

## AMENDMENTS TO S. 3164

### **YES: 2, 3, 4, 19, 24, 25, 27, 29**

#### **#19 Relative to offering relief to all users from addictive social media feeds (Sen. Fernandes)**

- This amendment prevents companies from manipulating users into using addictive features.
- It also minimizes the need for age checks, strengthening speech protections, by requiring safety settings to be turned on by default and only users who request that addictive features be turned on must show they are not a minor.
- It also strikes a provision in the bill that allows companies to ban minors from their platforms instead of making their platforms safer.

#### **#3 Social Media Platform Definition (Sen. Edwards)**

- This amendment treats a platform as a social media platform if it *either* primarily displays content through a feed *or* primarily allows users to create, share, or interact with content. The original definition required both conditions to be met, which would have counterintuitively exempted platforms like Snapchat—which use addictive features and present safety risks for minors, but which do not primarily display content through a feed.
- This exempts some sites that may otherwise fit under the definition of "social media platform" but for which the application of these regulations would be nonsensical and/or overly onerous.
- Examples include Wikipedia, the Trevor Project's TrevorSpace, and GitHub.
- These are sites that may be used for homework or for seeking affirming and life saving support.

#### **#2 Definition of User (Sen. Payano)**

- This amendment closes a loophole in the definition of "user" that would have allowed platforms to continue providing addictive features to minors so long as the minor does not use an account to access the platform.

#### **#4 Age Signal (Sen. Edwards)**

- This clarifies that the attorney general will be regulating interoperability of age signals and not mandating that all operating systems implement age signals.
- Forcing implementation would be onerous on open source operating systems where code is contributed, may introduce security vulnerabilities if poorly implemented, and could cause speech concerns by forcing the inclusion of code in open source projects.

#### **#24 Parental Consent (Sen. Kennedy)**

- This amendment avoids the privacy and security issues that come with obtaining parental consent, while increasing the protections for minors.
- It does so by moving the geolocation data protections from Section 2(b) to Section 2(a), which means the precise geolocation data of minors may not be shared on social media.
  - Location sharing on social media is not typically how parents and others track their child's location (that is primarily done through apps such as Life360 or built in tools on Apple and Android devices), so this amendment does not affect that ability.

#### **#27 Preventing Dark Patterns (Sen. Brownsberger)**

- Tech companies often use design tactics, such as repeated nudges and grouping of settings controls, to manipulate users into choosing less protective settings. These design tactics are known as "dark patterns."
- The bill creates two sets of default settings for users, one in Section 2(a) and one in Section 2(b).
- There is a danger that covered operators will use dark patterns to nudge or trick users into opting out of the default settings described in the bill.
- The bill currently prohibits covered operators from using dark patterns to manipulate users into changing the default settings described in Section 2(b).
- This amendment ensures that the provision prohibiting covered operators from using dark patterns to manipulate users into changing their default settings applies to all default settings described in the bill and not just the default settings described in Section 2(b).

#### **#25 Addictive social media feed definition (Sen. Kennedy)**

- This clarifies that platforms can use interaction data to generate feeds when that data functions to allow users to control the amount and types of content they receive from users they subscribe to.
- The original language allowed platforms to use data concerning a user's "saved" content, which does not necessarily indicate content users wish to see more of, as a user may save content they find objectionable, for instance.

#### **#29 Minor Data Security (Sen. Brownsberger)**

- This adds important protections to minors' data by requiring the attorney general to address issues of re-identification that could expose minors' personal information to the public.
- Re-identification is a problem that has been made worse by powerful tools such as artificial intelligence.
- Additionally, this allows the attorney general to exempt small covered platforms or covered platforms from which the data would not be useful in order to increase data protections and prevent onerous reporting that could competitively disadvantage smaller companies.