

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To require the Federal Trade Commission to identify content-agnostic platform interventions to reduce the harm of algorithmic amplification and social media addiction on covered platforms, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Ms. KLOBUCHAR (for herself and Ms. LUMMIS) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To require the Federal Trade Commission to identify content-agnostic platform interventions to reduce the harm of algorithmic amplification and social media addiction on covered platforms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nudging Users to  
5 Drive Good Experiences on Social Media Act” or the “So-  
6 cial Media NUDGE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1           (1) Social media platforms can have significant  
2 impacts on their users, both positive and negative.  
3 However, social media usage can be associated with  
4 detrimental outcomes, including on a user's mental  
5 and physical health. Design decisions made by social  
6 media platforms, such as decisions affecting the con-  
7 tent a user might see on a social media platform,  
8 may drive or exacerbate these negative or detri-  
9 mental outcomes.

10           (2) Viral harmful content often spreads on so-  
11 cial media platforms. Social media platforms do not  
12 consistently enforce their terms of service and con-  
13 tent policies, leading to supposedly prohibited con-  
14 tent often being shown to users and amplified by  
15 such platforms.

16           (3) Social media platforms often rely heavily on  
17 automated measures for content detection and mod-  
18 eration. These social media platforms may rely on  
19 such automated measures due to the large quantity  
20 of user-generated content on their platforms. How-  
21 ever, evidence suggests that even state-of-the-art  
22 automated content moderation systems currently do  
23 not fully address the harmful content on social  
24 media platforms.

1           (4) Significant research has found that content-  
2           agnostic interventions, if made by social media plat-  
3           forms, may help significantly mitigate these issues.  
4           These interventions could be readily implemented by  
5           social media platforms to provide safer user experi-  
6           ences. Such interventions include the following:

7                   (A) Nudges to users and increased plat-  
8                   form viewing options, such as screen time alerts  
9                   and grayscale phone settings, which may reduce  
10                  addictive platform usage patterns and improve  
11                  user experiences online.

12                  (B) Labels and alerts that require a user  
13                  to read or review user-generated content before  
14                  sharing such content.

15                  (C) Prompts to users, which may help  
16                  users identify manipulative and microtargeted  
17                  advertisements.

18                  (D) Other research-supported content-ag-  
19                  nostic interventions.

20           (5) Evidence suggests that increased adoption  
21           of content-agnostic interventions would lead to im-  
22           proved outcomes of social media usage. However, so-  
23           cial media platforms may be hesitant to independ-  
24           ently implement content-agnostic interventions that

1 will reduce negative outcomes associated with social  
2 media use.

3 **SEC. 3. STUDY ON CONTENT-AGNOSTIC INTERVENTIONS.**

4 (a) STUDY TO IDENTIFY CONTENT-AGNOSTIC INTER-  
5 VENTIONS.—The Director of the National Science Foun-  
6 dation (in this section referred to as the “Director”) shall  
7 enter into an agreement with the National Academies of  
8 Sciences, Engineering, and Medicine (in this section re-  
9 ferred to as the “Academies”) to conduct ongoing studies  
10 to identify content-agnostic interventions that covered  
11 platforms could implement to reduce the harms of algo-  
12 rithmic amplification and social media addiction on cov-  
13 ered platforms. The initial study shall—

14 (1) identify ways to define and measure the  
15 negative mental or physical health impacts related to  
16 social media, including harms related to algorithmic  
17 amplification and social media addiction, through a  
18 review of—

19 (A) a wide variety of studies, literature, re-  
20 ports, and other relevant materials created by  
21 academic institutions, civil society groups, and  
22 other appropriate sources; and

23 (B) relevant internal research conducted  
24 by a covered platform or third party research in  
25 the possession of a covered platform that is vol-

1           untarily submitted to the Academies by the cov-  
2           ered platform (through a process, established by  
3           the Academies, with appropriate privacy safe-  
4           guards);

