

Calendar No. 108

119TH CONGRESS }
1st Session

SENATE

{ REPORT
119-33

KIDS OFF SOCIAL MEDIA ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 278



JUNE 30, 2025.—Ordered to be printed

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

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KIDS OFF SOCIAL MEDIA ACT

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Mr. CRUZ, from the Committee on Commerce, Science, and
Transportation, submitted the following

R E P O R T

[To accompany S. 278]

[Including cost estimate of the Congressional Budget Office]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 278) 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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 278 is to require social media companies to implement a number of policies to protect young users, including requirements that social media platforms prohibit children under age 13 from creating or maintaining a social media account and not use the personal data of a child or teen to display targeted, personalized content to such child or teen. It would also require similar protections from elementary or secondary schools that receive certain Federal funds by requiring them to certify that they block or filter access to certain social media platforms on any such school's federally supported services, devices, and networks.

BACKGROUND AND NEEDS

Given the prevalence of internet connected devices in our society, children are often introduced to social media use at a young age. Numerous studies, as well as hearings held before the Committee's Subcommittee on Consumer Protection, Product Safety, and Data

Security, document the significant physical and mental health harms to children from social media use, as well as safety concerns that arise when predators have access to children through their on-line accounts and activities.

Studies have shown a strong relationship between social media use and poor mental health, especially among children. From 2019 to 2021, overall media use among teens and tweens (ages 8 to 12) increased by 17 percent, with tweens using screens for 5 hours and 33 minutes per day and teens using screens for 8 hours and 39 minutes.¹

The risk of harm from social media continues as children reach high school age. The Centers for Disease Control and Prevention’s Youth Risk Behavior Survey found that frequent social media use among high school students was associated with higher prevalence of bullying victimization, persistent feelings of sadness and hopelessness, and thoughts of suicide.²

A May 2023 advisory by the U.S. Surgeon General stated that up to 95 percent of youth between ages 13–17 reported using social media, with over a third using it “almost constantly.”³ Teens who spend more than 3 hours per day on social media face double the risk of poor mental health outcomes.⁴

A phone-based childhood—predominantly spent on social media—has been documented to lead to social awkwardness, reduced self-confidence, a more sedentary childhood, fragmented attention, disrupted learning, addiction, and social withdrawal.⁵

The U.S. Surgeon General has stated there is not enough evidence to conclude social media is sufficiently safe for children and adolescents.⁶ The Surgeon General cited studies showing that when children and teens reduce or eliminate exposure to social media for longer than a month it improves mental health.⁷

Parents intuitively understand the harms associated with their child’s use of social media. For example, a survey conducted by Count on Mothers shows that over 90 percent of mothers agree that there should be a minimum of age 13 for social media.⁸

The Subcommittee on Consumer Protection, Product Safety, and Data Security has held a number of hearings to explore harms to children and teens caused by social media use.

On October 2, 2021, the Subcommittee on Consumer Protection, Product Safety, and Data Security heard from a whistleblower and

¹Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021*, at p. 16, Common Sense Media, 2022 (https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf).

²Emily Young et al., *Frequent Social Media Use and Experiences with Bullying Victimization, Persistent Feelings of Sadness or Hopelessness, and Suicide Risk Among High School Students—Youth Risk Behavior Survey, United States, 2023*, Centers for Disease Control, Morbidity and Mortality Weekly, October 10, 2024 (https://www.cdc.gov/mmwr/volumes/73/su/su7304a3.htm?s_cid=su7304a3-w).

³U.S. Department of Health and Human Services, “Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health,” May 23, 2023 (<https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>).

⁴*Ibid.*

⁵Jonathan Haidt, “End The Phone-Based Childhood Now,” *The Atlantic*, March 13, 2024 (<https://www.theatlantic.com/technology/archive/2024/03/teen-childhood-smartphone-use-mental-health-effects/677722/>).

⁶See *supra* n.4. (<https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>).

