AN ACT

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,
SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) DIGITAL CONTENT FORGERY.—The term “digital content forgery” means the use of emerging technologies, including artificial intelligence and machine learning techniques, to fabricate or manipulate audio, visual, or text content with the intent to mislead.

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

SEC. 3. REPORTS ON DIGITAL CONTENT FORGERY TECHNOLOGY.

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

(b) CONTENTS.—Each report produced under subsection (a) shall include—

(1) an assessment of the underlying technologies used to create or propagate digital content forgeries, including the evolution of such technologies;
(2) a description of the types of digital content forgeries, including those used to commit fraud, cause harm, or violate civil rights recognized under Federal law;

(3) an assessment of how foreign governments, and the proxies and networks thereof, use, or could use, digital content forgeries to harm national security;

(4) an assessment of how non-governmental entities in the United States use, or could use, digital content forgeries;

(5) an assessment of the uses, applications, dangers, and benefits of deep learning technologies used to generate high fidelity artificial content of events that did not occur, including the impact on individuals;

(6) an analysis of the methods used to determine whether content is genuinely created by a human or through digital content forgery technology and an assessment of any effective heuristics used to make such a determination, as well as recommendations on how to identify and address suspect content and elements to provide warnings to users of the content;
(7) a description of the technological counter-
measures that are, or could be, used to address con-
cerns with digital content forgery technology; and

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

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

(1) consult with any other agency of the Fed-
eral Government that the Secretary considers nec-
essary; and

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

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

(e) APPLICABILITY OF FOIA.—Nothing in this Act,
or in a report produced under this section, shall be con-
drued to allow the disclosure of information or a record
that is exempt from public disclosure under section 552
of title 5, United States Code (commonly known as the
“Freedom of Information Act”).
(f) Applicability of the Paperwork Reduction Act.—Subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to this Act.

Passed the Senate October 24, 2019.

Attest:

Secretary.
S. 2065

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