5           (2) identify research-based content-agnostic  
6           interventions, such as reasonable limits on account  
7           creation and content sharing, to combat problematic  
8           smartphone use and other negative mental or phys-  
9           ical health impacts related to social media, including  
10          through a review of the materials described in sub-  
11          paragraphs (A) and (B) of paragraph (1);

12          (3) provide recommendations on how covered  
13          platforms may be separated into groups of similar  
14          platforms for the purpose of implementing content-  
15          agnostic interventions, taking into consideration fac-  
16          tors including any similarity among the covered plat-  
17          forms with respect to—

18                 (A) the number of monthly active users of  
19                 the covered platform and the growth rate of  
20                 such number;

21                 (B) how user-generated content is created,  
22                 shared, amplified, and interacted with on the  
23                 covered platform;

24                 (C) how the covered platform generates  
25                 revenue; and

1 (D) other relevant factors for providing  
2 recommendations on how covered platforms  
3 may be separated into groups of similar plat-  
4 forms;

5 (4) for each group of covered platforms rec-  
6 ommended under paragraph (3), provide rec-  
7 ommendations on which of the content-agnostic  
8 interventions identified in paragraph (2) are gen-  
9 erally applicable to the covered platforms in such  
10 group;

11 (5) for each group of covered platforms rec-  
12 ommended under paragraph (3), provide rec-  
13 ommendations on how the covered platforms in such  
14 group could generally implement each of the con-  
15 tent-agnostic interventions identified for such group  
16 under paragraph (4) in a way that does not alter the  
17 core functionality of the covered platforms, consid-  
18 ering—

19 (A) whether the content-agnostic interven-  
20 tion should be offered as an optional setting or  
21 feature that users of a covered platform could  
22 manually turn on or off with appropriate de-  
23 fault settings to reduce the harms of algo-  
24 rithmic amplification and social media addiction

1 on the covered platform without altering the  
2 core functionality of the covered platform; and

3 (B) other means by which the content-ag-  
4 nostic intervention may be implemented and  
5 any associated impact on the experiences of  
6 users of the covered platform and the core  
7 functionality of the covered platform;

8 (6) for each group of covered platforms rec-  
9 ommended under paragraph (3), define metrics gen-  
10 erally applicable to the covered platforms in such  
11 group to measure and publicly report in a privacy-  
12 preserving manner the impact of any content-agnos-  
13 tic intervention adopted by the covered platform;  
14 and

15 (7) identify data and research questions nec-  
16 essary to further understand the negative mental or  
17 physical health impacts related to social media, in-  
18 cluding harms related to algorithmic amplification  
19 and social media addiction.

20 (b) REQUIREMENT TO SUBMIT ADDITIONAL RE-  
21 SEARCH.—If a covered platform voluntarily submits inter-  
22 nal research to the Academies under subsection (a)(1)(B),  
23 the covered platform shall, upon the request of the Acad-  
24 emies and not later than 60 days after receiving such a  
25 request, submit to the Academies any other research in

1 the platform's possession that is closely related to such  
2 voluntarily submitted research.

3 (c) REPORTS.—

4 (1) INITIAL STUDY REPORT.—Not later than 1  
5 year after the date of enactment of this Act, the  
6 Academies shall submit to the Director, Congress,  
7 and the Commission a report containing the results  
8 of the initial study conducted under subsection (a),  
9 including recommendations for how the Commission  
10 should establish rules for covered platforms related  
11 to content-agnostic interventions as described in  
12 paragraphs (1) through (5) of subsection (a).

13 (2) UPDATES.—Not later than 2 years after the  
14 effective date of the regulations promulgated under  
15 section 4, and every 2 years thereafter during the  
16 10-year period beginning on such date, the Acad-  
17 emies shall submit to the Director, Congress, and  
18 the Commission a report containing the results of  
19 the ongoing studies conducted under subsection (a).

