

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 6484
OFFERED BY MRS. TRAHAN OF MASSACHUSETTS**

At the end of the bill, add the following (and update
the table of contents accordingly):

**1 SEC. 13. ESTABLISHING A SAFE HARBOR FOR RESEARCH
2 ON COVERED PLATFORMS.**

3 (a) DEFINITIONS.—In this section:

4 (1) COVERED INFORMATION.—The term “cov-
5 ered information” means—

6 (A) publicly available information, includ-
7 ing publicly available information recommended,
8 targeted, or otherwise amplified or de-amplified
9 to an individual or research account; and

10 (B) information about advertisements
11 shown on the covered platform.

12 (2) COVERED METHOD OF DIGITAL INVESTIGA-
13 TION.—The term “covered method of digital inves-
14 tigation” means—

15 (A) the collection of information from a
16 covered platform’s user-facing interface, includ-
17 ing by navigating the interface or the use of a
18 browser extension or plug-in to collect informa-

1 tion from the interface, through automated
2 means; and

3 (B) the creation or use of research ac-
4 counts, including accounts designed to observe
5 information that is recommended, targeted, am-
6 plified, or de-amplified to minors.

7 (3) JOURNALISM.—The term “journalism” in-
8 cludes the gathering, preparing, collecting,
9 photographing, recording, writing, editing, reporting,
10 or investigating news or information that concerns
11 local, national, or international events or other mat-
12 ters of public concern for dissemination to the pub-
13 lic.

14 (4) PUBLICLY AVAILABLE INFORMATION.—The
15 term “publicly available information” means any in-
16 formation that a person has a reasonable basis to
17 believe has been lawfully made available to the gen-
18 eral public.

19 (5) REASONABLE MEASURES TO PROTECT INDIV-
20 IDUAL PRIVACY.—The term “reasonable measures
21 to protect individual privacy” includes reasonable
22 measures to—

23 (A) avoid the collection and retention of
24 publicly available information that would readily
25 identify an individual, alone or in combination

1 with other information, that is extraneous to
2 the research or journalism project;

3 (B) prevent the theft and accidental disclo-
4 sure of any information collected;

5 (C) ensure that the relevant information is
6 not used for any purpose other than the pur-
7 pose of informing the general public about mat-
8 ters of public concern; and

9 (D) restrict the publication or other disclo-
10 sure of any information that would readily iden-
11 tify an individual, alone or in combination with
12 other information, except if such individual is—

13 (i) an advertiser and the information
14 concerns an advertisement;

15 (ii) a public official, candidate for
16 public office, or public figure; or

17 (iii) an adult and the individual has
18 provided consent that is freely given, spe-
19 cific, informed, and express to the publica-
20 tion or disclosure.

21 (6) RESEARCH ACCOUNT.—The term “research
22 account” means an account on a covered platform
23 that is created and used solely—

24 (A) for the purpose of a journalism or re-
25 search project on the covered platform; and

1 (B) for no longer than is necessary to com-
2 plete such project.

3 (b) SAFE HARBOR.—

4 (1) IN GENERAL.—No cause of action may be
5 brought or maintained by a covered platform, or by
6 the owner or operator of a covered platform, in any
7 proceeding against any person for collecting covered
8 information, as part of a journalism or research
9 project on the covered platform, notwithstanding
10 that such collection may violate the terms of service
11 of the covered platform, if—

12 (A) the information is collected through a
13 covered method of digital investigation;

14 (B) the purpose of the project is to inform
15 the general public about matters of public con-
16 cern; and

17 (C) with respect to any such information
18 collected—

19 (i) the information is not used, re-
20 tained, disclosed, or transferred for any
21 purpose other than the purpose described
22 in subparagraph (B); and

23 (ii) the person who collects the infor-
24 mation takes reasonable measures to pro-
25 tect individual privacy.

1 (2) CLARIFICATION.—A person shall not be
2 considered to be accessing without authorization or
3 exceeding the authorized access of a covered plat-
4 form solely based on the collection of covered infor-
5 mation on the covered platform through a covered
6 method of digital investigation that complies with
7 the conditions of this section.

8 (3) RULE OF CONSTRUCTION.—Paragraph (1)
9 shall not be construed to protect the collection of
10 covered information to train a large language model.

11 (c) RULEMAKING.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary of Commerce shall issue regulations to fur-
15 ther clarify the terms defined in subsection (a) and
16 ensure that—

17 (A) with respect to the use of research ac-
18 counts, reasonable measures have been taken to
19 avoid misleading individuals on a covered plat-
20 form; and

21 (B) reasonable measures have been taken
22 to avoid materially burdening the technical op-
23 eration of the covered platform.

24 (2) EXCEPTION.—A regulation issued under
25 this subsection may not further define the term

1 “journalism” as defined under paragraph (3) of sub-
2 section (a) or the phrase “matters of public con-
3 cern” as used in this section.

4 (d) RULE OF CONSTRUCTION.—This section shall not
5 be construed to create or expand liability under any law
6 for any person.

7 (e) PROHIBITION AGAINST COMPELLED DISCLOSURE
8 TO GOVERNMENT ENTITIES.—A person who otherwise es-
9 tablishes entitlement to the safe harbor described in sub-
10 section (b) may not be required (by a subpoena, court
11 order, or otherwise) to divulge to a department or agency
12 of the United States or any State or political subdivision
13 thereof in furtherance of an investigation or legal process
14 about an individual any information related to such indi-
15 vidual obtained from a covered platform under this sec-
16 tion.

