generated con-

1 tent, including messages, videos, and audio
2 files among users where such content is
3 primarily intended for viewing, resharing,
4 or platform-enabled distributed social en-
5 dorsement or comment.

6 (B) LIMITATION.—The term “social medial
7 platform” does not include a platform that, as
8 its primary function for consumers, provides or
9 facilitates any of the following:

10 (i) The purchase and sale of commer-
11 cial goods.

12 (ii) Teleconferencing or
13 videoconferencing services that allow recep-
14 tion and transmission of audio or video
15 signals for real-time communication, pro-
16 vided that the real-time communication is
17 initiated by using a unique link or identi-
18 fier to facilitate access.

19 (iii) Crowd-sourced reference guides
20 such as encyclopedias and dictionaries.

21 (iv) Cloud storage, file sharing, or file
22 collaboration services, including such serv-
23 ices that allow collaborative editing by in-
24 vited users.

1 (v) The playing or creation of video
2 games.

3 (vi) Content that consists primarily of
4 news, sports, sports coverage, entertain-
5 ment, or other information or content that
6 is not user-generated but is preselected by
7 the platform and for which any chat, com-
8 ment, or interactive functionality is inci-
9 dental, directly related to, or dependent on
10 the provision of the content provided by
11 the platform.

12 (vii) Business, product, or travel in-
13 formation including user reviews or
14 rankings of such businesses, products, or
15 other travel information.

16 (viii) Educational information, experi-
17 ences, training, or instruction provided to
18 build knowledge, skills, or a craft, district-
19 sanctioned or school-sanctioned learning
20 management systems and school informa-
21 tion systems for the purposes of schools
22 conveying content related to the education
23 of students, or services on behalf of or in
24 support of an elementary school or sec-
25 ondary school, as such terms are defined in

1 section 8101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C.
3 7801).

4 (ix) An email service.

5 (x) A wireless messaging service, in-
6 cluding such a service provided through
7 short message service or multimedia mes-
8 saging protocols, that is not a component
9 of, or linked to, a social media platform
10 and where the predominant or exclusive
11 function of the messaging service is direct
12 messaging consisting of the transmission of
13 text, photos, or videos that are sent by
14 electronic means, where messages are
15 transmitted from the sender to the recipi-
16 ent and are not posted publicly or within
17 a social media platform.

18 (xi) A broadband internet access serv-
19 ice (as such term is defined for purposes of
20 section 8.1(b) of title 47, Code of Federal
21 Regulations, or any successor regulation).

22 (xii) A virtual private network or simi-
23 lar service that exists solely to route inter-
24 net traffic between locations.

1 (7) TEEN.—The term “teen” means an indi-
2 vidual over the age of 12 and under the age of 17.

3 (8) USER.—The term “user” means, with re-
4 spect to a social media platform, an individual who
5 registers an account or creates a profile on the social
6 media platform.

7 **SEC. 103. NO CHILDREN UNDER 13.**

8 (a) NO ACCOUNTS FOR CHILDREN UNDER 13.—A
9 social media platform shall not permit an individual to cre-
10 ate or maintain an account or profile if it knows that the
11 individual is a child.

12 (b) TERMINATION OF EXISTING ACCOUNTS BELONG-
13 ING TO CHILDREN.—A social media platform shall termi-
14 nate any existing account or profile of a user who the so-
15 cial media platform knows is a child.

16 (c) DELETION OF CHILDREN’S PERSONAL DATA.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 upon termination of an existing account or profile of
19 a user pursuant to subsection (b), a social media
20 platform shall immediately delete all personal data
21 collected from the user or submitted by the user to
22 the social media platform.

23 (2) CHILDREN’S ACCESS TO PERSONAL DATA.—

24 To the extent technically feasible and not in viola-
25 tion of any licensing agreement, a social media plat-

1 form shall allow the user of an existing account or
 2 profile that the social media platform has terminated
 3 under subsection (b), from the date such termination
 4 occurs to the date that is 90 days after such date,
 5 to request, and shall provide to such user upon such
 6 request, a copy of the personal data collected from
 7 the user or submitted by the user to the social media
 8 platform both—

9 (A) in a manner that is readable and
 10 which a reasonable person can understand; and

11 (B) in a portable, structured, and machine-
 12 readable format.