20 Each such report shall—

21 (A) include analysis and updates to earlier  
22 studies conducted, and recommendations made,  
23 under such subsection;

24 (B) be based on—

1 (i) new academic research, reports,  
2 and other relevant materials related to the  
3 subject of previous studies, including addi-  
4 tional research identifying new content-ag-  
5 nostic interventions;

6 (ii) new academic research, reports,  
7 and other relevant materials about harms  
8 occurring on covered platforms that are  
9 not being addressed by the content-agnos-  
10 tic interventions being implemented by cov-  
11 ered platforms as a result of the regula-  
12 tions promulgated under section 4;

13 (C) include information about the imple-  
14 mentation of the content-agnostic interventions  
15 by covered platforms and the impact of the im-  
16 plementation of the content-agnostic interven-  
17 tions; and

18 (D) include an analysis of any entities that  
19 have newly met the criteria to be considered a  
20 covered platform under this Act since the last  
21 report submitted under this subsection.

22 **SEC. 4. IMPLEMENTATION OF CONTENT-AGNOSTIC INTER-**  
23 **VENTIONS.**

24 (a) DETERMINATION OF APPLICABLE CONTENT-AG-  
25 NOSTIC INTERVENTIONS.—

1           (1) IN GENERAL.—Not later than 60 days after  
2           the receipt of the initial study report under section  
3           3(c)(1), the Commission shall initiate a rulemaking  
4           proceeding for the purpose of promulgating regula-  
5           tions in accordance with section 553 of title 5,  
6           United States Code—

7                   (A) to determine how covered platforms  
8                   should be grouped together;

9                   (B) to determine which content-agnostic  
10                  interventions identified in such report shall be  
11                  applicable to each group of covered platforms  
12                  identified in the report; and

13                  (C) to require each covered platform to im-  
14                  plement and measure the impact of such con-  
15                  tent-agnostic interventions in accordance with  
16                  subsection (b).

17           (2) CONSIDERATIONS.—In the rulemaking pro-  
18           ceeding described in paragraph (1), the Commis-  
19           sion—

20                   (A) shall consider the report under section  
21                   3(c)(1) and its recommendations; and

22                   (B) shall not promulgate regulations re-  
23                   quiring any covered platform to implement a  
24                   content-agnostic intervention that is not dis-  
25                   cussed in such report.

1           (3) NOTIFICATION TO COVERED PLATFORMS.—

2           The Commission shall, not later than 30 days after  
3           the promulgation of the regulations under this sub-  
4           section, provide notice to each covered platform of  
5           the content-agnostic interventions that are applicable  
6           to the platform pursuant to the regulations promul-  
7           gated under this subsection.

8           (b) IMPLEMENTATION OF CONTENT-AGNOSTIC  
9 INTERVENTIONS.—

10           (1) IN GENERAL.—

11           (A) IMPLEMENTATION PLAN.—

12           (i) IN GENERAL.—Not later than 60  
13           days after the date on which a covered  
14           platform receives the notice from the Com-  
15           mission required under subsection (a)(3),  
16           the covered platform shall submit to the  
17           Commission a plan to implement each con-  
18           tent-agnostic intervention applicable to the  
19           covered platform (as determined by the  
20           Commission) in an appropriately prompt  
21           manner. If the covered platform reasonably  
22           believes that any aspect of an applicable  
23           intervention is not technically feasible for  
24           the covered platform to implement, would  
25           substantially change the core functionality

1 of the covered platform, or would pose a  
2 material privacy or security risk to con-  
3 sumer data stored, held, used, processed,  
4 or otherwise possessed by such covered  
5 platform, the covered platform shall in-  
6 clude in its plan evidence supporting these  
7 beliefs in accordance with paragraph (2).

8 (ii) COMMISSION DETERMINATION.—

9 Not later than 30 days after receiving a  
10 covered platform’s plan under clause (i),  
11 the Commission shall determine whether  
12 such plan includes details related to the  
13 appropriately prompt implementation of  
14 each content-agnostic intervention applica-  
15 ble to the covered platform, except for any  
16 aspect of an intervention for which the  
17 Commission determines the covered plat-  
18 form is exempt under paragraph (2).

