

Fischer-1 (modified)



AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3663

To protect the safety of children on the internet.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mrs. FISCHER
to the amendment (No. _____) proposed by Mr.
BLUMENTHAL

Viz:

1 On page 3, between lines 11 and 12, insert the fol-
2 lowing:

3 (9) COMPULSIVE USAGE.—The term “compul-
4 sive usage” means any response stimulated by exter-
5 nal factors that causes an individual to engage in re-
6 petitive behavior reasonably likely to cause psycho-
7 logical distress, loss of control, anxiety, depression,
8 or harmful stress responses.

9 On page 5, line 4, strike “and notifications” and in-
10 sert “notifications, and other features that result in com-
11 pulsive usage of the covered platform by a minor”.

1 On page 8, line 1, insert “clear and conspicuous”
2 after “in a”.

3 On page 8, between lines 7 and 8, insert the fol-
4 lowing:

5 (2) DARK PATTERNS PROHIBITION.—For pur-
6 poses of this section, it shall be unlawful for any
7 covered platform to design, modify, or manipulate a
8 user interface of a covered platform with the pur-
9 pose or substantial effect of subverting or impairing
10 user autonomy, decision-making, or choice in order
11 to weaken or disable safeguards or parental controls.

12 On page 28, strike line 15 and insert the following:
13 with this Act; and

14 (4) outline conduct that does not have the pur-
15 pose or substantial effect of subverting or impairing
16 user autonomy, decision-making, or choice, or of
17 causing, increasing, or encouraging compulsive usage
18 for a minor, such as—

19 (A) de minimis user interface changes de-
20 rived from testing consumer preferences, includ-
21 ing different styles, layouts, or text, where such
22 changes are not done with the purpose of weak-

1 ening or disabling safeguards or parental con-
2 trols;

3 (B) algorithms or data outputs outside the
4 control of a covered platform; and

5 (C) establishing default settings that pro-
6 vide enhanced privacy protection to users or
7 otherwise enhance their autonomy and decision-
8 making ability.

9 On page 35, strike lines 4 through 6, and insert the
10 following:

11 (4) recommending best practices and clear, con-
12 sensus-based technical standards for transparency
13 reports and audits, as required under this Act.

14 The recommended standards for reports and audits under
15 paragraph (4) shall include methods, criteria, and scope
16 to promote overall accountability.