AMENDMENT TO RULES COMMITTEE PRINT 116–57

OFFERED BY MR. KILMER OF WASHINGTON

Add at the end of subtitle A of title XVII the following:

SEC. 17. DEEPFAKE REPORT.

(a) DEFINITIONS.—In this section:

(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.

(b) REPORTS ON DIGITAL CONTENT FORGERY TECHNOLOGY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this Act and annually thereafter for five years, the Secretary, acting through the Under Secretary for Science and Technology of the Department of Homeland Security, and with respect to subparagraphs (F) through (H)
of paragraph (2), in consultation with the Director of National Intelligence, shall research the state of digital content forgery technology and produce a report on such technology.

(2) CONTENTS.—Each report produced under paragraph (1) shall include the following:

(A) An assessment of the underlying technologies used to create or propagate digital content forgeries, including the evolution of such technologies.

(B) 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.

(C) An assessment of how foreign governments, and the proxies and networks thereof, use, or could use, digital content forgeries to harm national security.

(D) An assessment of how non-governmental entities in the United States use, or could use, digital content forgeries.

(E) An assessment of the uses, applications, dangers, and benefits, including the impact on individuals, of deep learning tech-
nologies used to generate high fidelity artificial content of events that did not occur.

(F) 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 such content.

(G) A description of the technological countermeasures that are, or could be, used to address concerns with digital content forgery technology.

(H) Proposed research and development activities for the Science and Technology Directorate of the Department of Homeland Security to undertake related to the identification of forged digital content and related countermeasures.

(I) Any additional information the Secretary determines appropriate.

(3) CONSULTATION AND PUBLIC HEARINGS.—In producing each report required under paragraph (1), the Secretary may—
(A) consult with any other agency of the Federal Government that the Secretary considers necessary; and

(B) conduct public hearings to gather, or otherwise allow interested parties an opportunity to present, information and advice relevant to the production of the report.

(4) FORM OF REPORT.—Each report required under paragraph (1) shall be produced in unclassified form, but may contain a classified annex.

(5) APPLICABILITY OF FOIA.—Nothing in this section, or in a report produced under this section, may be construed 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”).

(6) 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 section.