

S.L.C. 

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the limitation on the processing of personal data to provide outputs.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4199

To require entities that make artificial intelligence chatbots available to minors to implement certain safe design features, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CRUZ

Viz:

- 1 Strike section 4(b) and insert the following:
- 2 (b) LIMITATION ON THE PROCESSING OF PERSONAL
- 3 DATA TO PROVIDE OUTPUTS.—
- 4 (1) IN GENERAL.—A deployer with knowledge
- 5 that a user of an AI chatbot is a minor shall not
- 6 process, directly or indirectly, any personal data of
- 7 the user to generate, personalize, or otherwise affect
- 8 an output provided to such user unless the personal
- 9 data was collected during the current session.
- 10 (2) DEFAULT SESSION.—

1 (A) COMMENCEMENT.—A session shall
2 begin when a minor provides the first user-initi-
3 ated input following the expiration of a previous
4 session.

5 (B) EXPIRATION.—Subject to paragraph
6 (3), a session shall end at the earliest of—

7 (i) 12 hours after the minor's most
8 recent user-initiated input; or

9 (ii) 3 days after the session began.

10 (C) CHATBOT ACTIVITY.—An output, noti-
11 fication, or other activity initiated by an AI
12 chatbot shall not begin, extend, or restart a ses-
13 sion or reset the 12-hour period described in
14 subparagraph (B)(i).

15 (3) LESS RESTRICTIVE SESSION.—

16 (A) IN GENERAL.—A deployer shall permit
17 a parent of a minor to affirmatively select—

18 (i) an inactivity period longer than the
19 period established under paragraph
20 (2)(B)(i), which shall include an indefinite
21 period; or

22 (ii) an overall period longer than the
23 period established under paragraph
24 (2)(B)(ii), which shall include an indefinite
25 period.

1 (B) REQUIREMENTS.—A selection under
2 subparagraph (A) shall—

3 (i) require an affirmative action sepa-
4 rate from acceptance of general terms of
5 service, a privacy policy, broad terms of
6 use, or similar document that contains de-
7 scriptions of personal data processing
8 along with other unrelated information;

9 (ii) not be preselected or enabled by
10 default;

11 (iii) be preceded by a clear and con-
12 spicuous disclosure explaining that the se-
13 lection will permit the AI chatbot to use
14 personal data collected during a session for
15 longer period or across a greater number
16 of user-initiated inputs than permitted
17 under the default session, the limits se-
18 lected, and how the selection may be re-
19 voked;

20 (iv) not be obtained through a user
21 interface that has the purpose or substan-
22 tial effect of obscuring, subverting or im-
23 pairing user autonomy, decision-making, or
24 choice;

1 (v) not be required as a condition of
2 using the AI chatbot;

3 (vi) remain capable of being revoked
4 or made more protective at any time
5 through a control that—

6 (I) is at least as least as promi-
7 nent and easy to use as the control
8 through which the selection was made;
9 and

10 (II) does not require more steps
11 to use compared to the number of
12 steps required to use the control
13 through which the selection was made;

14 (vii) be made in a manner reasonably
15 accessible to and usable by individuals liv-
16 ing with disabilities; and

17 (viii) be made through a control that
18 offers a range of options for the inactivity
19 period and overall period, as applicable,
20 rather than only a single option that re-
21 moves the default session limits established
22 under paragraph (2).

23 (C) DEFINITION OF PARENT.—For pur-
24 poses of this paragraph, the term “parent” in-
25 cludes a legal guardian of the minor.