

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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August 13, 2024

Linda Yaccarino
CEO
X Corp.
1355 Market Street
San Francisco, CA 94103

Dear Ms. Yaccarino,

I write to you as Ranking Member of the Committee on Science, Space, and Technology (the Committee) to inquire about X’s policies regarding researcher access to data. Social media platforms serve as meeting places, political fora, fonts of advice and information, hobby and activity spaces, and beyond. We cannot properly understand how people behave, intake information, build communities, and make decisions in our modern world without knowing how they interact with online platforms. People’s online lives are inextricably linked with their overall social, emotional, and physical health, and wellbeing — especially young people.^{1,2} Unfortunately, researchers often have trouble accessing the data they need to study these digital spaces and communities.³ It is my hope that social media platforms and researchers can reach a mutually agreeable, privacy-protective understanding that allows qualified researchers to access data that furthers our collective understanding of our increasingly online world.

A more open data sharing paradigm already exists, just not for U.S. researchers. As you know, the European Union mandates that Very Large Online Platforms (VLOPs) provide researchers “access without undue delay to data, including, where technically possible, to real-time data, provided that the data is publicly accessible in their online interface by researchers, including

¹ “Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory,” U.S. Department of Health and Human Services, 2023, accessed here: <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

² “Health advisory on social media use in adolescence,” American Psychological Association, May 2023, accessed here: <https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use>.

³ Isabella Ward, “Disinformation Researchers Adjust to Restrictions From Platforms,” Bloomberg, December 7, 2023, accessed here: <https://www.bloomberg.com/news/articles/2023-12-07/social-media-researchers-struggle-to-track-disinformation-on-x-meta>.

those affiliated to not for profit bodies, organizations, and associations.”⁴ X provides access to the Twitter API for everyone, but charges for access above a certain level. The free access for researchers is limited to those who are conducting E.U. research that meets the criteria defined in the Digital Services Act (DSA).⁵ This is a massive degradation from the state of access prior to Elon Musk’s acquisition. Twitter’s free API was the basis of over 17,500 academic papers from 2020 until it was paywalled six months after Mr. Musk finalized his purchase of the platform.⁶ The \$42,000 monthly fee for the lowest level of access massively prices out many academics.⁷

In addition to this decision to functionally cut off non-E.U. researcher access, I am deeply concerned about X’s pattern of malicious and spurious lawsuits designed to intimidate academic and independent researchers. In March, a judge in California dismissed a lawsuit brought by your company against a nonprofit organization that studies hate speech online, saying, “This case is about punishing the defendants for their speech.”⁸ Such actions have led to a deep chilling effect on legitimate research into mis- and disinformation, hate speech, and child exploitation. Meanwhile, Mr. Musk himself propagates misinformation – as recently as July 26th, Mr. Musk shared an undisclosed deepfake of presumptive Democratic presidential nominee Vice President Kamala Harris on his X account.⁹

It is imperative that major social media companies – those that qualify as VLOPs and those that do not – offer U.S. researchers a level of access to data about the U.S. market that is at least equivalent to that mandated by the DSA in the European market. Access has proven to be practicable and privacy-protective, and it should serve as a model as we move forward to negotiate expanded access that sufficiently protects user privacy.

The upcoming U.S. election highlights the critical importance of increasing researcher access to social media data. Half of Americans get their news on social media.¹⁰ This gives social media companies a huge amount of power and responsibility when it comes to decisions they make regarding advertising, content moderation, and algorithmic amplification. In the aftermath of the 2020 election, the National Intelligence Council issued an assessment of foreign threats to the

⁴ “Regulation (EU) 2022/2065 of the European Parliament and of the Council, of 19 October 2022, on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act),” Official Journal of the European Union, accessed here: https://publications.europa.eu/resource/cellar/3ff67256-55c4-11ed-92ed-01aa75ed71a1.0006.03/DOC_1.

⁵ “X DSA Researcher Application,” Google Docs, accessed here:

https://docs.google.com/forms/d/e/1FAIpQLSdo0O-D6Kxa3cV4g1JLz2T_0Sk3hdEnTdv8dJmibagCnzJ7kg/viewform

⁶ @XDevelopers, “Starting February 9, we will no longer support free access to the Twitter API, both v2 and v1.1. A paid basic tier will be available instead,” X, February 2, 2023, accessed here:

<https://x.com/XDevelopers/status/1621026986784337922>.

