118TH CONGRESS  
2D SESSION

H. R. ______

To amend section 230 of the Communications Act of 1934 to combat cyberstalking, intimate privacy violations, and digital forgeries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. AUCHINCLOSS introduced the following bill; which was referred to the Committee on

A BILL

To amend section 230 of the Communications Act of 1934 to combat cyberstalking, intimate privacy violations, and digital forgeries, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Intimate Privacy Pro-
tection Act”.

SEC. 2. CYBERSTALKING, INTIMATE PRIVACY VIOLATIONS, AND DIGITAL FORGERIES.

(a) DUTY OF CARE.—Section 230(c)(1) of the Communications Act of 1934 (47 U.S.C. 230(c)(1)) is amended—

(1) by striking “No provider” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), no provider”; and

(2) by adding at the end the following:

“(B) CYBERSTALKING, INTIMATE PRIVACY VIOLATIONS, AND DIGITAL FORGERIES.—

“(i) DUTY OF CARE.—Subparagraph (A) only applies to a provider of an interactive computer service if such provider is implementing, with respect to the interactive computer service of the provider, a reasonable process for addressing cyberstalking, intimate privacy violations, and digital forgeries that includes, at a minimum, the following:

“(I) A process to prevent, to the extent practicable, cyberstalking, intimate privacy violations, and digital forgeries.
“(II) A clear and accessible process to report cyberstalking, intimate privacy violations, and digital forgeries.

“(III) A process for investigating each report of cyberstalking, an intimate privacy violation, or a digital forgery.

“(IV) A process to remove (or otherwise make unavailable), within 24 hours, information the provider knows, or has reason to know, is cyberstalking, an intimate privacy violation, or a digital forgery.

“(V) Minimum data logging requirements that—

“(aa) preserve data necessary for legal proceedings related to cyberstalking, an intimate privacy violation, or a digital forgery; and

“(bb) ensure that preserved data is not transferred or otherwise used for a purpose other than a legal proceeding related to
cyberstalking, an intimate privacy violation, or a digital forgery.

“(VI) A process to remove or block content that has been determined unlawful by a court.

“(VII) Any other process or requirement determined necessary by the Commission to address cyberstalking, intimate privacy violations, and digital forgeries.

“(ii) DEFINITIONS.—In this subparagraph:

“(I) CYBERSTALKING.—The term ‘cyberstalking’ means a course of conduct—

“(aa) directed at a specific individual; and

“(bb) that causes the individual, or would cause a reasonable individual, to suffer substantial emotional distress or the fear of bodily harm.
“(II) DIGITAL FORGERY.—The term ‘digital forgery’ means digital audiovisual material—

“(aa) created, manipulated, or altered to be virtually indistinguishable from an authentic record of the speech, conduct, or appearance of an individual despite not being an authentic record of such speech, conduct, or appearance; and

“(bb) that is reasonably likely to cause harm.

“(III) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ has the meaning given that term in section 1309(a) of division W of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851(a)).

“(IV) INTIMATE PRIVACY VIOLATION.—The term ‘intimate privacy violation’ means the following:

“(aa) An intimate visual depiction obtained or shared with-
out the consent of an individual portrayed in the depiction.

“(bb) A digital forgery of an intimate visual depiction made or shared without the consent of an individual portrayed in the depiction.”.

(b) INFORMATION CONTENT PROVIDER DEFINED.—

Section 230(f)(3) of the Communications Act of 1934 (47 U.S.C. 230(f)(3)) is amended by striking “creation or development” and inserting “creation or development (including through solicitation or encouragement)”.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission, in consultation with the Federal Communications Commission, shall promulgate regulations under section 553 of title 5, United States Code, to implement the amendments made by this Act.

(d) APPLICABILITY.—The amendments made by this Act shall apply to information made available on an interactive computer service on or after the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—The amendments made by this Act may not be construed to infringe upon
any right protected under the First Amendment to the Constitution.