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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To prohibit the creation and use of fake social media accounts or profiles  
and the sending of fraudulent emails or other electronic messages.

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IN THE HOUSE OF REPRESENTATIVES

Mr. KINZINGER introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit the creation and use of fake social media ac-  
counts or profiles and the sending of fraudulent emails  
or other electronic messages.

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 “Social Media Fraud  
5 Mitigation Act”.

6       **SEC. 2. DEFINITIONS.**

7       As used in this Act, the following definition apply:

1           (1) The term “social media company” means  
2           any individual, business, organization, or other simi-  
3           lar entity who owns, manages, or operates a social  
4           media platform to facilitate foreign or interstate  
5           commerce.

6           (2) The term “social media platform”—

7           (A) means a website or Internet medium  
8           that—

9                   (i) permits a person to become a reg-  
10                   istered user, establish an account, or create  
11                   a profile for the purpose of allowing users  
12                   to create, share, and view user-generated  
13                   content through such an account or profile;

14                   (ii) that enables one or more users to  
15                   generate content that can be viewed by  
16                   other users of the medium; and

17                   (iii) that primarily serves as a me-  
18                   dium for users to interact with content  
19                   generated by other users of the medium;  
20                   and

21           (B) does not include—

22                   (i) any such platform that serves  
23                   fewer than 100,000 users;

24                   (ii) is an email program, message  
25                   board program, email distribution lists,

1 multi-person text message groups, or a  
2 website that is primarily for the purpose of  
3 Internet commerce;

4 (iii) is a private platform or mes-  
5 saging service used by an entity solely to  
6 communicate with others employed by or  
7 affiliated with such entity; or

8 (iv) an internet-based platform whose  
9 primary purpose is—

10 (I) to allow users to post product  
11 reviews, business reviews, travel infor-  
12 mation and reviews; or

13 (II) to provide news or entertain-  
14 ment content, but that may also in-  
15 clude a comment section for users to  
16 discuss such news or entertainment.

17 **SEC. 3. CRIMINAL OFFENSES RELATED TO FRAUDULENT**  
18 **SOCIAL MEDIA ACCOUNTS OR PROFILES AND**  
19 **FRAUDULENT EMAILS OR OTHER ELEC-**  
20 **TRONIC MESSAGES.**

21 (a) **FRAUDULENT ACCOUNTS OR PROFILES.**—Who-  
22 ever causes financial or physical harm, or threatens finan-  
23 cial or physical harm to any individual, and uses the name  
24 or likeness of another individual to—

1           (1) create or maintain an account or profile on  
2           a social media platform that purports to be an ac-  
3           count or profile of another individual without the  
4           consent of the individual whose name or likeness is  
5           used, and

6           (2) post or send one or more messages on or  
7           through an account or profile described in paragraph  
8           (1).

9 shall be fined under title 18, United States Code, impris-  
10 oned for not more than 1 year, or both, except that if  
11 the person has previously been convicted under this sub-  
12 section, such person shall be fined under such title, impris-  
13 oned for not more than 5 years, or both.

14           (b) **FRAUDULENT EMAILS OR OTHER ELECTRONIC**  
15 **MESSAGES.**—Whoever causes financial or physical harm,  
16 or threatens financial or physical harm to any individual,  
17 by sending an email or other electronic message that con-  
18 tains identifying information belonging to any other indi-  
19 vidual, including a name, domain address, or phone num-  
20 ber—

21           (1) without obtaining the other individual's con-  
22           sent, and

23           (2) with the intent to cause a reasonable person  
24           who is a recipient of the email or other electronic  
25           message to believe that the email or electronic mes-

1        sage was sent by or authorized by the other indi-  
2        vidual,  
3 shall be fined under title 18, United States Code, impris-  
4 oned for not more than 1 year, or both, except that if  
5 the person commits the offense with the intent to solicit  
6 a response by emergency personnel, such person may be  
7 fined under such title or imprisoned for not more than  
8 6 years, or both.