13 (d) **RULE OF CONSTRUCTION.**—Nothing in sub-
 14 section (c) shall be construed to prohibit a social media
 15 platform from retaining a record of the termination of an
 16 account or profile and the minimum information necessary
 17 for the purposes of ensuring compliance with this section.

18 **SEC. 104. PROHIBITION ON THE USE OF PERSONALIZED**
 19 **RECOMMENDATION SYSTEMS ON CHILDREN**
 20 **OR TEENS.**

21 (a) **IN GENERAL.**—

22 (1) **PROHIBITION ON USE OF PERSONALIZED**
 23 **RECOMMENDATION SYSTEMS ON CHILDREN OR**
 24 **TEENS.**—Except as provided in paragraph (2), a so-
 25 cial media platform shall not use the personal data

1 of a user or visitor in a personalized recommenda-
2 tion system to display content if the platform knows
3 that the user or visitor is a child or teen.

4 (2) EXCEPTION.—A social media platform may
5 use a personalized recommendation system to dis-
6 play content to a child or teen if the system only
7 uses the following personal data of the child or teen:

8 (A) The type of device used by the child or
9 teen.

10 (B) The languages used by the child or
11 teen to communicate.

12 (C) The city or town in which the child or
13 teen is located.

14 (D) The fact that the individual is a child
15 or teen.

16 (E) The age of the child or teen.

17 (b) RULE OF CONSTRUCTION.—The prohibition in
18 subsection (a) shall not be construed to—

19 (1) prevent a social media platform from pro-
20 viding search results to a child or teen deliberately
21 or independently searching for (such as by typing a
22 phrase into a search bar or providing spoken input),
23 or specifically requesting, content, so long as such
24 results are not based on the personal data of the

1 child or teen (except to the extent permitted under
2 subsection (a)(2));

3 (2) prevent a social media platform from taking
4 reasonable measures to—

5 (A) block, detect, or prevent the distribu-
6 tion of unlawful or obscene material;

7 (B) block or filter spam, or protect the se-
8 curity of a platform or service; or

9 (C) prevent criminal activity; or

10 (3) prohibit a social media platform from dis-
11 playing user-generated content that has been se-
12 lected, followed, or subscribed to by a teen account
13 holder as long as the display of the content is based
14 on a chronological format.

15 **SEC. 105. DETERMINATION OF WHETHER AN OPERATOR**
16 **HAS KNOWLEDGE FAIRLY IMPLIED ON THE**
17 **BASIS OF OBJECTIVE CIRCUMSTANCES THAT**
18 **AN INDIVIDUAL IS A CHILD OR TEEN.**

19 (a) RULES OF CONSTRUCTION.—For purposes of en-
20 forcing this title, in making a determination as to whether
21 a social media platform has knowledge fairly implied on
22 the basis of objective circumstances that a user is a child
23 or teen, the Commission or the attorney general of a State,
24 as applicable, shall rely on competent and reliable evi-
25 dence, taking into account the totality of circumstances,

1 including whether a reasonable and prudent person under
2 the circumstances would have known that the user is a
3 child or teen.

4 (b) PROTECTIONS FOR PRIVACY.—Nothing in this
5 title, including a determination described in subsection
6 (a), shall be construed to require a social media platform
7 to—

8 (1) implement an age gating or age verification
9 functionality; or

10 (2) affirmatively collect any personal data with
11 respect to the age of users that the social media
12 platform is not already collecting in the normal
13 course of business.

14 (c) RESTRICTION ON USE AND RETENTION OF PER-
15 SONAL DATA.—If a social media platform or a third party
16 acting on behalf of a social media platform voluntarily col-
17 lects personal data for the purpose of complying with this
18 title, the social media platform or a third party shall not—

19 (1) use any personal data collected specifically
20 for a purpose other than for sole compliance with
21 the obligations under this title; or

22 (2) retain any personal data collected from a
23 user for longer than is necessary to comply with the
24 obligations under this title or than is minimally nec-
25 essary to demonstrate compliance with this title.

