

119TH CONGRESS
1ST SESSION

H. R. 6334

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 2025

Mr. AUCHINCLOSS (for himself and Ms. MALOY) 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 and the TAKE IT DOWN Act to combat cyberstalking and intimate privacy violations, 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 “Deepfake Liability
5 Act”.

1 **SEC. 2. AMENDMENTS TO SECTION 230 OF COMMUNICA-**
2 **TIONS ACT OF 1934.**

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 AND INTIMATE PRI-
12 VACY VIOLATIONS.—

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 and intimate privacy viola-
20 tions that includes, at a minimum, the fol-
21 lowing:

22 “(I) A process to prevent, to the
23 extent practicable, cyberstalking and
24 intimate privacy violations.

25 “(II) A clear and accessible proc-
26 ess to implement section 3(a) of the

1 TAKE IT DOWN Act (47 U.S.C.
2 223a(a)) (relating to notice and re-
3 moval of intimate privacy violations
4 and content relating to cyberstalking).

5 “(III) Minimum data logging re-
6 quirements that—

7 “(aa) preserve data nec-
8 essary for legal proceedings re-
9 lated to cyberstalking or an inti-
10 mate privacy violation; and

11 “(bb) ensure that preserved
12 data is not transferred or other-
13 wise used for a purpose other
14 than a legal proceeding related to
15 cyberstalking or an intimate pri-
16 vacy violation.

17 “(IV) A process to remove or
18 block content that has been deter-
19 mined unlawful by a court.

20 “(V) Any other process or re-
21 quirement determined necessary by
22 the Commission to address
23 cyberstalking and intimate privacy
24 violations.

1 “(ii) DEFINITIONS.—In this subpara-
2 graph:

3 “(I) CONSENT.—The term ‘con-
4 sent’ has the meaning given such term
5 in section 223(h)(1).

6 “(II) CYBERSTALKING.—The
7 term ‘cyberstalking’ means a delib-
8 erate course of conduct—

9 “(aa) directed at a specific
10 individual;

11 “(bb) that causes the indi-
12 vidual to suffer substantial emo-
13 tional distress or the fear of bod-
14 ily harm; and

15 “(cc) that would cause a
16 reasonable individual to suffer
17 substantial emotional distress or
18 the fear of bodily harm.

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

22 “(aa) An intimate visual de-
23 piction obtained or shared with-
24 out the consent of an individual
25 portrayed in the depiction.

1 “(bb) A sexually explicit dig-
2 ital forgery made or shared with-
3 out the consent of an individual
4 portrayed in the sexually explicit
5 digital forgery.

6 “(IV) INTIMATE VISUAL DEPIC-
7 TION.—The term ‘intimate visual de-
8 piction’ has the meaning given such
9 term in section 1309(a) of division W
10 of the Consolidated Appropriations
11 Act, 2022 (15 U.S.C. 6851(a)).

12 “(V) SEXUALLY EXPLICIT DIG-
13 ITAL FORGERY.—The term ‘sexually
14 explicit digital forgery’ has the mean-
15 ing given such term in section
16 223(h)(1).”.

17 (b) INFORMATION CONTENT PROVIDER DEFINED.—
18 Section 230(f)(3) of the Communications Act of 1934 (47
19 U.S.C. 230(f)(3)) is amended by striking “creation or de-
20 velopment” and inserting “creation or development (in-
21 cluding through solicitation, encouragement, or the use of
22 a generative model)”.

23 **SEC. 3. AMENDMENTS TO TAKE IT DOWN ACT.**

24 (a) CRIMINAL PROHIBITIONS.—

(1) SEXUALLY EXPLICIT DIGITAL FORGERIES.—Section 223(h) of the Communications Act of 1934 (47 U.S.C. 223(h)) is amended—

(A) in paragraph (1), by amending subparagraph (B) to read as follows:

“(B) SEXUALLY EXPLICIT DIGITAL FORGERY.—The term ‘sexually explicit digital forgery’ means an intimate visual depiction of an identifiable individual that has been created, materially manipulated, altered, or annotated so that such depiction is virtually indistinguishable from an authentic visual depiction of such individual.”;

(B) in paragraph (3)—

(i) in the heading, by striking “DIGITAL FORGERIES” and inserting “SEXUALLY EXPLICIT DIGITAL FORGERIES”; and

(ii) by striking “digital forgery” each place it appears and inserting “sexually explicit digital forgery”; and

(C) in paragraph (6)(B), in the heading, by striking “DIGITAL FORGERIES” and inserting “SEXUALLY EXPLICIT DIGITAL FORGERIES”.

