

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 2065**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PORTMAN

Viz:

1 Strike all after the enacting clause and insert the following:  
2

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  
10 technologies, including artificial intelligence and machine  
11 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  
8 date of enactment of this Act, and annually thereafter for  
9 5 years, the Secretary, acting through the Under Sec-  
10 retary for Science and Technology, shall produce a report  
11 on the 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 tech-  
15 nologies used to create or propagate digital content  
16 forgeries, including the evolution of such tech-  
17 nologies;

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

20 (A) by foreign or domestic sources; and

21 (B) in cyber attacks and media;

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

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

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

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

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; and

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

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

1           (1) consult with any other agency of the Fed-  
2           eral Government that the Secretary considers nec-  
3           essary; 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,  
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 (commonly known as the  
16          “Freedom of Information Act”).

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