1 **SEC. 106. ENFORCEMENT.**

2 (a) **ENFORCEMENT BY COMMISSION.—**

3 (1) **UNFAIR OR DECEPTIVE ACTS OR PRAC-**
4 **TICES.—**A violation of this title shall be treated as
5 a violation of a rule defining an unfair or deceptive
6 act or practice prescribed under section 18(a)(1)(B)
7 of the Federal Trade Commission Act (15 U.S.C.
8 57a(a)(1)(B)).

9 (2) **POWERS OF COMMISSION.—**

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

17 (B) **PRIVILEGES AND IMMUNITIES.—**Any
18 person who violates this title shall be subject to
19 the penalties and entitled to the privileges and
20 immunities provided in the Federal Trade Com-
21 mission Act (15 U.S.C. 41 et seq.).

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

25 (b) **ENFORCEMENT BY STATES.—**

1 (1) AUTHORIZATION.—Subject to paragraph
 2 (3), in any case in which the attorney general of a
 3 State has reason to believe that an interest of the
 4 residents of the State has been or is threatened or
 5 adversely affected by the engagement of a social
 6 media platform in a practice that violates this title,
 7 the attorney general of the State may, as *parens*
 8 *patriae*, bring a civil action against the social media
 9 platform on behalf of the residents of the State in
 10 an appropriate district court of the United States
 11 to—

12 (A) enjoin that practice;

13 (B) enforce compliance with this title;

14 (C) on behalf of residents of the States,
 15 obtain damages, restitution, or other compensa-
 16 tion, each of which shall be distributed in ac-
 17 cordance with State law; or

18 (D) obtain such other relief as the court
 19 may consider to be appropriate.

20 (2) RIGHTS OF FEDERAL TRADE COMMIS-
 21 SION.—

22 (A) NOTICE TO FEDERAL TRADE COMMIS-
 23 SION.—

24 (i) IN GENERAL.—The attorney gen-
 25 eral of a State shall notify the Commission

1 in writing that the attorney general in-
2 tends to bring a civil action under para-
3 graph (1) before the filing of the civil ac-
4 tion.

5 (ii) CONTENTS.—The notification re-
6 quired under clause (i) with respect to a
7 civil action shall include a copy of the com-
8 plaint to be filed to initiate the civil action.

9 (iii) Clause (i) shall not apply with re-
10 spect to the filing of an action by an attor-
11 ney general of a State under this para-
12 graph if the attorney general of the State
13 determines that it not feasible to provide
14 the notice required in that clause before
15 filing the action.

16 (B) INTERVENTION BY FEDERAL TRADE
17 COMMISSION.—Upon receiving notice under
18 subparagraph (A)(i), the Commission shall have
19 the right to intervene in the action that is the
20 subject of the notice.

21 (3) EFFECT OF INTERVENTION.—If the Com-
22 mission intervenes in an action under paragraph (1),
23 it shall have the right—

24 (A) to be heard with respect to any matter
25 that arises in that action; and

1 (B) file a petition for appeal.

2 (4) INVESTIGATORY POWERS.—Nothing in this
3 subsection may be construed to prevent the attorney
4 general of a State from exercising the powers con-
5 ferred on the attorney general by the laws of the
6 State to—

7 (A) conduct investigations;

8 (B) administer oaths or affirmations; or

9 (C) compel the attendance of witnesses or
10 the production of documentary or other evi-
11 dence.

12 (5) PREEMPTIVE ACTION BY FEDERAL TRADE
13 COMMISSION.—In any case in which an action is in-
14 stituted by or on behalf of the Commission for a vio-
15 lation of this Act, no State may, during the pend-
16 ency of that action, institute a separate civil action
17 under paragraph (1) against any defendant named
18 in the complaint in the action instituted by or on be-
19 half of the Commission for that violation.

20 (6) VENUE; SERVICE OF PROCESS.—

21 (A) VENUE.—Any action brought under
22 paragraph (1) may be brought in—

23 (i) the district court of the United
24 States that meets applicable requirements

1 relating to venue under section 1391 of
2 title 28, United States Code; or

3 (ii) another court of competent juris-
4 diction.

5 (B) SERVICE OF PROCESS.—In an action
6 brought under paragraph (1), process may be
7 served in any district in which the defendant—

8 (i) is an inhabitant; or

9 (ii) may be found.

