

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

March 25, 2025

Dear Chairman Guthrie and Ranking Member Pallone,

We call on you to prioritize passing the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks (TAKE IT DOWN) Act. Victims of authentic image-based sexual abuse have waited years for Congress to pass basic, common sense protections. Today, artificial intelligence is making it alarmingly easy for malicious actors to produce hyper-realistic, non-consensual intimate images (NCII) of women, LGBTQ+ individuals, and minors. Now is the time for Congress to act.

Our support for this legislation is driven by the growing scale of the problem. Nearly 17% of women aged 18-29 report experiencing the non-consensual sharing of authentic intimate images.¹ One in ten adults report being or knowing a victim of AI-generated NCII.² Just last year, the ten leading websites dedicated to synthetic NCII had monthly traffic of over 34 million users, and there were over 9,500 other websites dedicated to such content.³

Just a few years ago perpetrators would have needed hundreds of images of a target and high technical knowledge to produce convincing deepfake images. Today, anyone can upload a single clothed image of a victim to freely available websites and generate intimate images in seconds, without the knowledge or consent of the person depicted.

Alarmingly, this harm increasingly extends to minors. 39% of high schoolers say they know a student at their school who has been a victim of NCII, and 15% say the same for AI-generated

¹ Ruvalcaba, Yanet, and Asia A. Eaton. "Nonconsensual Pornography Among U.S. Adults: A Sexual Scripts Framework on Victimization, Perpetration, and Health Correlates for Women and Men." *Psychology of Violence* 13, no. 5 (2023): 314–326. <https://doi.org/10.1037/vio0000468>.

² "Nearly Two-Thirds of Women Worry About Being a Victim of Deepfake Pornography, ESET UK Research Reveals," ESET, <https://www.eset.com/uk/about/newsroom/press-releases/nearly-two-thirds-of-women-worry-about-being-a-victim-of-deepfake-pornography-eset-uk-research-reveals/>.

³ "State of Deepfakes," SecurityHero, <https://www.securityhero.io/state-of-deepfakes/>.

NCII. More cases are surfacing every day, and the pattern of harm is disturbingly consistent.⁴ Students often find a “nudify” or “clothoff” app or website on a platform like TikTok or Instagram, upload a screenshot of a classmate online, and then take and distribute realistic nude images across social media.⁵ Victims frequently remain in the dark until the images are already widely spread online.

The TAKE IT DOWN Act would address this crisis head on by ensuring that perpetrators are held to account and that victims can take back control of their images online. Under current federal law, victims have few to no paths to recourse available in the aftermath of image-based sexual abuse. The TAKE IT DOWN Act patches this hole by criminalizing the publication of non-consensual, sexually exploitative images — including AI-generated deepfakes. It also closes a loophole in existing CSAM law by including nude images published with the intent to “abuse, humiliate, harass, or degrade” a minor rather than only “sexually explicit” images. While many states have already passed laws for this purpose, abuse often happens across different state jurisdictions. That means that even with legislation establishing criminal penalties in every state, many victims would still lack the tools to hold perpetrators accountable.

Beyond criminalizing the publication of NCII, the TAKE IT DOWN Act would mandate that large online platforms have a process in place for victims to report NCII, and that they remove reported content within 48 hours. When NCII is posted online, there is often a critical window directly following publishing where content will either be removed or rapidly spread to other platforms and services. Without the ability to get their images removed when they are first posted, victims will be left to track their images down across dozens or hundreds of platforms.

These protections are narrowly scoped to respect the First Amendment while adequately protecting victims. State laws across the country outlawing revenge porn similar to the TAKE IT DOWN Act are routinely upheld in court. The bill includes reasonable exceptions for matters of public concern and disclosures to institutions like law enforcement or medical professionals, and requires that publishers have intent to cause harm.

The bill’s notice and take down process only requires the removal of NCII, a form of content which is not protected speech. Courts have long recognized that such content is unprotected by the First Amendment. Its notice and take down process is modeled on the Digital Millennium Copyright Act’s existing take down mechanism which has existed for 25+ years and consistently held up in the courts. It requires that victims themselves be the ones to report non-consensual

⁴ Center for Democracy & Technology. (2021). Deepfakes and Digitally Manipulated Imagery Abuse in K-12 Schools: In Deep Trouble. Retrieved from

<https://cdt.org/insights/deepfakes-and-digitally-manipulated-imagery-abuse-in-k-12-schools-in-deep-trouble/>.

⁵ CBS News. "Schools Face New Threat as 'Nudify' Sites Use AI to Create Realistic Nude Images." CBS News, October 6, 2023.

<https://www.cbsnews.com/news/schools-face-new-threat-nudify-sites-use-ai-create-realistic-nude-images/>.

images, that they state in good faith that the content is not consensual, and that they provide information sufficient to locate the relevant content.

The Senate has already unanimously passed the TAKE IT DOWN Act. It has overwhelming, bipartisan support from civil society, trade groups, and the very companies that it would cover. That support reflects a shared understanding that protecting victims of this form of abuse is not a partisan matter but a moral imperative.

We urge Chairman Guthrie and Ranking Member Pallone to take action and pass the TAKE IT DOWN Act as soon as possible. Victims deserve justice now.

Sincerely,

Encode

Americans for Responsible Innovation (ARI)

Rape, Abuse & Incest National Network (RAINN)

Sexual Violence Prevention Association (SVPA)

Alecto AI

American Sunlight Project

Common Sense

Joyful Heart Foundation

National Consumer League

National Organization for Women (NOW)

Public Citizen

Survivors & Tech Solving Image-Based Sexual Abuse (STISA)

Tech Oversight Project