19 (iii) APPEAL OR REVISED PLAN.—

20 (I) IN GENERAL.—Subject to  
21 subclause (II), if the Commission de-  
22 termines under clause (ii) that a cov-  
23 ered platform’s plan does not satisfy  
24 the requirements of this subsection,  
25 not later than 90 days after the

1 issuance of such determination, the  
2 covered platform shall—

3 (aa) appeal the determina-  
4 tion by the Commission to the  
5 United States Court of Appeals  
6 for the Federal Circuit; or

7 (bb) submit to the Commis-  
8 sion a revised plan for a Commis-  
9 sion determination pursuant to  
10 clause (ii).

11 (II) LIMITATION.—If a covered  
12 platform submits 3 revised plans to  
13 the Commission for a determination  
14 pursuant to clause (ii) and the Com-  
15 mission determines that none of the  
16 revised plans satisfy the requirements  
17 of this subsection, the Commission  
18 may find that the platform is not act-  
19 ing in good faith in developing an im-  
20 plementation plan and may require  
21 the platform to implement, pursuant  
22 to a plan developed for the platform  
23 by the Commission, each content-ag-  
24 nostic intervention applicable to the  
25 platform (as determined by the Com-

1 mission) in an appropriately prompt  
2 manner.

3 (B) STATEMENT OF COMPLIANCE.—Not  
4 less frequently than annually, each covered plat-  
5 form shall make publicly available on their  
6 website and submit to the Commission, in a  
7 machine-readable format and in a privacy-pre-  
8 serving manner, the details of—

9 (i) the covered platform’s compliance  
10 with the required implementation of con-  
11 tent-agnostic interventions; and

12 (ii) the impact (using the metrics de-  
13 fined by the Director of the National  
14 Science Foundation and the National  
15 Academies of Sciences, Engineering, and  
16 Medicine pursuant to section 3(a)(6)) of  
17 such content-agnostic interventions on re-  
18 ducing the harms of algorithmic amplifi-  
19 cation and social media addiction on cov-  
20 ered platforms.

21 (2) FEASIBILITY, FUNCTIONALITY, PRIVACY,  
22 AND SECURITY EXEMPTIONS.—

23 (A) STATEMENT OF INAPPLICABILITY.—  
24 Not later than 60 days after the date on which  
25 a covered platform receives the notice from the

1 Commission required under subsection (a)(3), a  
2 covered platform seeking an exemption from  
3 any aspect of such rule may submit to the Com-  
4 mission—

5 (i) a statement identifying any specific  
6 aspect of a content-agnostic intervention  
7 applicable to such covered platform (as de-  
8 termined by the Commission under sub-  
9 section (a)) that the covered platform rea-  
10 sonably believes—

11 (I) is not technically feasible for  
12 the covered platform to implement;

13 (II) will substantially change the  
14 core functionality of the covered plat-  
15 form; or

16 (III) will create a material and  
17 imminent privacy or security risk to  
18 the consumer data stored, held, used,  
19 processed, or otherwise possessed by  
20 such covered platform; and

21 (ii) specific evidence supporting such  
22 belief, including any relevant information  
23 regarding the core functionality of the cov-  
24 ered platform.

1           (B) DETERMINATION BY THE COMMIS-  
2           SION.—Not later than 30 days after receiving a  
3           covered platform’s statement under subpara-  
4           graph (A), the Commission shall determine  
5           whether the covered platform shall be exempt  
6           from any aspect of a content-agnostic interven-  
7           tion discussed in the covered platform’s state-  
8           ment.

9           (C) APPEAL OR REVISED PLAN.—Not later  
10          than 90 days after a determination issued  
11          under subparagraph (B), a covered platform  
12          may—

13                 (i) appeal the determination by the  
14                 Commission to the United States Court of  
15                 Appeals for the Federal Circuit; or

16                 (ii) submit to the Commission a re-  
17                 vised plan, including details related to the  
18                 prompt implementation of any content-ag-  
19                 nostic intervention for which the covered  
20                 platform requested an exemption that the  
21                 Commission subsequently denied, for a  
22                 Commission determination pursuant to  
23                 paragraph (1)(A)(ii).

