

Calendar No. 197

116TH CONGRESS
1ST SESSION

S. 2065

[Report No. 116–93]

To require the Secretary of Homeland Security to publish an annual report on the use of deepfake technology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2019

Mr. PORTMAN (for himself, Mr. HEINRICH, Mr. SCHATZ, Mr. GARDNER, Mr. ROUNDS, Ms. ERNST, Mr. PETERS, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 10, 2019

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Secretary of Homeland Security to publish an annual report on the use of deepfake technology, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Deepfake Report Act
3 of 2019”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **DIGITAL CONTENT FORGERY.**—The term
7 “digital content forgery” means the use of emerging
8 technologies, including artificial intelligence and ma-
9 chine learning techniques, to fabricate or manipulate
10 audio, visual, or text content with the intent to mis-
11 lead.

12 (2) **SECRETARY.**—The term “Secretary” means
13 the Secretary of Homeland Security.

14 **SEC. 3. REPORTS ON DIGITAL CONTENT FORGERY TECH-**
15 **NOLOGY.**

16 (a) **IN GENERAL.**—Not later than 200 days after the
17 date of enactment of this Act and every 18 months there-
18 after, the Secretary, acting through the Under Secretary
19 for Science and Technology, shall produce a report on the
20 state of digital content forgery technology.

21 (b) **CONTENTS.**—Each report produced under sub-
22 section (a) shall include—

23 (1) an assessment of the underlying tech-
24 nologies used to create or propagate digital content
25 forgeries, including the evolution of such tech-
26 nologies;

1 (2) a description of the types of digital content
2 forgeries, including use—

3 (A) by foreign or domestic sources; and

4 (B) in cyber attacks, pornography, and
5 media;

6 (3) an assessment of how foreign governments,
7 and the proxies and networks thereof, use, or could
8 use, digital content forgeries to harm national secu-
9 rity;

10 (4) an assessment of how non-governmental en-
11 tities in the United States, use, or could use, digital
12 content forgeries;

13 (5) an assessment of the uses, applications,
14 dangers, and benefits of deep learning technologies
15 used to generate high fidelity artificial content of
16 events that did not occur;

17 (6) an analysis of the methods used to deter-
18 mine whether content is genuinely created by a
19 human or through digital content forgery tech-
20 nology, including an assessment of any effective
21 heuristics used to make such a determination;

22 (7) a description of the technological counter-
23 measures that are, or could be, used to address con-
24 cerns with digital content forgery technology;

1 (8) recommendations regarding whether addi-
 2 tional legal authorities are needed to address the
 3 findings of the report; and

4 (9) any additional information the Secretary de-
 5 termines appropriate.

6 (c) CONSULTATION AND PUBLIC HEARINGS.—In pro-
 7 ducing each report required under subsection (a), the Sec-
 8 retary shall—

9 (1) consult with—

10 (A) the intelligence community (as defined
 11 in section 3 of the National Security Act of
 12 1947 (50 U.S.C. 3003));

13 (B) the Secretary of Defense;

14 (C) the Chairman of the Joint Chiefs of
 15 Staff;

16 (D) the Department of Justice, Computer
 17 Crime and Intellectual Property Section;

18 (E) the Office of Science and Technology
 19 Policy;

20 (F) the National Institute of Standards
 21 and Technology;

22 (G) the National Science Foundation;

23 (H) the Federal Election Commission;

24 (I) the Federal Trade Commission; and

1 ~~(J)~~ any other agency of the Federal gov-
 2 ernment that the Secretary considers necessary;
 3 and

4 ~~(2)~~ conduct public hearings to gather, or other-
 5 wise allow interested parties an opportunity to
 6 present, information and advice relevant to the pro-
 7 duction of the report.

8 ~~(d) FORM OF REPORT.~~—Each report produced under
 9 subsection ~~(a)~~ shall be produced in unclassified form, but
 10 may contain a classified annex.

