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ONE HUNDRED SIXTEENTH CONGRESS

## U.S. House of Representatives

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#### MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics  
Theodore E. Deutch, Chairman  
Kenny Marchant, Ranking Member

SUBJECT: Intentional Use of Audio-Visual Distortions & Deep Fakes

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This memorandum serves as a reminder that Members<sup>1</sup> must exercise care in communicating, especially when using electronic communication, such as email, websites, Facebook, Twitter, Instagram, or YouTube.

All House Members, officers, and employees must conduct themselves at all times in a manner that reflects creditably on the House.<sup>2</sup> As Members of the House of Representatives, we are widely recognizable public servants. Communicating with our constituents and the public is one of our most important duties.

Electronic communication has drastically improved our ability to communicate directly and in real-time with our constituents at a minimal cost. The fast pace and wide dissemination of electronic communication can lead to mistaken transmissions; for example, emailing the wrong person, posting a private message publicly, or sharing the wrong video. All of these examples of mistakes may be embarrassing and have unintended consequences.

However, intentional distortions of audio and/or visual representations can be far more damaging. Members have a duty, and a First Amendment right, to contribute to the public discourse, including through parody and satire. However, manipulation of images and videos that are intended to mislead the public can harm that discourse and reflect discreditably on the House. Moreover, Members or their staff posting deep fakes<sup>3</sup> “could erode public trust, affect public

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<sup>1</sup> For all purposes in this memorandum, “Member” is defined to include any current Member, Delegate, or Resident Commissioner of the House of Representatives.

<sup>2</sup> House Rule 23, cl. 1.

<sup>3</sup> For purposes of this memorandum, the term “deep fakes” is defined as realistic photo, audio, video, and other forgeries generated with artificial intelligence (AI) technologies. See Kelly M. Sayler & Laurie A. Harris, CRS In Focus IF11333, *Deep Fakes and National Security* (Oct. 14, 2019) [hereinafter *Deep Fakes and National*

discourse, or sway an election.”<sup>4</sup> Accordingly, Members, officers, and employees posting deep fakes or other audio-visual distortions intended to mislead the public may be in violation of the Code of Official Conduct.<sup>5</sup> Prior to disseminating any image, video, or audio file by electronic means, including social media, Members and staff are expected to take reasonable efforts to consider whether such representations are deep fakes or are intentionally distorted to mislead the public.

The Committee has long held that Members are responsible for the actions of their staff.<sup>6</sup> Further, Members must take reasonable steps to ensure that any outside organization over which the Member exercises control—including a campaign entity—operates in compliance with applicable law.<sup>7</sup> Accordingly, Members should ensure their official and campaign staff are familiar with the rules and regulations regarding electronic communications that those staff are involved in preparing or disseminating.<sup>8</sup>

If you have any questions regarding this guidance, please feel free to contact the Committee’s Office of Advice and Education at (202) 225-7103.

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*Security*]; see also House Comm’n on Congressional Mailing Standards, *The House of Representatives Communications Standards Manual* at 3 [hereinafter *Communications Standards Manual*].

<sup>4</sup> See *Deep Fakes and National Security*.

<sup>5</sup> House Rule 23, cl. 1.

<sup>6</sup> See *2008 House Ethics Manual* at 124.

<sup>7</sup> *Id.* at 123.

<sup>8</sup> See *Communications Standards Manual*; see also Comm. on Ethics, *Campaign Activity Guidance* (Jun. 7, 2018).