

**The Honorable Mike Johnson**  
Speaker of the House  
568 Cannon House Office Building  
Washington, DC 20510

**The Honorable Hakeem Jeffries**  
House Minority Leader  
2433 Rayburn House Office Building  
Washington, DC 20510

**December 5, 2024**

Dear Speaker Johnson and Leader Jeffries:

We write to urge you to take action this Congress to crack down on the spread of AI-generated non-consensual intimate images (NCII). AI technology is increasingly being weaponized to produce hyper-realistic digital forgeries, often targeting women and children. These AI-generated non-consensual images and videos are distributed without victims' consent, causing profound and lasting emotional, social, and financial damage.

As we near the end of the 118th Congress, we urge you to pass the Disrupt Explicit Forged Images and Non-Consensual Edits (DEFIANCE) Act and the Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks (TAKE IT DOWN) Act. By passing this legislation, Congress can strike back against the spread of harmful AI-generated NCII and support victims seeking justice, privacy, and an end to their harassment.

### **Enduring Harm**

While political deepfakes have dominated the news this year because of the presidential election, the vast majority of deepfakes online are used to target women. Ninety-eight percent of all deepfake content online is explicit in nature, and 99 percent of the individuals those deepfakes target are women.<sup>1</sup> Just last year, the ten leading websites dedicated to non-consensual synthetic NCII had monthly traffic of over 34 million users, and there were over 9,500 other websites dedicated to such content.<sup>2</sup> In the same year, one in ten adults reported being a victim of or knowing a victim of AI-generated non-consensual NCII.<sup>3</sup>

That scale of harm is the result of the technology used to create AI-generated NCII becoming widely accessible. 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.

The victims of synthetic NCII suffer extreme and long-lasting harm. Victims are often forced to remove themselves from the online world or even change their names to avoid harassment and discrimination.

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<sup>1</sup> Kan, Michael. "The Internet Is Full of Deepfakes, and Most of Them Are Porn." PCMag, September 13, 2023.

<sup>2</sup> "State of Deepfakes," SecurityHero, <https://www.securityhero.io/state-of-deepfakes/>.

<sup>3</sup> "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/>.

## **Minors Are Victims**

Our organizations are particularly concerned that AI-generated NCII is increasingly being used to target and exploit minors, including images of real children and known victims of abuse. AI-generated child sexual abuse material (CSAM) is often indistinguishable from authentic images, perpetuating the cycle of exploitation and normalizing abuse. These images can also complicate victim identification for law enforcement.<sup>4</sup>

Disturbingly, this is becoming increasingly common in American schools. More than one in ten children (15 percent) say they know of other children who have created or been a victim of synthetic NCII in their own school just in the last year.<sup>5</sup> The National Center for Missing and Exploited Children, which runs a database used to flag and block child-sex material, has also noted a sharp uptick in reports of AI-generated CSAM in recent months.<sup>6</sup>

More cases are surfacing every day, from Beverly Hills, California to Aledo, Texas. Victims often grapple with anxiety, shame, isolation, and deep fears about reputational harm, future career repercussions, and the ever-present risk that photos might reappear at any time.

## **Bipartisan Solutions**

Both the DEFIANCE Act and the TAKE IT DOWN Act provide a long-overdue legal framework to protect victims and hold accountable those who produce and distribute non-consensual sexually explicit digital forgeries.

The DEFIANCE Act is a critical tool for addressing the alarming spread of AI-generated NCII. It grants victims the right to sue their perpetrators, offering survivors a pathway to reclaim their agency, seek justice, and deter future offenders. By empowering survivors—including minors and their families—to take legal action, DEFIANCE ensures accountability for those who knowingly engage in these heinous acts. The bill also helps establish a public norm that such acts are not victimless before they become even more widespread.

The TAKE IT DOWN Act criminalizes the publication of non-consensual, sexually exploitative images—including AI-generated deepfakes—and requires online platforms to have in place notice and takedown processes. It ensures that victims will not forever be subject to the spread of NCII across internet platforms. By requiring online platforms to respond to victims and remove illegal content, this legislation creates a path for erasing NCII from the Internet.

The Senate has passed both the TAKE IT DOWN Act and the DEFIANCE Act with overwhelming bipartisan support, underscoring the growing consensus around addressing this urgent issue.

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<sup>4</sup> [Law Enforcement Braces for Flood of Child Sex Abuse Images Generated by A.I.](#), New York Times

<sup>5</sup> Civic Tech. (2024). 2024 Civic Tech fall polling research. Center for Democracy & Technology. <https://cdt.org/wp-content/uploads/2024/09/2024-09-26-final-Civic-Tech-Fall-Polling-research-1.pdf>.

<sup>6</sup> National Center for Missing & Exploited Children. "CyberTipline Data." Accessed November 25, 2024. <https://www.missingkids.org/cybertiplinedata>.

Across-the-aisle support for this legislation reflects the shared understanding that protecting victims of AI-generated abuse is not a partisan matter but a moral imperative.

With just weeks remaining in the 118th Congress, swift action is critical. The House of Representatives has an opportunity to address this urgent issue now by passing both the TAKE IT DOWN Act and the DEFIANCE Act, moving these bills toward the finish line.

Looking back on Congress's inaction on social media, many lawmakers and the public at large regret policymakers' delay in addressing the harms of emerging technology before it impacted our youngest generation. As AI tools, including deepfake tools, grow in use, the clock is ticking for our elected leaders to protect our children from this emerging technology's worst harms. We urge you to confront the issue of AI-generated NCII by passing legislation now.

Sincerely,

Encode  
Americans for Responsible Innovation  
AI Policy Institute  
All Girls Allowed, Inc.  
American Principles Project  
American Youth Association  
Center for AI Policy  
Center for AI and Digital Policy  
Educate and Empower Kids  
Equality Now  
Global Hope 365  
#HalfTheStory  
Institute for Strategic Dialogue  
LiveMore ScreenLess  
Lynn's Warriors  
Mom Congress  
National Center on Sexual Exploitation  
Parents Who Fight  
Paving the Way Foundation  
Project Evident  
Public Citizen  
Rape, Abuse and Incest National Network  
Raven  
Sexual Violence Prevention Association  
Software Information and Industry Association  
Tech Oversight Project  
UltraViolet  
Wealth Management Ministries-Prevention Works Joint Task Force and Coalition

**cc:**

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**The Honorable Cathy McMorris Rodgers**

Chair, House Energy and Commerce  
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**The Honorable Jerrold Nadler**

Ranking Member, House Judiciary  
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**The Honorable Frank Pallone**

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