11 ~~(e) APPLICABILITY OF FOIA.~~—Nothing in this Act,
 12 or in a report produced under this section, shall be con-
 13 strued to allow the disclosure of information or a record
 14 that is exempt from public disclosure under section 552
 15 of title 5, United States Code.

16 **SECTION 1. SHORT TITLE.**

17 *This Act may be cited as the “Deepfake Report Act*
 18 *of 2019”.*

19 **SEC. 2. DEFINITIONS.**

20 *In this Act:*

21 (1) *DIGITAL CONTENT FORGERY.*—*The term*
 22 *“digital content forgery” means the use of emerging*
 23 *technologies, including artificial intelligence and ma-*
 24 *chine learning techniques, to fabricate or manipulate*

1 *audio, visual, or text content with the intent to mis-*
 2 *lead.*

3 (2) *SECRETARY.*—*The term “Secretary” means*
 4 *the Secretary of Homeland Security.*

5 **SEC. 3. REPORTS ON DIGITAL CONTENT FORGERY TECH-**
 6 **NOLOGY.**

7 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 8 *of enactment of this Act, and annually thereafter for 5*
 9 *years, the Secretary, acting through the Under Secretary*
 10 *for Science and Technology, shall produce a report on the*
 11 *state of digital content forgery technology.*

12 (b) *CONTENTS.*—*Each report produced under sub-*
 13 *section (a) shall include—*

14 (1) *an assessment of the underlying technologies*
 15 *used to create or propagate digital content forgeries,*
 16 *including the evolution of such technologies;*

17 (2) *a description of the types of digital content*
 18 *forgeries, including those used to commit fraud, cause*
 19 *harm, or violate civil rights recognized under Federal*
 20 *law;*

21 (3) *an assessment of how foreign governments,*
 22 *and the proxies and networks thereof, use, or could*
 23 *use, digital content forgeries to harm national secu-*
 24 *rity;*

1 (4) *an assessment of how non-governmental enti-*
2 *ties in the United States use, or could use, digital*
3 *content forgeries;*

4 (5) *an assessment of the uses, applications, dan-*
5 *gers, and benefits of deep learning technologies used*
6 *to generate high fidelity artificial content of events*
7 *that did not occur, including the impact on individ-*
8 *uals;*

9 (6) *an analysis of the methods used to determine*
10 *whether content is genuinely created by a human or*
11 *through digital content forgery technology and an as-*
12 *essment of any effective heuristics used to make such*
13 *a determination, as well as recommendations on how*
14 *to identify and address suspect content and elements*
15 *to provide warnings to users of the content;*

16 (7) *a description of the technological counter-*
17 *measures that are, or could be, used to address con-*
18 *cerns with digital content forgery technology; and*

19 (8) *any additional information the Secretary de-*
20 *termines appropriate.*

21 (c) *CONSULTATION AND PUBLIC HEARINGS.*—*In pro-*
22 *ducing each report required under subsection (a), the Sec-*
23 *retary may—*

1 (1) *consult with any other agency of the Federal*
2 *Government that the Secretary considers necessary;*
3 *and*

4 (2) *conduct public hearings to gather, or other-*
5 *wise allow interested parties an opportunity to*
6 *present, information and advice relevant to the pro-*
7 *duction of the report.*

8 (d) *FORM OF REPORT.*—*Each report required under*
9 *subsection (a) shall be produced in unclassified form, but*
10 *may contain a classified annex.*

11 (e) *APPLICABILITY OF FOIA.*—*Nothing in this Act, or*
12 *in a report produced under this section, shall be construed*
13 *to allow the disclosure of information or a record that is*
14 *exempt from public disclosure under section 552 of title 5,*
15 *United States Code (commonly known as the “Freedom of*
16 *Information Act”).*

17 (f) *APPLICABILITY OF THE PAPERWORK REDUCTION*
18 *ACT.*—*Subchapter I of chapter 35 of title 44, United States*
19 *Code (commonly known as the “Paperwork Reduction*
20 *Act”), shall not apply to this Act.*

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