10 **SEC. 107. RELATIONSHIP TO OTHER LAWS.**

11 The provisions of this title shall preempt any State
12 law, rule, or regulation only to the extent that such State
13 law, rule, or regulation conflicts with a provision of this
14 title. Nothing in this title shall be construed to prohibit
15 a State from enacting a law, rule, or regulation that pro-
16 vides greater protection to children or teens than the pro-
17 tection provided by the provisions of this title. Nothing
18 in this title shall be construed to—

19 (1) affect the application of—

20 (A) section 444 of the General Education
21 Provisions Act (20 U.S.C. 1232g, commonly
22 known as the “Family Educational Rights and
23 Privacy Act of 1974”) or other Federal or State
24 laws governing student privacy; or

1 (B) the Children’s Online Privacy Protec-
2 tion Act of 1998 (15 U.S.C. 6501 et seq.) or
3 any rule or regulation promulgated under such
4 Act; or

5 (2) authorize any action that would conflict
6 with section 18(h) of the Federal Trade Commission
7 Act (15 U.S.C. 57a(h)).

8 **SEC. 108. EFFECTIVE DATE.**

9 This title shall take effect 1 year after the date of
10 enactment of this Act.

11 **TITLE II—EYES ON THE BOARD**
12 **ACT OF 2024**

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as the “Eyes on the Board
15 Act of 2024”.

16 **SEC. 202. UPDATING THE CHILDREN’S INTERNET PROTEC-**
17 **TION ACT TO INCLUDE SOCIAL MEDIA PLAT-**
18 **FORMS.**

19 (a) IN GENERAL.—Section 1721 of the Children’s
20 Internet Protection Act (title XVII of Public Law 106–
21 554) is amended—

22 (1) by redesignating subsections (f) through (h)
23 as subsections (g) through (i), respectively; and

24 (2) by inserting after subsection (e) the fol-
25 lowing:

1 “(f) LIMITATION ON USE OF SCHOOL BROADBAND
2 SUBSIDIES FOR ACCESS TO SOCIAL MEDIA PLAT-
3 FORMS.—

4 “(1) DEFINITIONS.—In this subsection:

5 “(A) COMMISSION.—The term ‘Commis-
6 sion’ means the Federal Communications Com-
7 mission.

8 “(B) SOCIAL MEDIA PLATFORM.—The
9 term ‘social media platform’—

10 “(i) means any website, online service,
11 online application, or mobile application
12 that—

13 “(I) serves the public; and

14 “(II) primarily provides a forum
15 for users to communicate user-gen-
16 erated content, including messages,
17 videos, images, and audio files, to
18 other online users; and

19 “(ii) does not include—

20 “(I) an internet service provider;

21 “(II) electronic mail;

22 “(III) an online service, applica-
23 tion, or website—

24 “(aa) that consists primarily
25 of content that is not user-gen-

1 erated, but is preselected by the
2 provider; and

3 “(bb) for which any chat,
4 comment, or interactive
5 functionality is incidental to, di-
6 rectly related to, or dependent on
7 the provision of content described
8 in item (aa);

9 “(IV) an online service, applica-
10 tion, or website—

11 “(aa) that is non-commercial
12 and primarily designed for edu-
13 cational purposes; and

14 “(bb) the revenue of which
15 is not primarily derived from ad-
16 vertising or the sale of personal
17 data;

18 “(V) a wireless messaging serv-
19 ice, including such a service provided
20 through a short messaging service or
21 multimedia service protocols—

22 “(aa) that is not a compo-
23 nent of, or linked to, a website,
24 online service, online application,

1 or mobile application described in
2 clause (i); and

3 “(bb) the predominant or
4 exclusive function of which is di-
5 rect messaging consisting of the
6 transmission of text, photos, or
7 videos that—

8 “(AA) are sent by elec-
9 tronic means from the send-
10 er to a recipient; and

11 “(BB) are not posted
12 publicly or on a website, on-
13 line service, online applica-
14 tion, or mobile application
15 described in clause (i);

16 “(VI) a teleconferencing or video
17 conferencing service that allows for
18 the reception and transmission of
19 audio or video signals for real-time
20 communication that is initiated by
21 using a unique link or identifier to fa-
22 cilitate access;

23 “(VII) a product or service that
24 primarily functions as business-to-
25 business software or a cloud storage,

1 file sharing, or file collaboration serv-
2 ice; or

3 “(VIII) an organization that is
4 not organized to carry on business for
5 the profit of the organization or of the
6 members of the organization.