⁷*Ibid.*

⁸Count on Mothers, “Mothers’ Views on the Protecting Kids on Social Media Act,” June 2023 (<https://www.countonmothers.org/research#June2023>).

former Facebook (now Meta) employee who testified that Meta prioritized user engagement, which fueled growth and profit, over the wellbeing of young users. The witness further testified that Meta’s policies, practices, and the extent of its internal research on harms to youth on its platforms lack transparency, both to the public and independent researchers.⁹

The subcommittee held other hearings on September 30, 2021,¹⁰ October 26, 2021,¹¹ and December 8, 2021,¹² to examine how online platforms—particularly social media platforms—harm young users. These hearings highlighted that algorithmic recommendation systems and targeted advertisements push age-inappropriate, potentially life-threatening content on youth, such as content encouraging dieting and eating disorder behaviors, reckless and dangerous driving, and viral challenges to perform life-threatening stunts. The hearings suggested that external oversight and regulation may be necessary to ensure the safety of minors online because the platforms have failed in doing so on their own.

S. 278 responds to the concerns that social media platforms have not taken appropriate steps to protect children or teens online.

SUMMARY OF PROVISIONS

S. 278 would do the following:

- Require a social media platform to prohibit an individual from creating or maintaining an account or profile if the platform knows that such individual is a child under the age of 13.
- Require a social media platform to terminate any existing account or profile of a user who the social media platform knows is a child.
- Prohibit a social media platform from using the personal data of a child or teen in a personalized recommendation system to display content to a user or visitor the platform knows is a child or teen.
- Establish a standard for the Federal Trade Commission (FTC) or the attorney general of a State to make a determination as to whether a social media platform has knowledge that a user is a child or teen.
- Authorize the FTC to enforce violations of title I of this Act as a violation of a rule defining an unfair or deceptive act or prac-

⁹Prepared statement of Frances Haugen, submitted to the Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Data Security, and Product Safety, for hearing on “Protecting Kids Online: Testimony from a Facebook Whistleblower,” 117th Congress, October 5, 2021 (<https://www.commerce.senate.gov/2021/10/protecting-kids-online-%20testimony%20from%20a%20facebook%20whistleblower>).

¹⁰Hearing on “Protecting Kids Online: Facebook, Instagram, and Mental Health Harms,” Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, and Data Security, 117th Congress, October 5, 2021 (<https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>).

¹¹Hearing on “Protecting Kids Online: Snapchat, TikTok, and YouTube,” Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, and Data Security, 117th Congress, October 26, 2021 (<https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>).

¹²Hearing on “Protecting Kids Online: Instagram and Reforms for Young Users,” Senate Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Protection, Product Safety, and Data Security, 117th Congress, December 8, 2021 (<https://www.commerce.senate.gov/2021/12/protecting-kids-online-instagram-and-reforms-for-young-users>).

tice prescribed under section 18 of the Federal Trade Commission Act.¹³

- Authorize the attorney general of a State to enforce violations of title I of this Act.
- Preempt any State law, rule, or regulation only to the extent that such State law, rule, or regulation conflicts with a provision of title I. Clarifies that nothing in title I should be construed to prohibit a State from enacting a law, rule, or regulation that provides greater protection to children or teens than the protection provided by the provisions of this title.
- Update the Children’s Internet Protection Act¹⁴ to require the school, school board, local educational agency, or other authority with responsibility for administration of an elementary or secondary school that is subject to paragraph (5) of section 254(h) of the Communications Act of 1934¹⁵ to certify that it is enforcing a policy to prevent students from accessing, and has in place measures to block or filter, certain social media platforms on any such school’s federally supported services, devices, and networks. Determine that any covered school that is unable to certify such compliance is ineligible to receive service at discount rates under section 254(h) until such school comes into compliance.
- Require the Federal Communications Commission (FCC) to enforce violations of title II of this Act. Limit the FCC from seeking recovery of funding or delay the processing of a fund application due to a violation of title II if the school, school board, local educational agency, or other authority made a good faith effort to comply with the requirements in title II and correct any known violations of such requirements within a reasonable period of time.
- Require the FCC to establish an easily accessible, public database that contains each internet safety policy that is required to be submitted to the FCC under title II.

