

118TH CONGRESS
1ST SESSION

S. 3074

To prohibit schools that receive certain support from the Federal Communications Commission from allowing access to social media platforms on subsidized services, devices, or networks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 18, 2023

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

A BILL

To prohibit schools that receive certain support from the Federal Communications Commission from allowing access to social media platforms on subsidized services, devices, or networks, and for other purposes.

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.**

4 This Act may be cited as the “Eyes on the Board
5 Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

3 (2) COVERED SUPPORT.—The term “covered
4 support” means support from—

5 (A) the E-Rate program; or

6 (B) the Emergency Connectivity Fund.

7 (3) EMERGENCY CONNECTIVITY FUND.—The
8 term “Emergency Connectivity Fund” means the
9 fund established under section 7402(c)(1) of the
10 American Rescue Plan Act of 2021 (47 U.S.C. 254
11 note).

12 (4) E-RATE PROGRAM.—The term “E-rate pro-
13 gram” means the universal service program for
14 schools and libraries established under section
15 254(h) of the Communications Act of 1934 (47
16 U.S.C. 254(h)), the rules of which are set forth
17 under subpart F of part 54 of title 47, Code of Fed-
18 eral Regulations, or any successor regulations.

19 (5) SOCIAL MEDIA PLATFORM.—The term “so-
20 cial media platform”—

21 (A) means any website, online service, on-
22 line application, or mobile application that—

23 (i) serves the public; and

24 (ii) primarily provides a forum for
25 users to communicate user-generated con-

1 tent, including messages, videos, images,
 2 games, and audio files, to other online
 3 users; and

4 (B) does not include—

5 (i) an internet service provider;

6 (ii) electronic mail; or

7 (iii) an online service, application, or
 8 website—

9 (I) that consists primarily of con-
 10 tent that is not user-generated, but is
 11 preselected by the provider; and

12 (II) for which any chat, com-
 13 ment, or interactive functionality is
 14 incidental to, directly related to, or
 15 dependent on the provision of content
 16 described in subclause (I).

17 **SEC. 3. PROHIBITION ON USE OF SCHOOL BROADBAND**
 18 **SUBSIDIES FOR ACCESS TO SOCIAL MEDIA**
 19 **PLATFORMS.**

20 (a) PROHIBITION.—

21 (1) IN GENERAL.—Except for purposes of com-
 22 plying with section 254(h)(5)(B)(iii) of the Commu-
 23 nications Act of 1934 (47 U.S.C. 254(h)(5)(B)(iii)),
 24 a school that receives covered support may not allow

1 access to a social media platform to students on any
2 supported service, device, or network.

3 (2) RULE OF CONSTRUCTION.—Nothing in
4 paragraph (1) may be construed to prohibit parent-
5 sanctioned learning management systems and school
6 information systems used for purposes of schools
7 conveying content related to the education of stu-
8 dents.

9 (b) CERTIFICATION.—

10 (1) CERTIFICATION FOR E-RATE APPLICANTS.—
11 Beginning in the first funding year that begins after
12 the date of enactment of this Act, each school apply-
13 ing for support under the E-Rate program (without
14 regard to whether the school submits an application
15 directly for that support or such an application is
16 submitted on behalf of the school by a consortium or
17 school district), as a condition for receiving that sup-
18 port, shall, during each annual application cycle, cer-
19 tify that the school will comply with the require-
20 ments of this section for the year covered by the ap-
21 plication.

22 (2) CERTIFICATION FOR EMERGENCY
23 CONNECTIVITY FUND APPLICANTS.—The Commis-
24 sion may not provide support from amounts made
25 available from the Emergency Connectivity Fund to

1 any school that has not certified compliance with the
2 requirements of this section as of the date that is
3 180 days after the date of enactment of this Act.

4 (c) ENFORCEMENT.—The Commission shall—

5 (1) not later than 120 days after the date of
6 enactment of this Act, amend the rules of the Com-
7 mission to carry out this section; and

8 (2) enforce this section, and any rules issued
9 under this section, as if this section and those rules
10 were part of the Communications Act of 1934 (47
11 U.S.C. 151 et seq.) or the American Rescue Plan
12 Act of 2021 (Public Law 117–2; 135 Stat. 4), as ap-
13 plicable, or the rules issued under either such Act.

14 **SEC. 4. EMPOWERING TRANSPARENCY AND PARENTAL LIM-**
15 **ITS ON SCREEN TIME IN SCHOOLS.**

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

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

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

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

23 “(iv) has adopted a screen time policy
24 that includes guidelines, disaggregated by
25 grade, for the number of hours and uses of

1 screen time that may be assigned to stu-
2 dents, whether during school hours or as
3 homework, on a regular basis.”.

4 (b) CERTIFICATION AND REPORTING.—Beginning in
5 the first funding year that begins after the date of enact-
6 ment of this Act, each school seeking covered support
7 (without regard to whether the school submits an applica-
8 tion directly for that covered support or such an applica-
9 tion is submitted on behalf of the school by a consortium
10 or school district) shall, as a condition of receiving that
11 covered support—

12 (1) certify that the school will comply with the
13 requirements of this section and the amendments
14 made by this section for the year covered by the ap-
15 plication; and

16 (2) provide to the Commission a copy of the
17 screen time policy of the school to which the certifi-
18 cation relates.

19 (c) COMMISSION REQUIREMENTS.—The Commission
20 shall, not later than 120 days after the date of enactment
21 of this Act, amend the rules of the Commission to carry
22 out this section and the amendments made by this section.

23 **SEC. 5. INTERNET SAFETY POLICIES.**

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

1 (1) in subsection (h)(5)—

2 (A) in subparagraph (A)(i)—

3 (i) in subclause (I), by inserting “and
4 copies of the internet safety policy and
5 screen time policy to which each such cer-
6 tification pertains” before the semicolon at
7 the end; and

8 (ii) in subclause (II)—

9 (I) by striking “Commission”
10 and all that follows through the end
11 of the subclause and inserting the fol-
12 lowing: “Commission—

13 “(aa) a certification that an
14 internet safety policy and screen
15 time policy described in subclause
16 (I) have been adopted and imple-
17 mented for the school; and”;

18 (II) by adding at the end the fol-
19 lowing:

20 “(bb) copies of the internet
21 safety policy and screen time pol-
22 icy described in item (aa); and”;
23 and

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

1 “(G) DATABASE OF INTERNET SAFETY
2 AND SCREEN TIME POLICIES.—The Commission
3 shall establish an easily accessible, public data-
4 base that contains each internet safety policy
5 and screen time policy submitted to the Com-
6 mission under subclauses (I) and (II) of sub-
7 paragraph (A)(i).”; and

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

10 “(3) AVAILABILITY FOR REVIEW.—A copy of
11 each internet safety policy adopted by a library
12 under this subsection shall be made available to the
13 Commission, upon request of the Commission, by the
14 library for purposes of the review of the internet
15 safety policy by the Commission.”.

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