



**TECHNET**  
THE VOICE OF THE  
INNOVATION ECONOMY

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March 1, 2024

The Honorable Zack Stephenson  
Minnesota House of Representatives  
Room 449, State Office Building  
100 Rev. Dr. Martin Luther King Jr. Boulevard  
St. Paul, MN 55155-1232

**RE: HF 4400 – Prohibiting Social Media Manipulation Act - Oppose**

Dear Representative Stephenson,

On behalf of TechNet, I write to you in opposition to HF 4400, an overbroad and vague bill that has unclear definitions, makes compliance impossible, and likely violates the First Amendment.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over 4.2 million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

First, our concern is the bill consists of overly broad and vague definitions. The bill would require platforms to optimize for "high quality content" but the bill does not specify what "high quality" or "low quality" means. Determining "quality" is highly subjective. Several key terms are also left undefined or are exceptionally broad. For example, "relevant forms of engagement with users" would arguably cover the entirety of the social media platform as a service. As with many content moderation bills, this legislation would leave platforms no other choice but to overly censor the internet to avoid potential liability, thus limiting user experience and ability to access ideas, information, and expression.

Furthermore, government mandated engagement limits will undoubtedly restrict a user's right to access, and share ideas and information. The definition "Relevant forms of engagement with users" is defined in such a way that it would arguably require shutting down the service for users who've reached their daily engagement limits. Not to mention, the First Amendment prohibits the government from interfering with the right of private parties to exercise editorial discretion in the selection and presentation of speech. *Arkansas Ed. Television Comm'n v. Forbes, 523 U.S. 666 (1998)*

Second, the default privacy settings are unworkable and limits discoverability, hindering social media's value. The underlying bill contains several inconsistencies and provisions that would be extremely difficult to implement without degrading the user experience and making platforms unusable. Restricting the dissemination of information, including profiles, to a user's "existing network" would not make much sense for new accounts without an existing network. It could also disadvantage new account holders by making it unnecessarily difficult to discover and form connections.

The heightened protection opt-in is also duplicative and unnecessary. TechNet members already offer an array of usage tools and settings that are widely available as both integrated and independent solutions for a wide range of technologies. For example, under the major operating systems, users already have the ability to access information regarding their device and social media app usage, and to limit their screen time.

Lastly, the transparency requirements are impractical and would likely violate the First Amendment and further harm competition. Some of the required disclosures could be technically and commercially impractical to implement. For example, the requirement to disclose why a particular piece of content was promoted by the platform's ranking system. This would violate the First Amendment by placing an undue burden on disseminating speech. Not to mention, overly-broad disclosures could enable bad actors to game platform systems and evade their safety tools. This is a critical reason why these algorithms are proprietary and carefully protected.

In closing, we are grateful for the opportunity to submit these comments to you, and we always appreciate the opportunity to have a dialogue with you on issues important to the tech community. But for now, we must oppose this legislation. If you have any questions regarding our position on this legislation, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Diers". The signature is fluid and cursive, with a large initial "T" and "D".

Tyler Diers  
Executive Director, Midwest  
TechNet