LEGISLATIVE HISTORY

S. 278 was introduced on January 28, 2025, by Senator Schatz (for himself and Senators Cruz, Murphy, Britt, Welch, Budd, King, Curtis, Warner, and Fetterman) and was referred to the Committee on Commerce, Science, and Transportation of the Senate. On February 5, 2025, the Committee met in open Executive Session and, by voice vote, ordered S. 278 reported favorably without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

¹³ 15 U.S.C. 57a.

¹⁴ 15 U.S.C. 6501 et seq.

¹⁵ 47 U.S.C. 254(h).

At a Glance			
S. 278, Kids Off Social Media Act			
As ordered reported by the Senate Committee on Commerce, Science, and Transportation on February 5, 2025			
By Fiscal Year, Millions of Dollars	2025	2025-2030	2025-2035
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	*	4	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2036?	*	Statutory pay-as-you-go procedures apply? Yes	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2036?	No	Mandate Effects	
		Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between -\$500,000 and \$500,000.			

The bill would:

- Prohibit social media platforms from allowing children to create accounts and from recommending certain content to children or teens based on their personal data
- Require schools to block access to social media as a condition of receiving discounted broadband service through the E-Rate program of the Federal Communications Commission (FCC)
- Impose intergovernmental and private-sector mandates

Estimated budgetary effects would mainly stem from:

- Increases in spending subject to appropriation for the Federal Trade Commission and FCC to implement and enforce the bill's requirements
- Increases in direct spending and revenues associated with administrative costs of the Universal Service Administrative Company
- Increases in civil penalties

Bill summary: S. 278 would prohibit social media platforms from allowing children to create accounts and from recommending certain content to children or teens based on their personal data. The Federal Trade Commission (FTC) would be required to enforce those prohibitions.

The bill also would require schools to block access to social media on school-provided services, networks, and devices as a condition of receiving discounted broadband service through the E-Rate program of the Federal Communications Commission (FCC). The FCC would be required to enforce that requirement. Finally, S. 278 would direct the FCC to collect information from schools about their Internet safety policies and establish a public database of those policies.

Estimated Federal cost: The estimated costs fall within budget function 370 (commerce and housing credit).

Basis of estimate: CBO assumes that S. 278 will be enacted before the end of fiscal year 2025.

Spending subject to appropriation: Using information from the affected agencies, CBO estimates that implementing S. 278 would cost \$4 million over the 2025–2030 period; any related spending would be subject to the availability of appropriated funds.

CBO estimates that the FTC would need three additional lawyers and technologists in its Bureau of Consumer Protection to enforce violations at a cost of about \$235,000 per employee in 2025. On that basis, and accounting for anticipated inflation, CBO estimates that it would cost the FTC \$4 million over the 2025–2030 period to implement the requirements in the bill.

CBO estimates that it would cost the FCC less than \$500,000 to provide guidance to E-Rate recipients and to establish and maintain the public database. Because the FCC is authorized to collect fees each year sufficient to offset the appropriated costs of its regulatory activities, CBO estimates that the net cost to the FCC would be negligible, assuming appropriation actions consistent with that authority.

Direct spending and revenues: In total, CBO estimates that enacting S. 278 would increase revenues and direct spending by an insignificant amount over the 2025–2035 period.

The Universal Service Administrative Company (USAC), which administers the E-Rate program on behalf of the FCC, already oversees compliance with E-Rate policies as part of its normal duties; therefore, S. 278 would not create substantial new responsibilities. In addition, CBO expects that many schools already block social media access under current policy, and that schools would generally comply with the new requirements under the bill. Therefore, CBO estimates that any additional costs for USAC to oversee schools' social media policies would be insignificant. Under current law, USAC levies assessments on telecommunications carriers to fund its operations; the collection of those assessments is recorded in the budget as revenue and the spending of those assessments is classified as direct spending. On that basis, CBO estimates that the increase in the deficit from increases in revenues and direct spending would be negligible.

The bill would authorize the FTC to collect civil monetary penalties from businesses found in violation of the bill, along with pursuing other remedies. Civil monetary penalties are generally remitted to the Treasury and recorded as revenues. CBO estimates that the additional revenues collected through 2035 would be insignificant.