7 “(C) TECHNOLOGY PROTECTION MEAS-
8 URE.—The term ‘technology protection meas-
9 ure’ means a specific technology that blocks or
10 filters access to a social media platform.

11 “(2) REQUIREMENTS WITH RESPECT TO SOCIAL
12 MEDIA PLATFORMS.—

13 “(A) IN GENERAL.—

14 “(i) CERTIFICATION REQUIRED.—An
15 elementary or secondary school that is sub-
16 ject to paragraph (5) of section 254(h) of
17 the Communications Act of 1934 (47
18 U.S.C. 254(h)) (referred to in this para-
19 graph as ‘section 254(h)’) may not receive
20 services at discount rates under section
21 254(h) unless the school, school board,
22 local educational agency, or other authority
23 with responsibility for administration of
24 the school—

1 “(I) submits to the Commission
2 the certification described in subpara-
3 graph (B); and

4 “(II) ensures that the use of the
5 school’s supported services, devices,
6 and networks is in accordance with
7 the certification described in subclause
8 (I).

9 “(ii) RULE OF CONSTRUCTION.—
10 Nothing in clause (i) may be construed to
11 prohibit—

12 “(I) district-sanctioned or school-
13 sanctioned learning management sys-
14 tems and school information systems
15 used for purposes of schools conveying
16 content related to the education of
17 students; or

18 “(II) a teacher from using a so-
19 cial media platform in the classroom
20 for educational purposes.

21 “(B) CERTIFICATION WITH RESPECT TO
22 STUDENTS AND SOCIAL MEDIA.—

23 “(i) IN GENERAL.—A certification
24 under this subparagraph is a certification
25 that the applicable school, school board,

1 local educational agency, or other authority
2 with responsibility for administration of
3 the school—

4 “(I) is enforcing a policy of pre-
5 venting students of the school from
6 accessing social media platforms on
7 any supported service, device, or net-
8 work that includes—

9 “(aa) monitoring the online
10 activities of any such service, de-
11 vice, or network to determine if
12 those students are accessing so-
13 cial media platforms; and

14 “(bb) the operation of a
15 technology protection measure
16 with respect to those services, de-
17 vices, and networks that protects
18 against access by those students
19 to a social media platform; and

20 “(II) is enforcing the operation
21 of the technology protection measure
22 described in subclause (I) during any
23 use of supported services, devices, or
24 networks by students of the school.

1 “(ii) RULE OF CONSTRUCTION.—
2 Nothing in this subparagraph may be con-
3 strued to require the applicable school,
4 school board, local educational agency, or
5 other authority to track an individual
6 website, online application, or mobile appli-
7 cation that a student is attempting to ac-
8 cess (or any search terms used by, or the
9 browsing history of a student) beyond the
10 identity of the website or application and
11 whether access to the website or applica-
12 tion is blocked by a technology protection
13 measure because the website or application
14 is a social media platform.

15 “(C) TIMING OF IMPLEMENTATION.—

16 “(i) IN GENERAL.—In the case of a
17 school to which this paragraph applies, the
18 certification under this paragraph shall be
19 made—

20 “(I) with respect to the first pro-
21 gram funding year under section
22 254(h) after the date of enactment of
23 the Eyes on the Board Act of 2024,
24 not later than 120 days after the be-

1 ginning of that program funding year;
2 and

3 “(II) with respect to any subse-
4 quent funding year, as part of the ap-
5 plication process for that program
6 funding year.

7 “(ii) PROCESS.—

8 “(I) SCHOOLS WITH MEASURES
9 IN PLACE.—A school covered by
10 clause (i) that has in place measures
11 meeting the requirements necessary
12 for certification under this paragraph
13 shall certify its compliance with this
14 paragraph during each annual pro-
15 gram application cycle under section
16 254(h), except that, with respect to
17 the first program funding year after
18 the date of enactment of the Eyes on
19 the Board Act of 2024, the certifi-
20 cation shall be made not later than
21 120 days after the beginning of that
22 first program funding year.

