

118TH CONGRESS
2D SESSION

H. R. 9187

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

JULY 30, 2024

Mr. AUCHINCLOSS (for himself and Mrs. HINSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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.

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 “Intimate Privacy Pro-
5 tection Act”.

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

3 (a) DUTY OF CARE.—Section 230(c)(1) of the Com-
4 munications Act of 1934 (47 U.S.C. 230(c)(1)) is amend-
5 ed—

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

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

10 (2) by adding at the end the following:

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

13 “(i) DUTY OF CARE.—Subparagraph
14 (A) only applies to a provider of an inter-
15 active computer service if such provider is
16 implementing, with respect to the inter-
17 active computer service of the provider, a
18 reasonable process for addressing
19 cyberstalking, intimate privacy violations,
20 and digital forgeries that includes, at a
21 minimum, the following:

22 “(I) A process to prevent, to the
23 extent practicable, cyberstalking, inti-
24 mate privacy violations, and digital
25 forgeries.

1 “(II) A clear and accessible proc-
2 ess to report cyberstalking, intimate
3 privacy violations, and digital for-
4 geries.

5 “(III) A process for investigating
6 each report of cyberstalking, an inti-
7 mate privacy violation, or a digital
8 forgery.

9 “(IV) A process to remove (or
10 otherwise make unavailable), within
11 24 hours, information the provider
12 knows, or has reason to know, is
13 cyberstalking, an intimate privacy vio-
14 lation, or a digital forgery.

15 “(V) Minimum data logging re-
16 quirements that—

17 “(aa) preserve data nec-
18 essary for legal proceedings re-
19 lated to cyberstalking, an inti-
20 mate privacy violation, or a dig-
21 ital forgery; and

22 “(bb) ensure that preserved
23 data is not transferred or other-
24 wise used for a purpose other
25 than a legal proceeding related to

1 cyberstalking, an intimate pri-
2 vacy violation, or a digital for-
3 gery.

4 “(VI) A process to remove or
5 block content that has been deter-
6 mined unlawful by a court.

7 “(VII) Any other process or re-
8 quirement determined necessary by
9 the Commission to address
10 cyberstalking, intimate privacy viola-
11 tions, and digital forgeries.

12 “(ii) DEFINITIONS.—In this subpara-
13 graph:

14 “(I) CYBERSTALKING.—The term
15 ‘cyberstalking’ means a course of con-
16 duct—

17 “(aa) directed at a specific
18 individual; and

19 “(bb) that causes the indi-
20 vidual, or would cause a reason-
21 able individual, to suffer substan-
22 tial emotional distress or the fear
23 of bodily harm.

1 “(II) DIGITAL FORGERY.—The
2 term ‘digital forgery’ means digital
3 audiovisual material—

4 “(aa) created, manipulated,
5 or altered to be virtually indistin-
6 guishable from an authentic
7 record of the speech, conduct, or
8 appearance of an individual de-
9 spite not being an authentic
10 record of such speech, conduct,
11 or appearance; and

12 “(bb) that is reasonably like-
13 ly to cause harm.

14 “(III) INTIMATE VISUAL DEPIC-
15 TION.—The term ‘intimate visual de-
16 piction’ has the meaning given that
17 term in section 1309(a) of division W
18 of the Consolidated Appropriations
19 Act, 2022 (15 U.S.C. 6851(a)).

20 “(IV) INTIMATE PRIVACY VIOLA-
21 TION.—The term ‘intimate privacy
22 violation’ means the following:

23 “(aa) An intimate visual de-
24 piction obtained or shared with-

1 out the consent of an individual
2 portrayed in the depiction.

3 “(bb) A digital forgery of an
4 intimate visual depiction made or
5 shared without the consent of an
6 individual portrayed in the depic-
7 tion.”.

8 (b) INFORMATION CONTENT PROVIDER DEFINED.—
9 Section 230(f)(3) of the Communications Act of 1934 (47
10 U.S.C. 230(f)(3)) is amended by striking “creation or de-
11 velopment” and inserting “creation or development (in-
12 cluding through solicitation or encouragement)”.

13 (c) REGULATIONS.—Not later than 180 days after
14 the date of the enactment of this Act, the Federal Trade
15 Commission, in consultation with the Federal Communica-
16 tions Commission, shall promulgate regulations under sec-
17 tion 553 of title 5, United States Code, to implement the
18 amendments made by this Act.

19 (d) APPLICABILITY.—The amendments made by this
20 Act shall apply to information made available on an inter-
21 active computer service on or after the date of the enact-
22 ment of this Act.

23 (e) RULE OF CONSTRUCTION.—The amendments
24 made by this Act may not be construed to infringe upon

- 1 any right protected under the First Amendment to the
- 2 Constitution.