The extent to which businesses would violate the new rules after they go into effect is uncertain. Furthermore, if a business does violate the new rules and the FTC chooses to proceed with an enforcement action, the extent to which the agency pursues civil penalties versus other remedies is also uncertain, as is the amount of time it would take to resolve a case.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. CBO estimates that enacting the bill would increase direct spending and revenues by less than \$500,000 in every year and over the 2025–2035 period.

Increase in long-term net direct spending and deficits: CBO estimates that enacting S. 278 would increase net direct spending by

an insignificant amount in all of the four consecutive 10-year periods beginning in 2036.

CBO estimates that enacting S. 278 would not increase on-budget deficits in any of the four consecutive 10-year periods beginning in 2036.

Mandates: The bill would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the total cost of those mandates would not exceed the thresholds established in UMRA for intergovernmental and private-sector mandates (\$103 million and \$206 million in 2025, respectively, adjusted annually for inflation).

S. 278 would impose an intergovernmental mandate by preempting state laws governing access to social media platforms for people under the age of 17. Although the preemption would limit the application of state laws, it would impose no duty on state governments that would result in additional spending or loss of revenue.

The bill would impose private-sector mandates by prohibiting social media platforms from allowing children under the age of 13 to create and maintain accounts. Social media platforms also would be required to delete those accounts and supply a copy, upon request, of the personal data of that child user. In addition, social media platforms would be prohibited from using automated systems to promote content based on personal data for people under the age of 17. The incremental cost of the mandates would be small because social media platforms already voluntarily comply, or their current business practices would allow the platforms to easily comply with provisions of the bill.

If the FCC increases annual fee collections to offset the costs of implementing provisions in the bill, S. 278 would increase the cost of an existing private-sector mandate on entities required to pay those fees. CBO estimates that the incremental cost of the mandate would be small.

Estimate prepared by: Federal costs: David Hughes; Mandates: Rachel Austin.

Estimate reviewed by: Justin Humphrey, Chief, Finance, Housing, and Education Cost Estimates Unit; Kathleen FitzGerald, Chief, Public and Private Mandates Unit; H. Samuel Papenfuss, Deputy Director of Budget Analysis.

Estimate approved by: Phillip L. Swagel, Director, Congressional Budget Office.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

Title I of S. 278 would cover the following entities and any employees retained by them: (1) Social media platforms; (2) the FTC; and (3) State attorneys general.

Title II of S. 278 would cover all elementary or secondary schools that are subject to paragraph (5) of section 254(h) of the Commu-

nications Act of 1934¹⁶ and receive services at discount rates under section 254(h).

ECONOMIC IMPACT

S. 278's primary economic impact would be from costs to or changes in revenue for social media platforms that result from: (1) prohibiting children from creating or maintaining a social media account or profile, or (2) prohibiting use of personal data of a child or teen in a personalized recommendation system to display content to such child or teen.

Further, S. 278 may have an economic impact on elementary or secondary schools due to the cost of acquiring new or extending existing legally required technology protection measures, such as internet firewalls, to prohibit student access to certain social media platforms on any federally supported service, device, or network. Should schools not comply, they could also lose funding currently supported through FCC's programs.

PRIVACY

S. 278 is expected to strengthen the privacy of children online. It does so by: (1) prohibiting social media companies from permitting children under 13 years of age from creating or maintaining a social media account and (2) prohibiting the use of a child or teen's personal data in a personalized recommendation system to display content to such child or teen.

PAPERWORK

Title I of S. 278 is not expected to generate any additional paperwork. Title II of S. 278 would have minimal impact on paperwork for elementary or secondary schools. Paperwork would be limited to providing, as a condition of receiving funding under section 254(h) of the Communications Act,¹⁷ the necessary certifications and screen use policies for parents to the FCC to demonstrate compliance with the requirements of title II.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; table of contents.

This section would provide that the bill may be cited as the "Kids Off Social Media Act", and it would include a table of contents.

¹⁶ 47 U.S.C. 254(h).

¹⁷ Ibid.

TITLE I—KIDS OFF SOCIAL MEDIA ACT

Section 101. Short title.

This section would provide that title I may be cited as the “Kids Off Social Media Act”.

Section 102. Definitions.