23 “(II) SCHOOLS WITHOUT MEAS-
24 URES IN PLACE.—

1 “(aa) FIRST 2 PROGRAM
2 YEARS.—A school covered by
3 clause (i) that does not have in
4 place measures meeting the re-
5 quirements for certification under
6 this paragraph—

7 “(AA) for the first pro-
8 gram year after the date of
9 enactment of the Eyes on
10 the Board Act of 2024 in
11 which the school is applying
12 for funds under section
13 254(h), shall certify that the
14 school is undertaking such
15 actions, including any nec-
16 essary procurement proce-
17 dures, to put in place meas-
18 ures meeting the require-
19 ments for certification under
20 this paragraph; and

21 “(BB) for the second
22 program year after the date
23 of enactment of the Eyes on
24 the Board Act of 2024 in
25 which the school is applying

1 for funds under section
2 254(h), shall certify that the
3 school is in compliance with
4 this paragraph.

5 “(bb) SUBSEQUENT PRO-
6 GRAM YEARS.—Any school that is
7 unable to certify compliance with
8 such requirements in such second
9 program year shall be ineligible
10 for services at discount rates or
11 funding in lieu of services at such
12 rates under section 254(h) for
13 such second year and all subse-
14 quent program years under sec-
15 tion 254(h), until such time as
16 such school comes into compli-
17 ance with this paragraph.

18 “(III) WAIVERS.—Any school
19 subject to subclause (II) that cannot
20 come into compliance with subpara-
21 graph (B) in such second program
22 year may seek a waiver of subclause
23 (II)(aa)(BB) if State or local procure-
24 ment rules or regulations or competi-
25 tive bidding requirements prevent the

1 making of the certification otherwise
2 required by such subclause. A school,
3 school board, local educational agency,
4 or other authority with responsibility
5 for administration of the school shall
6 notify the Commission of the applica-
7 bility of such subclause to the school.
8 Such notice shall certify that the
9 school in question will be brought into
10 compliance before the start of the
11 third program year after the date of
12 enactment of the Eyes on the Board
13 Act of 2024 in which the school is ap-
14 plying for funds under section 254(h).

15 “(D) NONCOMPLIANCE.—

16 “(i) FAILURE TO SUBMIT CERTIFI-
17 CATION.—Any school that knowingly fails
18 to comply with the application guidelines
19 regarding the annual submission of a cer-
20 tification required by this paragraph shall
21 not be eligible for services at discount rates
22 or funding in lieu of services at such rates
23 under section 254(h).

24 “(ii) FAILURE TO COMPLY WITH CER-
25 TIFICATION.—Any school that knowingly

1 fails to ensure the use of its computers in
2 accordance with a certification under sub-
3 paragraph (B) shall reimburse any funds
4 and discounts received under section
5 254(h) for the period covered by such cer-
6 tification.

7 “(iii) REMEDY OF NONCOMPLIANCE.—

8 “(I) FAILURE TO SUBMIT.—A

9 school that has failed to submit a cer-
10 tification under clause (i) may remedy
11 the failure by submitting the certifi-
12 cation to which the failure relates.
13 Upon submittal of such certification,
14 the school shall be eligible for services
15 at discount rates under section
16 254(h).

17 “(II) FAILURE TO COMPLY.—A

18 school that has failed to comply with
19 a certification as described in clause
20 (ii) may remedy the failure by ensur-
21 ing the use of its computers in accord-
22 ance with such certification. Upon
23 submittal to the Commission of a cer-
24 tification or other appropriate evi-
25 dence of such remedy, the school shall

1 be eligible for services at discount
2 rates under section 254(h).

