

<u>Source</u>	<u>Status</u>	<u>Scope</u>	<u>Definition</u>	<u>Prohibited Activity</u>
<p><i>Deceptive Experiences To Online Users Reduction Act (DETOUR Act)</i></p> <p>S. 3330</p>	<p>Introduced in 2019-202 Congress, not enacted Re-introduced in 2021-2022 Congress</p>	<p>Would apply to “large online operator[s]” that either: (1) provide an online service, (2) have more than 100,000,000 authenticated users, or (3) are subject to the FTC Act.</p>	<p>“(1) Unfair Or Deceptive Acts Or Practices....</p> <p>(B) DETERMINATION.—For purposes of enforcement of this Act, the Commission shall determine an act or practice is unfair or deceptive if the act or practice—</p> <p>(i) has the purpose, or substantial effect, of subverting or impairing user autonomy, decision-making, or choice to obtain consent or user data; or</p> <p>(ii) has the purpose, or substantial effect, of cultivating compulsive usage by a child.”</p> <p>§3(d)(1)(B)(i)-(ii).</p>	<p>“It shall be unlawful for any large online operator—</p> <p>(1) to design, modify, or manipulate a user interface with the purpose or substantial effect of obscuring, subverting, or impairing user autonomy, decision-making, or choice to obtain consent or user data;</p> <p>(2) to subdivide or segment consumers of online services into groups for the purposes of behavioral or psychological experiment or research of users of an online service, except with the informed consent of each user involved; or</p> <p>(3) to design, modify, or manipulate a user interface on a website or online service, or portion thereof, that is directed to a child, with the purpose or substantial effect of causing, increasing, or encouraging compulsive usage, inclusive of video auto-play functions initiated without the consent of a user. §3(a)(1)-(3).</p>
<p><i>American Data Privacy and Protection Act (ADPPA)</i></p> <p>H.R. 8152</p>	<p>Introduced in 2021-2022 Congress</p>	<p>Would apply to entities and people that determine how covered data is collected, processed, or transferred and: (1) is subject to the FTC Act or (2) the Communications Act of 1934, (3) is a non-profit, or (4) is controlled by a covered entity.</p> <p>§2(9)(A).</p>	<p>“The term “affirmative express consent” means an affirmative act by an individual that clearly communicates the individual’s freely given, specific, informed, and unambiguous authorization for an act or practice, in response to a specific request from a covered entity.” §2(1)(A).</p>	<p>“The term “affirmative express consent” means an affirmative act by an individual that clearly communicates the individual’s freely given, specific, informed, and unambiguous authorization for an act or practice, in response to a specific request from a covered entity.” §2(1)(A).</p> <p>“A covered entity shall not obtain or attempt to obtain the affirmative express consent of an individual through...the design, modification, or manipulation of any user interface with the purpose or substantial effect of obscuring, subverting, or impairing a reasonable individual’s autonomy, decision making, or choice to provide such consent or any covered data.” §2(1)(B).</p>