

119TH CONGRESS  
1ST SESSION

# H. R. 633

To require covered platforms to remove nonconsensual intimate visual depictions, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2025

Ms. SALAZAR (for herself, Ms. DEAN of Pennsylvania, Mr. PFLUGER, Mrs. DINGELL, Mr. BUCHANAN, and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require covered platforms to remove nonconsensual intimate visual depictions, and for other purposes.

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 “Tools to Address  
5 Known Exploitation by Immobilizing Technological  
6 Deepfakes On Websites and Networks Act” or the “TAKE  
7 IT DOWN Act”.

1 **SEC. 2. CRIMINAL PROHIBITION ON INTENTIONAL DISCLO-**  
2 **SURE OF NONCONSENSUAL INTIMATE VISUAL**  
3 **DEPICTIONS.**

4 (a) IN GENERAL.—Section 223 of the Communica-  
5 tions Act of 1934 (47 U.S.C. 223) is amended—

6 (1) by redesignating subsection (h) as sub-  
7 section (i); and

8 (2) by inserting after subsection (g) the fol-  
9 lowing:

10 “(h) INTENTIONAL DISCLOSURE OF NONCONSEN-  
11 SUAL INTIMATE VISUAL DEPICTIONS.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) CONSENT.—The term ‘consent’  
14 means an affirmative, conscious, and voluntary  
15 authorization made by an individual free from  
16 force, fraud, duress, misrepresentation, or coer-  
17 cion.

18 “(B) DIGITAL FORGERY.—The term ‘dig-  
19 ital forgery’ means any intimate visual depic-  
20 tion of an identifiable individual created  
21 through the use of software, machine learning,  
22 artificial intelligence, or any other computer-  
23 generated or technological means, including by  
24 adapting, modifying, manipulating, or altering  
25 an authentic visual depiction, that, when viewed  
26 as a whole by a reasonable person, is indistin-

1           guishable from an authentic visual depiction of  
2           the individual.

3           “(C) IDENTIFIABLE INDIVIDUAL.—The  
4           term ‘identifiable individual’ means an indi-  
5           vidual—

6                   “(i) who appears in whole or in part  
7                   in an intimate visual depiction; and

8                   “(ii) whose face, likeness, or other dis-  
9                   tinguishing characteristic (including a  
10                  unique birthmark or other recognizable  
11                  feature) is displayed in connection with  
12                  such intimate visual depiction.

13           “(D) INTERACTIVE COMPUTER SERVICE.—  
14           The term ‘interactive computer service’ has the  
15           meaning given the term in section 230.

16           “(E) INTIMATE VISUAL DEPICTION.—The  
17           term ‘intimate visual depiction’ has the mean-  
18           ing given such term in section 1309 of the Con-  
19           solidated Appropriations Act, 2022 (15 U.S.C.  
20           6851).

21           “(F) MINOR.—The term ‘minor’ means  
22           any individual under the age of 18 years.

23           “(2) OFFENSE INVOLVING AUTHENTIC INTI-  
24           MATE VISUAL DEPICTIONS.—

1           “(A) INVOLVING ADULTS.—Except as pro-  
2           vided in subparagraph (C), it shall be unlawful  
3           for any person, in interstate or foreign com-  
4           merce, to use an interactive computer service to  
5           knowingly publish an intimate visual depiction  
6           of an identifiable individual who is not a minor  
7           if—

8                   “(i) the intimate visual depiction was  
9                   obtained or created under circumstances in  
10                  which the person knew or reasonably  
11                  should have known the identifiable indi-  
12                  vidual had a reasonable expectation of pri-  
13                  vacy;

14                  “(ii) what is depicted was not volun-  
15                  tarily exposed by the identifiable individual  
16                  in a public or commercial setting;

17                  “(iii) what is depicted is not a matter  
18                  of public concern; and

19                  “(iv) publication of the intimate visual  
20                  depiction—

21                           “(I) is intended to cause harm;

22                           or

23                           “(II) causes harm, including psy-  
24                           chological, financial, or reputational  
25                           harm, to the identifiable individual.