This section would define the term “personalized recommendation system” to mean a fully or partially automated system used to suggest, promote, or rank content, including other users or posts, based on the personal data of users; the term “child” to mean an individual under the age of 13; the term “Commission” to mean the Federal Trade Commission; the terms “know” and “knows” to mean to have actual knowledge or knowledge fairly implied on the basis of objective circumstances; the term “personal data” to mean the term “personal information” as defined in section 1302 of the Children’s Online Privacy Protection Act; the term “social media platform” to mean a public-facing website, online service, online application, or mobile application that (1) is directed to consumers, (2) collects personal data, (3) primarily derives revenue from the advertising or the sale of personal data, and (4) as its primary function provides a community forum for user-generated content, including messages, videos, and audio files among users where such content is primarily intended for viewing, resharing, or platform-enabled distributed social endorsement or comment. This section also contains a number of express limitations to the scope of the term “social media platform”. This section would further define the term “teen” to mean an individual over the age of 12 and under the age of 17 and the term “user” to mean, with respect to a social media platform, an individual who registers an account or creates a profile on the social media platform.

Section 103. No children under 13.

This section would prohibit a social media platform from permitting an individual to create or maintain an account or profile on such social media platform if it knows that the individual is a child. This section would further require a social media platform to terminate any existing account or profile of a user who the social media platform knows is a child.

For any accounts or profiles of a child deleted in accordance with this section, a social media platform would be required to delete all personal data collected from the user or submitted by the user to the platform. Such deletion would need to take place after the platform provides the user of such existing account or profile with the opportunity to request and receive a copy of the user’s personal data within 90 days after the platform terminates such account or profile.

Section 104. Prohibition on the use of personalized recommendation systems on children or teens.

This section would prohibit a social media platform from using a user or visitor’s personal data in a personalized recommendation system to display content if the platform knows that the user is a child or teen. This section would provide exceptions to allow for the

use of the following categories of personal data in a personalized recommendation system:

- The type of device used by the child or teen.
- The languages used by the child or teen to communicate.
- The city or town in which the child or teen is located.
- The fact that the individual is a child or teen.
- The age of the child or teen.

This section would also include a rule of construction. This section could not be construed to prevent a child or teen from deliberately or independently requesting content so long as such results are not based on the personal data of the child or teen. Social media platforms would also not be prevented from taking measures to stop unlawful or obscene material, block or filter spam or protect the security of a platform, or prevent criminal activity. This section could also not be construed to prohibit a social media platform from displaying content that a teen account holder has selected, followed, or subscribed to, provided that such display is in chronological format.

Section 105. Determination of whether an operator has knowledge fairly implied on the basis of objective circumstances that an individual is a child or teen.

This section would provide that for purposes of this title, in making a determination of whether a social media platform has knowledge fairly implied on the basis of objective circumstances that a user is a child or teen, the FTC or the attorney general of a State, as applicable, shall rely on competent and reliable evidence, taking into account the totality of circumstances, including whether a reasonable and prudent person under the circumstances would have known that the user is a child or teen.

Such determination shall not be construed to require a social media platform to implement an age gating or age verification functionality or affirmatively collect any personal data with respect to the age of users that the social media platform is not already collecting in the normal course of business.

By adopting this determination, a social media platform would no longer be able to rely only on self-reporting or self-attestation of age submitted by a user, nor would a social media company be able to ignore objective facts indicating that a user is a child.

Further, this section would provide that if any social media platform or party acting on the platform's behalf voluntarily collects personal data to comply with this title, the platform or party shall not use such data for any purpose other than sole compliance with this title or retain any personal data collected for longer than necessary to comply with the obligations under this title or minimally necessary to demonstrate compliance with this title.

Section 106. Enforcement.

This section would provide that the FTC shall enforce violations of this title as violations of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.¹⁸

¹⁸ 15 U.S.C. 57a.

This section would further provide that the attorney general of a State may, subject to the requirements in this title, bring a civil action against a social media platform for violations of this title committed against the residents of the applicable State.

Section 107. Relationship to other laws.

This section would state that the provisions of this title shall preempt any State law, rule, or regulation only to the extent that such State law, rule, or regulation conflicts with a provision of this title. It would also clarify that nothing in this title shall be construed to prohibit a State from enacting a law, rule, or regulation that provides greater protection to children or teens than the protection provided by the provisions of this title.