⁷ Chris Stokel-Walker, “Twitter’s \$42,000-per-Month API Prices Out Nearly Everyone,” Wired, March 10, 2023, accessed here: <https://www.wired.com/story/twitter-data-api-prices-out-nearly-everyone/>.

⁸ Plaintiff v. Center for Countering Digital Hate, Inc., Order Grandint CCDH Motion to Dismiss and Strike, United States District Court for the Northern District of California, March 25, 2024, accessed here:

<https://www.documentcloud.org/documents/24512088-ruling-on-x-corp-v-ccdh>.

⁹ Ali Swenson, “A parody ad shared by Elon Musk clones Kamala Harris’ voice, raising concerns about AI in politics,” AP, July 29, 2024, accessed here: <https://apnews.com/article/parody-ad-ai-harris-musk-x-misleading-3a5df582f911a808d34f68b766aa3b8e>.

¹⁰ “Social Media and News Fact Sheet,” Pew Research Center, November 15, 2023, accessed here: <https://www.pewresearch.org/journalism/fact-sheet/social-media-and-news-fact-sheet/>

election and explicitly noted that foreign adversaries – particularly Russia and Iran – used social media to covertly sow discord and amplify existing tensions about the election, COVID-19, and racial justice.¹¹ Unfortunately, the research environment has contracted in the intervening years. Baseless, partisan Congressional investigations have targeted individual researchers, institutions, and Federal research agencies.¹² Lawsuits by Republican state Attorneys General – though ultimately unsuccessful – clouded the field in uncertainty for two years and painted innocuous communications in a malicious light.¹³ Social media companies change,¹⁴ restrict,¹⁵ and raise prices¹⁶ on transparency tools, sharply culling the number of researchers able to access crucial data and narrowing the scope of possible research questions. Researchers who remain in this embattled field face intimidation and death threats from online mobs who believe the fabrications put forth by right-wing media, politicians, and some companies.¹⁷

We must not allow the 2024 election cycle to be the least studied in the social media era. We see examples of prominent misinformation and the spread of deepfakes meant to mislead voters, including manipulated footage claiming Senator Elizabeth Warren advocated for barring Republicans from voting in the 2024 presidential election,¹⁸ manipulated video claiming a candidate for Chicago mayor promoted police brutality,¹⁹ and altered audio falsely conveying President Biden threatening to deploy F-15s to Texas.²⁰ While the election offers a time-sensitive example of why researchers must have access to social media data, of equal importance are the persistent issues of child and teen mental health, public health education and misinformation, and the multitude of other ways that social media platforms have a real-world impact – positive, negative, and neutral – on our society at large.

¹¹ “Foreign Threats to the 2020 U.S. Federal Elections,” National Intelligence Council, March 10, 2021, accessed here: <https://www.dni.gov/files/ODNI/documents/assessments/ICA-declass-16MAR21.pdf>

¹² “Ranking Members Lofgren, Foushee, and Stevens React to Republican Judiciary Committee Targeting and Intimidating Federal Scientists,” Committee on Science, Space, and Technology Democrats, February 7, 2024, accessed here: <https://democrats-science.house.gov/news/press-releases/ranking-members-lofgren-foushee-and-stevens-react-to-republican-judiciary-committee-targeting-and-intimidating-federal-scientists>

¹³ “Murthy, Surgeon General, et al. v. Missouri et al.,” Supreme Court of the United States, June 26, 2024, accessed here: https://www.supremecourt.gov/opinions/23pdf/23-411_3dq3.pdf

¹⁴ Sarah Grevy Gotfredsen and Kaitlyn Dowling, “Meta Is Getting Rid of CrowdTangle – and Its Replacement Isn’t as Transparent or Accessible,” Columbia Journalism Review, July 9, 2024, accessed here: https://www.cjr.org/tow_center/meta-is-getting-rid-of-crowdtangle.php