1           “(B) INVOLVING MINORS.—Except as pro-  
2           vided in subparagraph (C), it shall be unlawful  
3           for any person, in interstate or foreign com-  
4           merce, to use an interactive computer service to  
5           knowingly publish an intimate visual depiction  
6           of an identifiable individual who is a minor with  
7           intent to—

8                   “(i) abuse, humiliate, harass, or de-  
9                   grade the minor; or

10                   “(ii) arouse or gratify the sexual de-  
11                   sire of any person.

12           “(C) EXCEPTIONS.—Subparagraphs (A)  
13           and (B) shall not apply to—

14                   “(i) a lawfully authorized investiga-  
15                   tive, protective, or intelligence activity of—

16                           “(I) a law enforcement agency of  
17                           the United States, a State, or a polit-  
18                           ical subdivision of a State; or

19                           “(II) an intelligence agency of  
20                           the United States;

21                   “(ii) a disclosure made reasonably and  
22                   in good faith—

23                           “(I) to a law enforcement officer  
24                           or agency;

1                   “(II) as part of a document pro-  
2                   duction or filing associated with a  
3                   legal proceeding;

4                   “(III) as part of medical edu-  
5                   cation, diagnosis, or treatment or for  
6                   a legitimate medical, scientific, or  
7                   education purpose;

8                   “(IV) in the reporting of unlaw-  
9                   ful content or unsolicited or unwel-  
10                  come conduct or in pursuance of a  
11                  legal, professional, or other lawful ob-  
12                  ligation; or

13                  “(V) to seek support or help with  
14                  respect to the receipt of an unsolicited  
15                  intimate visual depiction;

16                  “(iii) a disclosure reasonably intended  
17                  to assist the identifiable individual;

18                  “(iv) a person who possesses or pub-  
19                  lishes an intimate visual depiction of him-  
20                  self or herself engaged in nudity or sexu-  
21                  ally explicit conduct (as that term is de-  
22                  fined in section 2256(2)(A) of title 18,  
23                  United States Code); or

24                  “(v) the publication of an intimate  
25                  visual depiction that constitutes—

1                   “(I) child pornography (as that  
2                   term is defined in section 2256 of title  
3                   18, United States Code); or

4                   “(II) a visual depiction described  
5                   in subsection (a) or (b) of section  
6                   1466A of title 18, United States Code  
7                   (relating to obscene visual representa-  
8                   tions of the sexual abuse of children).

9                   “(3) OFFENSE INVOLVING DIGITAL FOR-  
10                  GERIES.—

11                   “(A) INVOLVING ADULTS.—Except as pro-  
12                   vided in subparagraph (C), it shall be unlawful  
13                   for any person, in interstate or foreign com-  
14                   merce, to use an interactive computer service to  
15                   knowingly publish a digital forgery of an identi-  
16                   fiable individual who is not a minor if—

17                   “(i) the digital forgery was published  
18                   without the consent of the identifiable indi-  
19                   vidual;

20                   “(ii) what is depicted was not volun-  
21                   tarily exposed by the identifiable individual  
22                   in a public or commercial setting;

23                   “(iii) what is depicted is not a matter  
24                   of public concern; and

1                   “(iv) publication of the digital for-  
2                   gery—

3                                 “(I) is intended to cause harm;

4                                 or

5                                 “(II) causes harm, including psy-  
6                                 chological, financial, or reputational  
7                                 harm, to the identifiable individual.

8                   “(B) INVOLVING MINORS.—Except as pro-  
9                   vided in subparagraph (C), it shall be unlawful  
10                  for any person, in interstate or foreign com-  
11                  merce, to use an interactive computer service to  
12                  knowingly publish a digital forgery of an identi-  
13                  fiable individual who is a minor with intent  
14                  to—

15                                 “(i) abuse, humiliate, harass, or de-  
16                                 grade the minor; or

17                                 “(ii) arouse or gratify the sexual de-  
18                                 sire of any person.