(2) ELIMINATION OF CERTAIN EXCEPTIONS.—Section 223(h) of the Communications Act of 1934

(47 U.S.C. 223(h)), as amended by the preceding provisions of this Act, is further amended—

(A) in paragraph (2)(C)—

(i) in clause (iii), by striking the semicolon and inserting “; or”;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv); and

(B) in paragraph (3)(C)—

(i) in clause (iii), by striking the semicolon and inserting “; or”;

(ii) by striking clause (iv); and

(iii) by redesignating clause (v) as clause (iv).

(b) NOTICE AND REMOVAL PROCESS.—

(1) IN GENERAL.—Section 3 of the TAKE IT DOWN Act (47 U.S.C. 223a) is amended—

(A) in the heading, by striking “**NON-CONSENSUAL INTIMATE VISUAL DEPICTIONS**” and inserting “**INTIMATE PRIVACY VIOLATIONS AND CONTENT RELATING TO CYBERSTALKING**”;

(B) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—

1 “(1) NOTICE AND REMOVAL PROCESS.—

2 “(A) ESTABLISHMENT.—A covered plat-
3 form shall establish a process whereby a cov-
4 ered individual (or an authorized person acting
5 on behalf of such individual) may—

6 “(i) notify the covered platform of—

7 “(I) an intimate privacy violation
8 or content relating to cyberstalking
9 published on the covered platform—

10 “(aa) that includes a depic-
11 tion of the covered individual;

12 “(bb) that was published
13 without the consent of the cov-
14 ered individual;

15 “(cc) that depicts matter
16 that was not voluntarily exposed
17 by the covered individual in a
18 public or commercial setting;

19 “(dd) that does not depict a
20 matter of public concern; and

21 “(ee) publication of which—

22 “(AA) causes the cov-
23 ered individual to suffer sub-
24 stantial emotional distress

1 or the fear of bodily harm;
2 and

3 “(BB) would cause a
4 reasonable individual to suf-
5 fer substantial emotional
6 distress or the fear of bodily
7 harm; or

8 “(II) content relating to
9 cyberstalking published on the covered
10 platform—

11 “(aa) that is directed at the
12 covered individual;

13 “(bb) that was published
14 without the consent of the cov-
15 ered individual;

16 “(cc) that does not refer to
17 a matter of public concern; and

18 “(dd) publication of which—

19 “(AA) causes the cov-
20 ered individual to suffer sub-
21 stantial emotional distress
22 or the fear of bodily harm;
23 and

24 “(BB) would cause a
25 reasonable individual to suf-

1 fer substantial emotional
2 distress or the fear of bodily
3 harm; and

4 “(ii) submit a request for the covered
5 platform to remove such intimate privacy
6 violation or content relating to
7 cyberstalking.

8 “(B) REQUIREMENTS.—A notification and
9 request for removal of an intimate privacy viola-
10 tion or content relating to cyberstalking sub-
11 mitted under the process established under sub-
12 paragraph (A) shall include, in writing—

13 “(i) a physical or electronic signature
14 of the covered individual (or an authorized
15 person acting on behalf of such individual);

16 “(ii) an identification of, and informa-
17 tion reasonably sufficient for the covered
18 platform to locate, the intimate privacy
19 violation or content relating to
20 cyberstalking;

21 “(iii) a brief statement that the cov-
22 ered individual has a good faith belief that
23 the intimate privacy violation or content
24 relating to cyberstalking was published
25 without the consent of the covered indi-

vidual, including any relevant information for the covered platform to determine that the intimate privacy violation or content relating to cyberstalking was published without the consent of the covered individual;

“(iv) information sufficient to enable the covered platform to contact the covered individual (or an authorized person acting on behalf of such individual); and

“(v) a statement that the information in the notification and request for removal is accurate, and, under penalty of perjury, that the party submitting the notification and request for removal is the covered individual depicted in the intimate privacy violation or content relating to cyberstalking or the covered individual at whom the content relating to cyberstalking is directed (or an authorized person acting on behalf of such individual).

“(2) NOTICE OF PROCESS.—A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or

1 disclosure, of the notice and removal process estab-
2 lished under paragraph (1)(A) that—

3 “(A) is easy to read and in plain language;

4 and

5 “(B) provides information regarding the
6 responsibilities of the covered platform under
7 this section, including a description of how an
8 individual can submit a notification and request
9 for removal.

