

116TH CONGRESS
1ST SESSION

S. 2065

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,*

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 1 year after the
17 date of enactment of this Act, and annually thereafter for
18 5 years, the Secretary, acting through the Under Sec-
19 retary for Science and Technology, shall produce a report
20 on the 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 those used to commit fraud,
3 cause harm, or violate civil rights recognized under
4 Federal law;

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

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

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

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 technology
20 and an assessment of any effective heuristics used to
21 make such a determination, as well as recommenda-
22 tions on how to identify and address suspect content
23 and elements to provide warnings to users of the
24 content;

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

4 (8) 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 may—

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

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

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

19 (e) APPLICABILITY OF FOIA.—Nothing in this Act,
20 or in a report produced under this section, shall be con-
21 strued to allow the disclosure of information or a record
22 that is exempt from public disclosure under section 552
23 of title 5, United States Code (commonly known as the
24 “Freedom of Information Act”).

1 (f) APPLICABILITY OF THE PAPERWORK REDUCTION
2 ACT.—Subchapter I of chapter 35 of title 44, United
3 States Code (commonly known as the “Paperwork Reduc-
4 tion Act”), shall not apply to this Act.

Passed the Senate October 24, 2019.

Attest:

Secretary.

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