19                   “(C) EXCEPTIONS.—Subparagraphs (A)  
20                   and (B) shall not apply to—

21                                 “(i) a lawfully authorized investiga-  
22                                 tive, protective, or intelligence activity of—

23   “(I) a law enforcement agency of  
24   the United States, a State, or a polit-  
25   ical subdivision of a State; or



1                   “(II) an intelligence agency of  
2                   the United States;

3                   “(ii) a disclosure made reasonably and  
4                   in good faith—

5                   “(I) to a law enforcement officer  
6                   or agency;

7                   “(II) as part of a document pro-  
8                   duction or filing associated with a  
9                   legal proceeding;

10                  “(III) as part of medical edu-  
11                  cation, diagnosis, or treatment or for  
12                  a legitimate medical, scientific, or  
13                  education purpose;

14                  “(IV) in the reporting of unlaw-  
15                  ful content or unsolicited or unwel-  
16                  come conduct or in pursuance of a  
17                  legal, professional, or other lawful ob-  
18                  ligation; or

19                  “(V) to seek support or help with  
20                  respect to the receipt of an unsolicited  
21                  intimate visual depiction;

22                  “(iii) a disclosure reasonably intended  
23                  to assist the identifiable individual;

24                  “(iv) a person who possesses or pub-  
25                  lishes a digital forgery of himself or herself

1 engaged in nudity or sexually explicit con-  
2 duct (as that term is defined in section  
3 2256(2)(A) of title 18, United States  
4 Code); or

5 “(v) the publication of an intimate  
6 visual depiction that constitutes—

7 “(I) child pornography (as that  
8 term is defined in section 2256 of title  
9 18, United States Code); or

10 “(II) a visual depiction described  
11 in subsection (a) or (b) of section  
12 1466A of title 18, United States Code  
13 (relating to obscene visual representa-  
14 tions of the sexual abuse of children).

15 “(4) PENALTIES.—

16 “(A) OFFENSES INVOLVING ADULTS.—Any  
17 person who violates paragraph (2)(A) or (3)(A)  
18 shall be fined under title 18, United States  
19 Code, imprisoned not more than 2 years, or  
20 both.

21 “(B) OFFENSES INVOLVING MINORS.—Any  
22 person who violates paragraph (2)(B) or (3)(B)  
23 shall be fined under title 18, United States  
24 Code, imprisoned not more than 3 years, or  
25 both.

1           “(5) RULES OF CONSTRUCTION.—For purposes  
2 of paragraphs (2) and (3)—

3           “(A) the fact that the identifiable indi-  
4 vidual provided consent for the creation of the  
5 intimate visual depiction shall not establish that  
6 the individual provided consent for the publica-  
7 tion of the intimate visual depiction; and

8           “(B) the fact that the identifiable indi-  
9 vidual disclosed the intimate visual depiction to  
10 another individual shall not establish that the  
11 identifiable individual provided consent for the  
12 publication of the intimate visual depiction by  
13 the person alleged to have violated paragraph  
14 (2) or (3), respectively.

15           “(6) THREATS.—

16           “(A) THREATS INVOLVING AUTHENTIC IN-  
17 TIMATE VISUAL DEPICTIONS.—Any person who  
18 intentionally threatens to commit an offense  
19 under paragraph (2) for the purpose of intimi-  
20 dation, coercion, extortion, or to create mental  
21 distress shall be punished as provided in para-  
22 graph (4).

23           “(B) THREATS INVOLVING DIGITAL FOR-  
24 GERIES.—

1 “(i) THREATS INVOLVING ADULTS.—

2 Any person who intentionally threatens to  
3 commit an offense under paragraph (3)(A)  
4 for the purpose of intimidation, coercion,  
5 extortion, or to create mental distress shall  
6 be fined under title 18, United States  
7 Code, imprisoned not more than 18  
8 months, or both.

9 “(ii) THREATS INVOLVING MINORS.—

10 Any person who intentionally threatens to  
11 commit an offense under paragraph (3)(B)  
12 for the purpose of intimidation, coercion,  
13 extortion, or to create mental distress shall  
14 be fined under title 18, United States  
15 Code, imprisoned not more than 30  
16 months, or both.

17 “(7) FORFEITURE.—

18 “(A) IN GENERAL.—The court, in impos-  
19 ing a sentence on any person convicted of a vio-  
20 lation of paragraph (2) or (3), shall order, in  
21 addition to any other sentence imposed and ir-  
22 respective of any provision of State law, that  
23 the person forfeit to the United States—

24 “(i) any material distributed in viola-  
25 tion of that paragraph;

1           “(ii) the person’s interest in property,  
2           real or personal, constituting or derived  
3           from any gross proceeds of the violation, or  
4           any property traceable to such property,  
5           obtained or retained directly or indirectly  
6           as a result of the violation; and

7           “(iii) any personal property of the  
8           person used, or intended to be used, in any  
9           manner or part, to commit or to facilitate  
10          the commission of the violation.