Section 108. Effective date.

This section would provide that this title shall take effect 1 year after the date of enactment of this Act.

TITLE II—EYES ON THE BOARD ACT OF 2025

Section 201. Short title.

This section would provide that title II may be cited as the “Eyes on the Board Act of 2025”.

Section 202. Updating the children’s internet protection act to include social media platforms.

This section would expand the Children’s Internet Protection Act to require schools to certify that they are enforcing a policy to prevent students from accessing, and have in place measures to block or filter students’ access to certain social media platforms on federally supported services, devices, and networks, as a condition of receiving services at discount rates under section 254(h) of the Communications Act of 1934.¹⁹

It would further clarify that these requirements do not prohibit district-sanctioned or school-sanctioned learning management systems and school information systems used for purposes of conveying content related to the education of students; or teachers from using a social media platform for educational instruction.

Finally, this section would clarify that the FCC may not seek recovery of funding or delay the processing of a fund application from a school due to a violation of this title if the school, school board, local educational agency, or other authority made a good faith effort to comply with the requirements in this title and correct any known violations of such requirements within a reasonable period of time.

Section 203. Internet safety policies.

This section would require elementary or secondary schools that receive Federal funding under section 254(h) of the Communications Act of 1934 to submit copies of their internet safety policies to the FCC, to be made available in an easily accessible, public database.

¹⁹ 47 U.S.C. 254(h).

TITLE III—SEVERABILITY

Section 301. Severability.

This section would establish that if any provision of this Act, or amendment made by this Act, is determined to be unenforceable or invalid, the remaining provision of this Act and the amendments made by this Act shall not be affected.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934

* * * * *

[47 U.S.C. 254]

SEC. 254. UNIVERSAL SERVICE.

(a) * * *

* * * * *

(h) **TELECOMMUNICATIONS SERVICES FOR CERTAIN PROVIDERS.—**

(1) * * *

* * * * *

(5) **REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS.—**

(A) **INTERNET SAFETY.—**

(i) **IN GENERAL.**—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

(I) submits to the Commission the certifications described in subparagraphs (B) and (C) *and copies of the Internet safety policy to which each such certification pertains;*

(II) submits to the [Commission a certification that an Internet safety policy has been adopted and implemented for the school under subsection (1); and] *Commission—*

(aa) a certification that an Internet safety policy described in subclause (I) have been adopted and implemented for the school; and

(bb) copies of the Internet safety policy described in item (aa); and

* * * * *

(E) **TIMING OF IMPLEMENTATION.—**

(i) **IN GENERAL.**—Subject to clause (ii) in the case of any school covered by this paragraph as of the effec-

tive date of this paragraph under section **【1721(h)】** 1721(i) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

(I) * * *

(II) * * *

(ii) PROCESS.—

(I) SCHOOLS WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section **【1721(h)】** 1721(i) of the Children’s Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

(II) * * *

(III) * * *

(F) * * *

(6) REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS.—

(A) * * *

* * * * *

(E) TIMING OF IMPLEMENTATION.—

(i) IN GENERAL.—Subject to clause (ii) in the case of any library covered by this paragraph as of the effective date of this paragraph under section **【1721(h)】** 1721(i) of the Children’s Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

(I) * * *

(II) * * *

(ii) PROCESS.—

(I) LIBRARIES WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section **【1721(h)】** 1721(i) of the Children’s Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

(II) * * *

(III) * * *

(F) * * *

(G) *DATABASE OF INTERNET SAFETY POLICIES.*—*The Commission shall establish an easily accessible, public database that contains each Internet safety policy submitted to the Commission under subclauses (I) and (II) of subparagraph (A)(i).*

* * * * *

(1) INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES.—

(1) * * *

(2) * * *

[(3) AVAILABILITY FOR REVIEW.—Each Internet safety policy adopted under this subsection shall be made available to the Commission, upon request of the Commission, by the school, school board, local educational agency, library, or other authority responsible for adopting such Internet safety policy for purposes of the review of such Internet safety policy by the Commission.]

