

Section 1. Short Title; Table of Contents.

This section enumerates the provisions of the bill.

Section 2. Definitions.

This section defines key terms. Platforms are limited to social media platforms with at least 50 million unique monthly users for a majority of months over a 12-month period. Qualified researchers must be affiliated with a university or non-profit and submit applications to the National Science Foundation (NSF) for their specific research proposal. Qualified data and information may not include direct and private messages between users, biometric information, or precise geospatial information.

Section 3. Qualified Research Projects, Qualified Researchers, and Qualified Data and Information.

This section establishes requirements for the research program that will approve qualified researcher projects. The NSF is required to solicit and review research applications for scientific merit, and the Federal Trade Commission (FTC) is required to establish appropriate privacy and cybersecurity safeguards for any qualified data and information that a platform will be required to provide to qualified researchers. Qualified researchers must also be able to demonstrate that they will be able to comply with the required privacy and cybersecurity safeguards in order to conduct a qualified research project.

Section 4. Obligations and Immunity for Platforms.

This section requires platforms to provide qualified data and information to qualified researchers. Platforms get immunity from liability stemming solely from the release of qualified data and information to qualified researchers in furtherance of a qualified research project if the platform complies with the privacy and cybersecurity provisions prescribed by the FTC. Platforms are prohibited from restricting a qualified researcher's data access unless the platform believes the qualified researcher is not acting in accordance with the FTC's required privacy and cybersecurity protections.

Section 5. Obligations and Immunity for Qualified Researchers.

This section requires qualified researchers to access and use qualified data and information solely for the purposes authorized under the qualified research project and only in accordance with the privacy and cybersecurity safeguards. Qualified researchers are prohibited from using qualified data and information for commercial purposes or disclosing such data to third parties.

Section 6. Reporting.

This section requires annual reporting to Congress about the operation of the researcher access process established by the bill.

Section 7. Enforcement.

This section outlines the FTC's ability to enforce the requirements of this act. It deems a platform's failure to comply with data sharing an unfair or deceptive act or practice. It similarly deems a qualified researcher's failure to comply with the privacy and cybersecurity safeguards an unfair or deceptive act or practice.

Section 8. Amendment to the Communications Decency Act.

This section amends Section 230 to add an exception to its immunity relevant to this act. A platform will not be able to claim Section 230 immunity if the platform has been determined by a final order of the FTC or a Federal court to have failed to provide data to carry out the act's research access requirements and this failure to comply has directly and substantially contributed to the harm alleged by the claimant.

Section 9. Establishing a Safe Harbor for Research on Social Media Platforms.

This section provides a limited legal safe harbor for researchers who use automated processes to collect research data from social media platforms. The safe harbor would prevent social media platforms from taking legal action against researchers who obtain either public-facing information or consensually provided user information, and who also implement other required privacy protections. Nothing in this section prevents a platform from taking technical measures to prevent automated data collection, such as shutting down accounts or implementing other protections.

Section 10. Rulemaking Authority.

This section authorizes the FTC to establish by rulemaking categories of data or information that platforms must make available to qualified researchers or the public. Such requirements may not infringe upon reasonable expectations of personal privacy or expose trade secrets. Platforms will be required to provide information about viral content, publish an ad library, explain their recommendation and ranking algorithms, and produce statistics about content moderation decisions.

Section 11. Authorization of Appropriations.

This section authorizes appropriations to the NSF and FTC to execute the Act.