11          “(B) PROCEDURES.—Section 413 of the  
12          Controlled Substances Act (21 U.S.C. 853),  
13          with the exception of subsections (a) and (d),  
14          shall apply to the criminal forfeiture of property  
15          under subparagraph (A).

16          “(8) RESTITUTION.—The court shall order res-  
17          titution for an offense under paragraph (2) or (3) in  
18          the same manner as under section 2264 of title 18,  
19          United States Code.

20          “(9) RULE OF CONSTRUCTION.—Nothing in  
21          this subsection shall be construed to limit the appli-  
22          cation of any other relevant law, including section  
23          2252 of title 18, United States Code.”.

1 (b) DEFENSES.—Section 223(e)(1) of the Commu-  
2 nications Act of 1934 (47 U.S.C. 223(e)(1)) is amended  
3 by striking “or (d)” and inserting “, (d), or (h)”.

4 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
5 Subsection (i) of section 223 of the Communications Act  
6 of 1934 (47 U.S.C. 223), as so redesignated by subsection  
7 (a), is amended by inserting “DEFINITIONS.—” before  
8 “For purposes of this section”.

9 **SEC. 3. NOTICE AND REMOVAL OF NONCONSENSUAL INTI-**  
10 **MATE VISUAL DEPICTIONS.**

11 (a) IN GENERAL.—

12 (1) NOTICE AND REMOVAL PROCESS.—

13 (A) ESTABLISHMENT.—Not later than 1  
14 year after the date of enactment of this Act, a  
15 covered platform shall establish a process  
16 whereby an identifiable individual (or an au-  
17 thorized person acting on behalf of such indi-  
18 vidual) may—

19 (i) notify the covered platform of an  
20 intimate visual depiction published on the  
21 covered platform that—

22 (I) includes a depiction of the  
23 identifiable individual; and

1 (II) was published without the  
2 consent of the identifiable individual;  
3 and

4 (ii) submit a request for the covered  
5 platform to remove such intimate visual  
6 depiction.

7 (B) REQUIREMENTS.—A notification and  
8 request for removal of an intimate visual depic-  
9 tion submitted under the process established  
10 under subparagraph (A) shall include, in writ-  
11 ing—

12 (i) a physical or electronic signature  
13 of the identifiable individual (or an author-  
14 ized person acting on behalf of such indi-  
15 vidual);

16 (ii) an identification of, and informa-  
17 tion reasonably sufficient for the covered  
18 platform to locate, the intimate visual de-  
19 pication of the identifiable individual;

20 (iii) a brief statement that the identi-  
21 fiable individual has a good faith belief  
22 that any intimate visual depiction identi-  
23 fied under clause (ii) is not consensual, in-  
24 cluding any relevant information for the  
25 covered platform to determine the intimate

1 visual depiction was published without the  
2 consent of the identifiable individual; and

3 (iv) information sufficient to enable  
4 the covered platform to contact the identi-  
5 fiable individual (or an authorized person  
6 acting on behalf of such individual).

7 (2) NOTICE OF PROCESS.—A covered platform  
8 shall provide on the platform a clear and con-  
9 spicuous notice, which may be provided through a  
10 clear and conspicuous link to another web page or  
11 disclosure, of the notice and removal process estab-  
12 lished under paragraph (1)(A) that—

13 (A) is easy to read and in plain language;  
14 and

15 (B) provides information regarding the re-  
16 sponsibilities of the covered platform under this  
17 section, including a description of how an indi-  
18 vidual can submit a notification and request for  
19 removal.

20 (3) REMOVAL OF NONCONSENSUAL INTIMATE  
21 VISUAL DEPICTIONS.—Upon receiving a valid re-  
22 moval request from an identifiable individual (or an  
23 authorized person acting on behalf of such indi-  
24 vidual) using the process described in paragraph  
25 (1)(A)(ii), a covered platform shall, as soon as pos-



1 sible, but not later than 48 hours after receiving  
2 such request—

3 (A) remove the intimate visual depiction;

4 and

5 (B) make reasonable efforts to identify and  
6 remove any known identical copies of such de-  
7 picture.

