

**AMENDMENT TO
RULES COMMITTEE PRINT 117-20
OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Page 157, beginning on line 15, strike “**FOREIGN INTERFERENCE**” and insert “**FOREIGN INTERFERENCE; PROHIBITING USE OF DEEPFAKES IN CAMPAIGNS**”.

Page 175, insert after line 18 the following (and redesignate the succeeding provisions accordingly:

1 **TITLE XV—PROHIBITING USE OF**
2 **DEEPFAKES IN ELECTION**
3 **CAMPAIGNS**

4 **SEC. 1501. PROHIBITION ON DISTRIBUTION OF MATERI-**
5 **ALLY DECEPTIVE AUDIO OR VISUAL MEDIA**
6 **PRIOR TO ELECTION.**

7 (a) IN GENERAL.—Title III of the Federal Election
8 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
9 amended by adding at the end the following new section:

1 **“SEC. 325. PROHIBITION ON DISTRIBUTION OF MATERI-**
2 **ALLY DECEPTIVE MEDIA PRIOR TO ELEC-**
3 **TION.**

4 “(a) IN GENERAL.—Except as provided in sub-
5 sections (b) and (c), a person, political committee, or other
6 entity shall not, within 60 days of a election for Federal
7 office at which a candidate for elective office will appear
8 on the ballot, distribute, with actual malice, materially de-
9 ceptive audio or visual media of the candidate with the
10 intent to injure the candidate’s reputation or to deceive
11 a voter into voting for or against the candidate.

12 “(b) EXCEPTION.—

13 “(1) REQUIRED LANGUAGE.—The prohibition
14 in subsection (a) does not apply if the audio or vis-
15 ual media includes—

16 “(A) a disclosure stating: “This
17 _____ has been manipulated.”; and

18 “(B) filled in the blank in the disclosure
19 under subparagraph (A), the term ‘image’,
20 ‘video’, or ‘audio’, as most accurately describes
21 the media.

22 “(2) VISUAL MEDIA.—For visual media, the
23 text of the disclosure shall appear in a size that is
24 easily readable by the average viewer and no smaller
25 than the largest font size of other text appearing in
26 the visual media. If the visual media does not in-

1 clude any other text, the disclosure shall appear in
2 a size that is easily readable by the average viewer.
3 For visual media that is video, the disclosure shall
4 appear for the duration of the video.

5 “(3) AUDIO-ONLY MEDIA.—If the media con-
6 sists of audio only, the disclosure shall be read in a
7 clearly spoken manner and in a pitch that can be
8 easily heard by the average listener, at the beginning
9 of the audio, at the end of the audio, and, if the
10 audio is greater than 2 minutes in length, inter-
11 persed within the audio at intervals of not greater
12 than 2 minutes each.

13 “(c) INAPPLICABILITY TO CERTAIN ENTITIES.—This
14 section does not apply to the following:

15 “(1) A radio or television broadcasting station,
16 including a cable or satellite television operator, pro-
17 grammer, or producer, that broadcasts materially
18 deceptive audio or visual media prohibited by this
19 section as part of a bona fide newscast, news inter-
20 view, news documentary, or on-the-spot coverage of
21 bona fide news events, if the broadcast clearly ac-
22 knowledges through content or a disclosure, in a
23 manner that can be easily heard or read by the aver-
24 age listener or viewer, that there are questions about

1 the authenticity of the materially deceptive audio or
2 visual media.

3 “(2) A radio or television broadcasting station,
4 including a cable or satellite television operator, pro-
5 grammer, or producer, when it is paid to broadcast
6 materially deceptive audio or visual media.

7 “(3) An internet website, or a regularly pub-
8 lished newspaper, magazine, or other periodical of
9 general circulation, including an internet or elec-
10 tronic publication, that routinely carries news and
11 commentary of general interest, and that publishes
12 materially deceptive audio or visual media prohibited
13 by this section, if the publication clearly states that
14 the materially deceptive audio or visual media does
15 not accurately represent the speech or conduct of the
16 candidate.

17 “(4) Materially deceptive audio or visual media
18 that constitutes satire or parody.

19 “(d) CIVIL ACTION.—

20 “(1) INJUNCTIVE OR OTHER EQUITABLE RE-
21 LIEF.—A candidate for elective office whose voice or
22 likeness appears in a materially deceptive audio or
23 visual media distributed in violation of this section
24 may seek injunctive or other equitable relief prohib-
25 iting the distribution of audio or visual media in vio-

1 lation of this section. An action under this para-
2 graph shall be entitled to precedence in accordance
3 with the Federal Rules of Civil Procedure.

4 “(2) DAMAGES.—A candidate for elective office
5 whose voice or likeness appears in a materially de-
6 ceptive audio or visual media distributed in violation
7 of this section may bring an action for general or
8 special damages against the person, committee, or
9 other entity that distributed the materially deceptive
10 audio or visual media. The court may also award a
11 prevailing party reasonable attorney’s fees and costs.
12 This paragraph shall not be construed to limit or
13 preclude a plaintiff from securing or recovering any
14 other available remedy.

15 “(3) BURDEN OF PROOF.—In any civil action
16 alleging a violation of this section, the plaintiff shall
17 bear the burden of establishing the violation through
18 clear and convincing evidence.

19 “(e) RULE OF CONSTRUCTION.—This section shall
20 not be construed to alter or negate any rights, obligations,
21 or immunities of an interactive service provider under sec-
22 tion 230 of title 47, United States Code.

23 “(f) MATERIALLY DECEPTIVE AUDIO OR VISUAL
24 MEDIA DEFINED.—In this section, the term ‘materially
25 deceptive audio or visual media’ means an image or an

1 audio or video recording of a candidate's appearance,
2 speech, or conduct that has been intentionally manipulated
3 in a manner such that both of the following conditions
4 are met:

5 “(1) The image or audio or video recording
6 would falsely appear to a reasonable person to be
7 authentic.

8 “(2) The image or audio or video recording
9 would cause a reasonable person to have a fun-
10 damentally different understanding or impression of
11 the expressive content of the image or audio or video
12 recording than that person would have if the person
13 were hearing or seeing the unaltered, original
14 version of the image or audio or video recording.”.

15 (b) CRIMINAL PENALTIES.—Section 309(d)(1) of the
16 Federal Election Campaign Act of 1971 (52 U.S.C.
17 30109(d)(1)), as amended by section 1303, is further
18 amended by adding at the end the following new subpara-
19 graph:

20 “(G) Any person who knowingly and willfully com-
21 mits a violation of section 325 shall be fined not more
22 than \$100,000, imprisoned not more than 5 years, or
23 both.”.

24 (c) EFFECT ON DEFAMATION ACTION.—For pur-
25 poses of an action for defamation, a violation of section

1 325 of the Federal Election Campaign Act of 1971, as
2 added by subsection (a), shall constitute defamation per
3 se.