3 “(3) ENFORCEMENT.—The Commission shall—

4 “(A) not later than 120 days after the date
5 of enactment of the Eyes on the Board Act of
6 2024, amend the rules of the Commission to
7 carry out this subsection; and

8 “(B) enforce this subsection, and any rules
9 issued under this subsection, as if this sub-
10 section and those rules were part of the Com-
11 munications Act of 1934 (47 U.S.C. 151 et
12 seq.) or the rules issued under that Act.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 Section 254(h) of the Communications Act of 1934 (47
15 U.S.C. 254(h)) is amended—

16 (1) in paragraph (5)(E)—

17 (A) in clause (i), in the matter preceding
18 subclause (I), by striking “1721(h)” and insert-
19 ing “1721(i)”; and

20 (B) in clause (ii)(I), by striking “1721(h)”
21 and inserting “1721(i)”; and

22 (2) in paragraph (6)(E)—

23 (A) in clause (i), in the matter preceding
24 subclause (I), by striking “1721(h)” and insert-
25 ing “1721(i)”; and

1 (B) in clause (ii)(I), by striking “1721(h)”
2 and inserting “1721(i)”.

3 **SEC. 203. EMPOWERING TRANSPARENCY WITH RESPECT TO**
4 **SCREEN TIME IN SCHOOLS.**

5 (a) IN GENERAL.—Section 254(h)(5)(B) of the Com-
6 munications Act of 1934 (47 U.S.C. 254(h)(5)(B)) is
7 amended—

8 (1) in clause (ii), by striking “and” at the end;

9 (2) in clause (iii), by striking the period at the
10 end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(iv) has adopted a screen time policy
13 that includes guidelines, disaggregated by
14 grade, for the number of hours and uses of
15 screen time that may be assigned to stu-
16 dents, whether during school hours or as
17 homework, on a regular basis.”.

18 (b) CERTIFICATION AND REPORTING.—Beginning in
19 the first funding year that begins after the date of enact-
20 ment of this Act, each school seeking support under sec-
21 tion 254(h) of the Communications Act of 1934 (47
22 U.S.C. 254(h)) (without regard to whether the school sub-
23 mits an application directly for that support or such an
24 application is submitted on behalf of the school by a con-

1 sortium or school district) shall, as a condition of receiving
2 that support—

3 (1) certify that the school will comply with the
4 requirements of this section and the amendments
5 made by this section for the year covered by the ap-
6 plication; and

7 (2) provide to the Federal Communications
8 Commission (referred to in this section as the “Com-
9 mission”) a copy of the screen time policy of the
10 school to which the certification relates.

11 (c) COMMISSION REQUIREMENTS.—Not later than
12 120 days after the date of enactment of this Act, the Com-
13 mission shall amend the rules of the Commission to carry
14 out this section and the amendments made by this section.

15 **SEC. 204. INTERNET SAFETY POLICIES.**

16 Section 254 of the Communications Act of 1934 (47
17 U.S.C. 254) is amended—

18 (1) in subsection (h)(5)—

19 (A) in subparagraph (A)(i)—

20 (i) in subclause (I), by inserting “and
21 copies of the Internet safety policy and
22 screen time policy to which each such cer-
23 tification pertains” before the semicolon at
24 the end; and

25 (ii) in subclause (II)—

1 (I) by striking “Commission”
2 and all that follows through the end
3 of the subclause and inserting the fol-
4 lowing: “Commission—

5 “(aa) a certification that an
6 Internet safety policy and screen
7 time policy described in subclause
8 (I) have been adopted and imple-
9 mented for the school; and”;
10 (II) by adding at the end the fol-
11 lowing:

12 “(bb) copies of the Internet
13 safety policy and screen time pol-
14 icy described in item (aa); and”;
15 and

16 (B) by adding at the end the following:

17 “(G) DATABASE OF INTERNET SAFETY
18 AND SCREEN TIME POLICIES.—The Commission
19 shall establish an easily accessible, public data-
20 base that contains each Internet safety policy
21 and screen time policy submitted to the Com-
22 mission under subclauses (I) and (II) of sub-
23 paragraph (A)(i).”; and

24 (2) in subsection (1), by striking paragraph (3)
25 and inserting the following:

1 “(3) AVAILABILITY FOR REVIEW.—A copy of
2 each Internet safety policy adopted by a library
3 under this subsection shall be made available to the
4 Commission, upon request of the Commission, by the
5 library for purposes of the review of the Internet
6 safety policy by the Commission.”.

7 **TITLE III—SEVERABILITY**

8 **SEC. 301. SEVERABILITY.**

9 If any provision of this Act is determined to be unen-
10 forceable or invalid, the remaining provisions of this Act
11 shall not be affected.

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