

117TH CONGRESS  
1ST SESSION

# H. R. 4654

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

JULY 22, 2021

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

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## A BILL

To prohibit the creation and use of fake social media accounts 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 definitions apply:

8               (1) The term “social media company” means  
9       any individual, business, organization, or other simi-  
10      lar entity who owns, manages, or operates a social

1 media platform to facilitate foreign or interstate  
2 commerce.

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

4 (A) means a website or internet medium  
5 that—

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

11 (ii) enables one or more users to gen-  
12 erate content that can be viewed by other  
13 users of the medium; and

14 (iii) primarily serves as a medium for  
15 users to interact with content generated by  
16 other users of the medium; and

17 (B) does not include—

18 (i) any such platform that serves  
19 fewer than 100,000 users;

20 (ii) an email program, message board  
21 program, email distribution lists, multi-  
22 person text message groups, or a website  
23 that is primarily for the purpose of inter-  
24 net commerce;

1 (iii) a private platform or messaging  
2 service used by an entity solely to commu-  
3 nicate with others employed by or affiliated  
4 with such entity; or

5 (iv) an internet-based platform whose  
6 primary purpose is—

7 (I) to allow users to post product  
8 reviews, business reviews, travel infor-  
9 mation and reviews; or

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

14 **SEC. 3. CRIMINAL OFFENSES RELATED TO FRAUDULENT**  
15 **SOCIAL MEDIA ACCOUNTS OR PROFILES AND**  
16 **FRAUDULENT EMAILS OR OTHER ELEC-**  
17 **TRONIC MESSAGES.**

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

22 (1) create or maintain an account or profile on  
23 a social media platform that purports to be an ac-  
24 count or profile of another individual without the

1 consent of the individual whose name or likeness is  
2 used; and

3 (2) post or send one or more messages on or  
4 through an account or profile described in paragraph  
5 (1),

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

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

18 (1) without obtaining the other individual's con-  
19 sent; and

20 (2) with the intent to cause a reasonable person  
21 who is a recipient of the email or other electronic  
22 message to believe that the email or electronic mes-  
23 sage was sent by or authorized by the other indi-  
24 vidual,

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