8 (4) LIMITATION ON LIABILITY.—A covered plat-  
9 form shall not be liable for any claim based on the  
10 covered platform’s good faith disabling of access to,  
11 or removal of, material claimed to be a nonconsen-  
12 sual intimate visual depiction based on facts or cir-  
13 cumstances from which the unlawful publishing of  
14 an intimate visual depiction is apparent, regardless  
15 of whether the intimate visual depiction is ultimately  
16 determined to be unlawful or not.

17 (b) ENFORCEMENT BY THE COMMISSION.—

18 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
19 TICES.—A failure to reasonably comply with the no-  
20 tice and takedown obligations under subsection (a)  
21 shall be treated as a violation of a rule defining an  
22 unfair or a deceptive act or practice under section  
23 18(a)(1)(B) of the Federal Trade Commission Act  
24 (15 U.S.C. 57a(a)(1)(B)).

25 (2) POWERS OF THE COMMISSION.—

1 (A) IN GENERAL.—Except as provided in  
2 subparagraph (D), the Commission shall en-  
3 force this section in the same manner, by the  
4 same means, and with the same jurisdiction,  
5 powers, and duties as though all applicable  
6 terms and provisions of the Federal Trade  
7 Commission Act (15 U.S.C. 41 et seq.) were in-  
8 corporated into and made a part of this section.

9 (B) PRIVILEGES AND IMMUNITIES.—Any  
10 person who violates this section shall be subject  
11 to the penalties and entitled to the privileges  
12 and immunities provided in the Federal Trade  
13 Commission Act (15 U.S.C. 41 et seq.).

14 (C) AUTHORITY PRESERVED.—Nothing in  
15 this Act shall be construed to limit the author-  
16 ity of the Federal Trade Commission under any  
17 other provision of law.

18 (D) SCOPE OF JURISDICTION.—Notwith-  
19 standing section 4, 5(a)(2), or 6 of the Federal  
20 Trade Commission Act (15 U.S.C. 44, 45(a)(2),  
21 46), or any jurisdictional limitation of the Com-  
22 mission, the Commission shall also enforce this  
23 section in the same manner provided in sub-  
24 paragraph (A), with respect to organizations

1           that are not organized to carry on business for  
2           their own profit or that of their members.

3 **SEC. 4. DEFINITIONS.**

4       In this Act:

5           (1) COMMISSION.—The term “Commission”  
6       means the Federal Trade Commission.

7           (2) CONSENT; DIGITAL FORGERY; IDENTIFI-  
8       ABLE INDIVIDUAL; INTIMATE VISUAL DEPICTION.—  
9       The terms “consent”, “digital forgery”, “identifiable  
10      individual”, “intimate visual depiction”, and  
11      “minor” have the meaning given such terms in sec-  
12      tion 223(h) of the Communications Act of 1934 (47  
13      U.S.C. 223), as added by section 2.

14          (3) COVERED PLATFORM.—

15           (A) IN GENERAL.—The term “covered  
16      platform” means a website, online service, on-  
17      line application, or mobile application—

18                   (i) that serves the public; and

19                   (ii)(I) that primarily provides a forum  
20      for user-generated content, including mes-  
21      sages, videos, images, games, and audio  
22      files; or

23                   (II) for which it is in the regular  
24      course of trade or business of the website,  
25      online service, online application, or mobile

1 application to publish, curate, host, or  
2 make available content of nonconsensual  
3 intimate visual depictions.

4 (B) EXCLUSIONS.—The term “covered  
5 platform” shall not include the following:

6 (i) A provider of broadband internet  
7 access service (as described in section  
8 8.1(b) of title 47, Code of Federal Regula-  
9 tions, or successor regulation).

10 (ii) Electronic mail.

11 (iii) Except as provided in subpara-  
12 graph (A)(ii)(II), an online service, appli-  
13 cation, or website—

14 (I) that consists primarily of con-  
15 tent that is not user generated but is  
16 preselected by the provider of such on-  
17 line service, application, or website;  
18 and

19 (II) for which any chat, com-  
20 ment, or interactive functionality is  
21 incidental to, directly related to, or  
22 dependent on the provision of the con-  
23 tent described in subclause (I).

1 **SEC. 5. SEVERABILITY.**

2       If any provision of this Act, or an amendment made  
3 by this Act, is determined to be unenforceable or invalid,  
4 the remaining provisions of this Act and the amendments  
5 made by this Act shall not be affected.

○