

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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.