1 **SEC. 5. TRANSPARENCY REPORT.**

2 Not later than 180 days after the date of enactment  
3 of this Act, and semiannually thereafter, each covered  
4 platform shall publish a publicly-available, machine-read-  
5 able report about the content moderation efforts of the  
6 covered platform with respect to each language spoken by  
7 not less than 100,000 monthly active users of the covered  
8 platform in the United States. Such report shall include  
9 the following:

10 (1) **CONTENT MODERATORS.**—The total number  
11 of individuals employed or contracted by the covered  
12 platform during the reporting period to engage in  
13 content moderation for each language, broken down  
14 by the number of individuals retained as full-time  
15 employees, part time employees, and contractors of  
16 the covered platform and reported in a privacy-pre-  
17 serving manner.

18 (2) **RANDOM SAMPLE OF VIEWED CONTENT.**—  
19 Information related to a random sample of publicly  
20 visible content accounting for 1,000 views each  
21 month. Each month, covered platforms shall cal-  
22 culate the total number of views for each piece of  
23 publicly visible content posted during the month and  
24 sample randomly from the content in a manner such  
25 that the probability of a piece of content being sam-  
26 pled is proportionate to the total number of views of

1 that piece of content during the month. Covered  
2 platforms shall report the following information  
3 about each piece of sampled content (with appro-  
4 priate redactions to exclude the disclosure of illegal  
5 content):

6 (A) The text, images, audio, video, or other  
7 creative data associated with each such piece of  
8 content.

9 (B) The details of the account or accounts  
10 that originally posted the content; and

11 (C) The total number of views of each such  
12 piece of content during the month

13 (3) HIGH REACH CONTENT.—Content modera-  
14 tion metrics broken down by language to assess the  
15 prevalence of harmful content on the covered plat-  
16 form, including, for each language, the 1,000 most  
17 viewed pieces of publicly visible content each month,  
18 including the following (with appropriate redactions  
19 to exclude the disclosure of illegal content):

20 (A) The text, images, audio, video, or other  
21 creative data associated with each such piece of  
22 content.

23 (B) The details of—

24 (i) the account that originally posted  
25 the content; and

- 1 (ii) any account whose sharing or re-  
2 posting of the content accounted for more  
3 than 5 percent of the views of the content.

4 (4) REMOVED AND MODERATED CONTENT.—

5 (A) IN GENERAL.—Aggregate metrics for  
6 user-generated content that is affected by any  
7 automated or manual moderation system or de-  
8 cision, including, as calculated on a monthly  
9 basis and reported in a privacy-preserving man-  
10 ner, the number of pieces of user-generated  
11 content and the number of views of such con-  
12 tent that were—

13 (i) reported to the covered platform by  
14 a user of the covered platform;

15 (ii) flagged by the covered platform by  
16 an automated content detection system;

17 (iii) removed from the covered plat-  
18 form and not restored;

19 (iv) removed from the covered plat-  
20 form and later restored; or

21 (v) labeled, edited, or otherwise mod-  
22 erated by the covered platform following a  
23 user report or flagging by an automated  
24 content detection system.

1 (B) REQUIREMENTS FOR METRICS.—The  
2 metrics reported under subparagraph (A) shall  
3 be broken down by—

4 (i) the language of the user-generated  
5 content;

6 (ii) the topic of the user-generated  
7 content, such as bullying, hate speech,  
8 drugs and firearms, violence and incite-  
9 ment, or any other category determined by  
10 the covered platform to categorize such  
11 content; and

12 (iii) if the covered platform has a  
13 process for publicly verifying that an ac-  
14 count on the platform belongs to a promi-  
15 nent user or public figure, whether the cre-  
16 ator of the content is a politician or jour-  
17 nalist with a verified account.

18 **SEC. 6. ENFORCEMENT.**

19 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—  
20 A violation of section 3(b), 4, or 5 or a regulation promul-  
21 gated under section 4 shall be treated as a violation of  
22 a rule defining an unfair or deceptive act or practice pre-  
23 scribed under section 18(a)(1)(B) of the Federal Trade  
24 Commission Act (15 U.S.C. 57a(a)(1)(B)).

