

116TH CONGRESS
1ST SESSION

S. 2065

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, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deepfake Report Act
5 of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **DIGITAL CONTENT FORGERY.**—The term
9 “digital content forgery” means the use of emerging

1 technologies, including artificial intelligence and ma-
2 chine learning techniques, to fabricate or manipulate
3 audio, visual, or text content with the intent to mis-
4 lead.

5 (2) SECRETARY.—The term “Secretary” means
6 the Secretary of Homeland Security.

7 **SEC. 3. REPORTS ON DIGITAL CONTENT FORGERY TECH-**
8 **NOLOGY.**

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

14 (b) CONTENTS.—Each report produced under sub-
15 section (a) shall include—

16 (1) an assessment of the underlying tech-
17 nologies used to create or propagate digital content
18 forgeries, including the evolution of such tech-
19 nologies;

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

22 (A) by foreign or domestic sources; and

23 (B) in cyber attacks, pornography, and
24 media;

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

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

8 (5) an assessment of the uses, applications,
9 dangers, and benefits of deep learning technologies
10 used to generate high fidelity artificial content of
11 events that did not occur;

12 (6) an analysis of the methods used to deter-
13 mine whether content is genuinely created by a
14 human or through digital content forgery tech-
15 nology, including an assessment of any effective
16 heuristics used to make such a determination;

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

20 (8) recommendations regarding whether addi-
21 tional legal authorities are needed to address the
22 findings of the report; and

23 (9) any additional information the Secretary de-
24 termines appropriate.

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

4 (1) consult with—

5 (A) the intelligence community (as defined
6 in section 3 of the National Security Act of
7 1947 (50 U.S.C. 3003));

8 (B) the Secretary of Defense;

9 (C) the Chairman of the Joint Chiefs of
10 Staff;

11 (D) the Department of Justice, Computer
12 Crime and Intellectual Property Section;

13 (E) the Office of Science and Technology
14 Policy;

15 (F) the National Institute of Standards
16 and Technology;

17 (G) the National Science Foundation;

18 (H) the Federal Election Commission;

19 (I) the Federal Trade Commission; and

20 (J) any other agency of the Federal gov-
21 ernment that the Secretary considers necessary;

22 and

23 (2) conduct public hearings to gather, or other-
24 wise allow interested parties an opportunity to

1 present, information and advice relevant to the pro-
2 duction of the report.

3 (d) FORM OF REPORT.—Each report produced under
4 subsection (a) shall be produced in unclassified form, but
5 may contain a classified annex.

6 (e) APPLICABILITY OF FOIA.—Nothing in this Act,
7 or in a report produced under this section, shall be con-
8 strued to allow the disclosure of information or a record
9 that is exempt from public disclosure under section 552
10 of title 5, United States Code.

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