¹⁵ Brittany I. Davidson, Joanne Hinds, and Daniel Racek, “Shifting landscapes of social media data for research,” Times Higher Education, August 4, 2023, accessed here: <https://www.timeshighereducation.com/campus/shifting-landscapes-social-media-data-research>

¹⁶ Chris Stokel-Walker, “Twitter’s \$42,000-per-Month API Prices Out Nearly Everyone,” Wired, March 10, 2023, accessed here: <https://www.wired.com/story/twitter-data-api-prices-out-nearly-everyone/>

¹⁷ Brandy Zadrozny, “The disinformation war has taken a toll, but researchers feel a shift,” NBC News, March 23, 2024, accessed here: <https://www.nbcnews.com/tech/misinformation/disinformation-researchers-2024-election-attacks-shift-rcna144330>

¹⁸ Aleks Phillips, “Deepfake Video Shows Elizabeth Warren Saying Republicans Shouldn’t Vote,” Newsweek, February 27, 2023, accessed here: <https://www.newsweek.com/elizabeth-warren-msnbc-republicans-vote-deep-fake-video-1784117>.

¹⁹ Joe Concha, “The impending nightmare that AI poses for media, elections,” The Hill, April 23, 2023, accessed here: <https://thehill.com/opinion/technology/3964141-the-impending-nightmare-that-ai-poses-for-media-elections/>.

²⁰ Sara Swann, “Audio clip of President Joe Biden threatening war against Texas was fake,” Politifact, January 18, 2024, accessed here: <https://www.politifact.com/factchecks/2024/jan/18/tiktok-posts/audio-clip-of-president-joe-biden-threatening-war/>.

Federal research agencies fund projects that necessitate grant recipients' access to social media data.²¹ In order to better understand the status quo of researcher data access at X, I ask that you answer the following questions and provide the following documents by September 6, 2024. I also request that you provide a briefing to my staff to discuss the transparency tools X provides researchers, the policies and procedures governing such access, and any plans to restrict or expand such access. I also request that you provide – at minimum – equivalent data access to U.S. researchers as you provide E.U. researchers pursuant to the DSA, and expand the data pool to include U.S. data.

1. What transparency tools do you offer that allow researchers to access data?
2. What categories of data are available to researchers based in the United States?
3. What data access options have been made available to researchers based in the European Union, pursuant to the requirements of the Digital Services Act? Are these options focused on Europe, or do they offer global data?
4. Do researchers based in the United States have access to the same data that is made available to European Union-based researchers? If not, what are the barriers to providing the same level of access to U.S. researchers on the U.S. market?
5. Do you have an approval process whereby X approves a researcher's access to the transparency tools offered by X? If so, please provide any requirements and standards for this process.
6. Are there affiliation requirements for researchers requesting access to transparency tools? If so, please provide these requirements.
7. What are the terms of access researchers must agree to in order to access data? Please share copies of any terms of use X has imposed on researchers, including those to support the privacy and security of user data.
8. Can you provide a description of how X engages with stakeholder communities to solicit feedback on your transparency tools you offer researchers, including usability and effectiveness improvements? What communities do you engage with?
9. Is X working with stakeholders, standards development organizations, and other companies to standardize transparency tools, ad libraries, data formats, or other key characteristics and methodologies for accessing data on your platforms? If so, can you describe these activities, stakeholders, and fora?

Pursuant to Rule X of the U.S. House of Representatives, the Committee on Science, Space, and Technology is delegated oversight jurisdiction over all laws, programs, and Government activities relating to nonmilitary research and development.²² Please contact Sara Palasits or Alan McQuinn at (202) 225-6375 with any questions regarding this request. Thank you for your attention to this important matter.

²¹ Convergence Accelerator Portfolio, National Science Foundation, accessed here: <https://new.nsf.gov/funding/initiatives/convergence-accelerator/portfolio>.

²² H.R. DOC. NO. 117-161, at 459, 499 (2023) (Rule X, Organization of Committees).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Zoe Lofgren', with a long horizontal flourish extending to the right.

Zoe Lofgren
Ranking Member
House Committee on Science, Space, and Technology

cc: Frank Lucas, Chairman, House Committee on Science, Space, and Technology