10 “(3) REMOVAL OF INTIMATE PRIVACY VIOLA-
11 TIONS AND CONTENT RELATING TO
12 CYBERSTALKING.—Upon receiving a valid removal
13 request from a covered individual (or an authorized
14 person acting on behalf of such individual) using the
15 process described in paragraph (1)(A)(ii), a covered
16 platform shall, as soon as possible, but not later
17 than 48 hours after receiving such request—

18 “(A) remove the intimate privacy violation
19 or content relating to cyberstalking; and

20 “(B) make reasonable efforts to identify
21 and remove any known identical copies of the
22 intimate privacy violation or content relating to
23 cyberstalking.

24 “(4) LIMITATION ON LIABILITY.—A covered
25 platform shall not be liable for any claim based on

1 the covered platform’s good faith disabling of access
2 to, or removal of, material claimed to be a non-
3 consensual intimate privacy violation or nonconsen-
4 sual content relating to cyberstalking based on facts
5 or circumstances from which the unlawful publishing
6 of an intimate privacy violation or content relating
7 to cyberstalking is apparent, regardless of whether
8 the intimate privacy violation or content relating to
9 cyberstalking is ultimately determined to be unlawful
10 or not.”; and

11 (C) in subsection (b)(2)—

12 (i) in subparagraph (A), by striking
13 “Except as provided in subparagraph (D),
14 the” and inserting “The”; and

15 (ii) by striking subparagraph (D).

16 (2) DEFINITIONS.—Section 4 of the TAKE IT
17 DOWN Act (47 U.S.C. 223a note) is amended by
18 striking paragraphs (2) and (3) and inserting the
19 following:

20 “(2) CONSENT.—The term ‘consent’ has the
21 meaning given such term in section 223(h)(1) of the
22 Communications Act of 1934 (47 U.S.C. 223(h)(1)).

23 “(3) COVERED INDIVIDUAL.—The term ‘cov-
24 ered individual’ means—

25 “(A) an individual—

1 “(i) who appears in whole or in part
2 in an intimate privacy violation or content
3 relating to cyberstalking; and

4 “(ii) whose face, likeness, or other dis-
5 tinguishing characteristic (including a
6 unique birthmark or other recognizable
7 feature) is displayed in connection with
8 such intimate privacy violation or content
9 relating to cyberstalking; and

10 “(B) a specific individual at whom content
11 relating to cyberstalking is directed.

12 “(4) COVERED PLATFORM.—

13 “(A) IN GENERAL.—The term ‘covered
14 platform’ means a website, online service, online
15 application, or mobile application that is acces-
16 sible to the public.

17 “(B) EXCLUSIONS.—The term ‘covered
18 platform’ does not include the following:

19 “(i) A provider of broadband internet
20 access service (as described in section
21 8.1(b) of title 47, Code of Federal Regula-
22 tions, or any successor regulation).

23 “(ii) Electronic mail.

24 “(iii) A messaging service.

25 “(iv) A data storage service.

1 “(5) CYBERSTALKING.—The term
2 ‘cyberstalking’ has the meaning given such term in
3 section 230(c)(1)(B)(ii) of the Communications Act
4 of 1934 (47 U.S.C. 230(c)(1)(B)(ii)).

5 “(6) INTIMATE PRIVACY VIOLATION.—The term
6 ‘intimate privacy violation’ has the meaning given
7 such term in section 230(c)(1)(B)(ii) of the Commu-
8 nications Act of 1934 (47 U.S.C.
9 230(c)(1)(B)(ii)).”.

10 **SEC. 4. GENERAL PROVISIONS.**

11 (a) REGULATIONS.—Not later than 180 days after
12 the date of the enactment of this Act, the Federal Trade
13 Commission, in consultation with the Federal Communica-
14 tions Commission and (as appropriate) with the Attorney
15 General, shall promulgate regulations under section 553
16 of title 5, United States Code, to implement the amend-
17 ments made by this Act.

18 (b) APPLICABILITY.—The amendments made by this
19 Act shall apply to information made available on an inter-
20 active computer service (as defined in section 230(f) of
21 the Communications Act of 1934 (47 U.S.C. 230(f))) or
22 a covered platform (as defined in section 4 of the TAKE
23 IT DOWN Act (47 U.S.C. 223a note), as amended by this
24 Act) on or after the date of the enactment of this Act.

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

○