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

(4) * * *

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CONSOLIDATED APPROPRIATIONS ACT, 2001

[Public Law 106–554]

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TITLE XVII—CHILDREN’S INTERNET PROTECTION

[Children’s Internet Protection Act]

* * * * *

Subtitle B—Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) * * *

* * * * *

(e) * * *

(f) *LIMITATION ON USE OF SCHOOL BROADBAND SUBSIDIES FOR ACCESS TO SOCIAL MEDIA PLATFORMS.*—

(1) *DEFINITIONS.—In this subsection:*

(A) *COMMISSION.—The term “Commission” means the Federal Communications Commission.*

(B) *SECTION 254(H).—The term “section 254(h)” means section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)).*

(C) *SOCIAL MEDIA PLATFORM.—The term “social media platform”—*

(i) means any website, online service, online application, or mobile application that—

(I) serves the public; and

(II) primarily provides a forum for users to communicate user-generated content, including messages, videos, images, and audio files, to other online users; and

(ii) does not include—

(I) an internet service provider;

(II) electronic mail;

(III) an online service, application, or website—

(aa) that consists primarily of content that is not user-generated, but is preselected by the provider; and

(bb) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of content described in item (aa);

(IV) an online service, application, or website—

(aa) that is non-commercial and primarily designed for educational purposes; and

(bb) the revenue of which is not primarily derived from advertising or the sale of personal data;

(V) a wireless messaging service, including such a service provided through a short messaging service or multimedia service protocols—

(aa) that is not a component of, or linked to, a website, online service, online application, or mobile application described in clause (i); and

(bb) the predominant or exclusive function of which is direct messaging consisting of the transmission of text, photos, or videos that—

(AA) are sent by electronic means from the sender to a recipient; and

(BB) are not posted publicly or on a website, online service, online application, or mobile application described in clause (i);

(VI) a teleconferencing or video conferencing service that allows for the reception and transmission of audio or video signals for real-time communication that is initiated by using a unique link or identifier to facilitate access;

(VII) a product or service that primarily functions as business-to-business software or a cloud

storage, file sharing, or file collaboration service;
or

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

(D) TECHNOLOGY PROTECTION MEASURE.—The term “technology protection measure” means a specific technology that blocks or filters access to a social media platform.

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

(A) IN GENERAL.—

(i) CERTIFICATION REQUIRED.—An elementary or secondary school that is subject to paragraph (5) of section 254(h) may not receive services at discount rates under section 254(h) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

(I) submits to the Commission the certification described in subparagraph (B); and

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

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

(I) district-sanctioned or school-sanctioned learning management systems and school information systems used for purposes of schools conveying content related to the education of students; or

(II) a teacher from using a social media platform for educational instruction.

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

(i) IN GENERAL.—A certification under this subparagraph is a certification that the applicable school, school board, local educational agency, or other authority with responsibility for administration of the school—

(I) is enforcing a policy of preventing students of the school from accessing social media platforms on any supported service, device, or network that includes—

(aa) monitoring the online activities of any such service, device, or network to determine if those students are accessing social media platforms; and

(bb) the operation of a technology protection measure with respect to those services, devices, and networks that protects against access by those students to a social media platform; and

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

(ii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed to require the applicable

school, school board, local educational agency, or other authority to track an individual website, online application, or mobile application that a student is attempting to access (or any search terms used by, or the browsing history of a student) beyond the identity of the website or application and whether access to the website or application is blocked by a technology protection measure because the website or application is a social media platform.

(C) TIMING OF IMPLEMENTATION.—

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

(I) with respect to the first program funding year under section 254(h) after the date of enactment of the Eyes on the Board Act of 2025, not later than 120 days after the beginning of that program funding year; and

(II) with respect to any subsequent funding year, as part of the application process for that program funding year.

(ii) PROCESS.—

(I) SCHOOLS WITH MEASURES IN PLACE.—A school covered by clause (i) that has in place measures meeting the requirements necessary for certification under this paragraph shall certify its compliance with this paragraph during each annual program application cycle under section 254(h), except that, with respect to the first program funding year after the date of enactment of the Eyes on the Board Act of 2025, the certification shall be made not later than 120 days after the beginning of that first program funding year.