25 (b) POWERS OF THE COMMISSION.—

1           (1) IN GENERAL.—The Commission shall en-  
2           force this Act in the same manner, by the same  
3           means, and with the same jurisdiction, powers, and  
4           duties as though all applicable terms and provisions  
5           of the Federal Trade Commission Act (15 U.S.C. 41  
6           et seq.) were incorporated into and made a part of  
7           this Act.

8           (2) PRIVILEGES AND IMMUNITIES.—Any person  
9           who violates section 4 or 5 or a regulation promul-  
10          gated under section 4 shall be entitled to the privi-  
11          leges and immunities provided in the Federal Trade  
12          Commission Act (15 U.S.C. 41 et seq.).

13          (3) ENFORCEMENT GUIDELINES AND UP-  
14          DATES.—Not later than 1 year after the date of en-  
15          actment of this Act, the Commission shall issue  
16          guidelines that outline any policies and practices of  
17          the Commission related to the enforcement of this  
18          Act in order to promote transparency and deter vio-  
19          lations of this Act. The Commission shall update the  
20          guidelines as needed to reflect current policies, prac-  
21          tices, and changes in technology, but not less fre-  
22          quently than once every 4 years.

23          (4) AUTHORITY PRESERVED.—Nothing in this  
24          Act shall be construed to limit the authority of the  
25          Commission under any other provision of law.

1 **SEC. 7. DEFINITIONS.**

2 In this Act:

3 (1) ALGORITHMIC AMPLIFICATION.—The term  
4 “algorithmic amplification” means the promotion,  
5 demotion, recommendation, prioritization, or de-  
6 prioritization of user-generated content on a covered  
7 platform to other users of the covered platform  
8 through a means other than presentation of content  
9 in a reverse-chronological or chronological order.

10 (2) COMMISSION.—The term “Commission”  
11 means the Federal Trade Commission.

12 (3) CONTENT MODERATION.—The term “con-  
13 tent moderation” means the intentional removal, la-  
14 beling, or altering of user-generated content on a  
15 covered platform by the covered platform or an auto-  
16 mated or human system controlled by the covered  
17 platform, including decreasing the algorithmic rank-  
18 ing of user-generated content, removing user-gen-  
19 erated content from algorithmic recommendations,  
20 or any other action taken in accordance with the  
21 covered platform’s terms of service, community  
22 guidelines, or similar materials governing the con-  
23 tent allowed on the covered platform.

24 (4) CONTENT-AGNOSTIC INTERVENTION.—The  
25 term “content-agnostic intervention” means an ac-  
26 tion that can be taken by a covered platform to alter

1 a user’s experience on the covered platform or the  
2 user interface of the covered platform that does  
3 not—

4 (A) rely on the substance of user-generated  
5 content on the covered platform; or

6 (B) alter the core functionality of the cov-  
7 ered platform.

8 (5) COVERED PLATFORM.—The term “covered  
9 platform” means any public-facing website, desktop  
10 application, or mobile application that—

11 (A) is operated for commercial purposes;

12 (B) provides a forum for user-generated  
13 content;

14 (C) is constructed such that the core  
15 functionality of the website or application is to  
16 facilitate interaction between users and user-  
17 generated content; and

18 (D) has more than 20,000,000 monthly ac-  
19 tive users in the United States for a majority  
20 of the months in the previous 12-month period.

21 (6) PRIVACY-PRESERVING MANNER.—The term  
22 “privacy-preserving manner” means, with respect to  
23 a report made by a covered platform, that the infor-  
24 mation contained in the report is presented in a  
25 manner in which it is not reasonably capable of

1       being used, either on its own or in combination with  
2       other readily accessible information, to uniquely  
3       identify an individual.

4           (7) USER.—The term “user” means a person  
5       that uses a covered platform, regardless of whether  
6       that person has an account or is otherwise registered  
7       with the platform.

8           (8) USER-GENERATED CONTENT.—The term  
9       “user-generated content” means any content, includ-  
10      ing text, images, audio, video, or other creative data  
11      that is substantially created, developed, or published  
12      on a covered platform by any user of such covered  
13      platform.