(II) SCHOOLS WITHOUT MEASURES IN PLACE.—

(aa) FIRST 2 PROGRAM YEARS.—A school covered by clause (i) that does not have in place measures meeting the requirements for certification under this paragraph—

(AA) for the first program year after the date of enactment of the Eyes on the Board Act of 2025 in which the school is applying for funds under section 254(h), shall certify that the school is undertaking such actions, including any necessary procurement procedures, to put in place measures meeting the requirements for certification under this paragraph; and

(BB) for the second program year after the date of enactment of the Eyes on the Board Act of 2025 in which the school is applying for funds under section 254(h), shall certify that the school is in compliance with this paragraph.

(bb) SUBSEQUENT PROGRAM YEARS.—Any school that is unable to certify compliance

with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under section 254(h) for such second year and all subsequent program years under section 254(h), until such time as such school comes into compliance with this paragraph.

(III) *WAIVERS.—Any school subject to subclause (II) that cannot come into compliance with subparagraph (B) in such second program year may seek a waiver of subclause (II)(aa)(BB) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of such subclause to the school. Such notice shall certify that the school in question will be brought into compliance before the start of the third program year after the date of enactment of the Eyes on the Board Act of 2025 in which the school is applying for funds under section 254(h).*

(D) *NONCOMPLIANCE.—*

(i) *FAILURE TO SUBMIT CERTIFICATION.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of a certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under section 254(h).*

(ii) *FAILURE TO COMPLY WITH CERTIFICATION.—Any school that knowingly fails to ensure the use of its supported services, devices, and networks is in accordance with a certification under subparagraph (B) shall reimburse any funds and discounts received under section 254(h) for the period covered by such certification.*

(iii) *REMEDY OF NONCOMPLIANCE.—*

(I) *FAILURE TO SUBMIT.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under section 254(h).*

(II) *FAILURE TO COMPLY.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring that the use of its supported services, devices, and networks is in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under section 254(h).*

(E) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to consider a school, school board, local educational agency, or other authority with responsibility for the administration of a school in violation of this paragraph, or subject to a delay in the processing of funding applications or requests for reimbursement, if that school, school board, local educational agency, or other authority makes a good faith effort to comply with this paragraph and to correct a known violation of this paragraph within a reasonable period of time.

(3) ENFORCEMENT.—

(A) IN GENERAL.—The Commission shall—

(i) not later than 120 days after the date of enactment of the Eyes on the Board Act of 2025, amend the rules of the Commission to carry out this subsection; and

(ii) subject to subparagraph (B), enforce this subsection, and any rules issued under this subsection, as if this subsection and those rules were part of the Communications Act of 1934 (47 U.S.C. 151 et seq.) or the rules issued under that Act.

(B) LIMITATIONS.—

(i) NONCOMPLIANCE DESPITE GOOD FAITH EFFORTS.—The Commission may not seek recovery of funding provided under section 254(h), or delay the processing of a funding application, because of the violation by a school, school board, local educational agency, or other authority with responsibility for administration of the school of any requirement of this subsection, or any rule issued under this subsection, if the school, school board, local educational agency, or other authority with responsibility for administration of the school made a good faith effort to comply with that requirement and correct any known violations of that requirement within a reasonable period of time.

(ii) NONCOMPLIANCE WITHOUT GOOD FAITH EFFORTS.—With respect to any violation of a requirement of this subsection, or any rule issued under this subsection, in which a school, school board, local educational agency, or other authority with responsibility for administration of the school does not make a good faith effort to comply with that requirement, or does not correct any known violation of that requirement within a reasonable period of time, the Commission shall seek recovery of the funding provided to the school under section 254(h) for such period consistent with the remedy established under paragraph (2)(D)(iii).

(4) EXEMPTION FOR CERTAIN LIBRARIES.—Nothing in this subsection may be construed to require a library (as defined in section 213 of the Museum and Library Services Act (20 U.S.C. 9122)), except a library of an elementary or secondary school, to comply with the requirements of this subsection or any rule issued under this subsection.

[(f)](g) REGULATIONS.—

(1) REQUIREMENT.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

[(g)](h) AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term “technology protection measure” has the meaning given that term in section 1703.

[(h)](i) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

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