

**U.S. Senate Committee on Commerce, Science, and Transportation
Field Hearing:**

“Take It Down: Ending Big Tech’s Complicity In Revenge Porn”

June 26, 2024

Testimony of Ms. Andrea Powell

Dear Senator Cruz and members of the Senate Committee on Commerce, Science, and Transportation for the 118th Congress:

My name is Andrea Powell. I am an expert and survivor advocate on sexual exploitation, human trafficking and image-based sexual violence, including what is known as deepfake (synthetic) abuse. For the past 20 years, I have worked alongside survivors to create safe homes, support law enforcement and medical interventions to support both child and adult victims and advocate for critical policies that will give survivors access to protection, justice and healing. I am the author of Believe Me, an advocates account of finding justice for victims of sex trafficking and reside with my daughter in the coastal town of Leucadia, California. I am a founding partner to the first survivor-created AI facial recognition solution to deepfake abuse, Alecto.AI.

I am here to today to speak to the most pervasively rising form of sexual violence harming women and girls which is known as deepfake abuse. As a survivor of sexual assault as a teenage girl in central Texas, I never thought that my silence in the face of my own abuse was a privilege. I never told anyone. The only people who knew were the young men who assaulted me, myself and one scared friend. However, now standing before you today, I am standing up for survivors of what is known as image-based sexual violence, which by design humiliates victims by showing the entire world their abuse, their sexual violence, as they experience it. The sexual violence such as image-based sexual violence is never in the past because as of now, very few have the resources to ensure their abuse images are removed and never again uploaded.

I would first like to speak to the very terminology that is currently being used. The term ‘deepfake abuse’ is in fact a term coined by a Reddit user in 2017 who then went on to create what is arguably the largest explicit website, MrDeepfakes.com, where women and girls are exploited. As we tackle synthetic sexual violence, we must use terms that are accurate and honor the pain of survivors, not the violence of the abuser. One term is sexual digital forgery, coined by Dr. Mary Anne Franks from my colleagues at the Cyber Civil Rights Initiative.

In fact, there is nothing fake about the pain that deepfake abuse causes. In 2022, a nurse practitioner and candidate for the Virginia House of Representatives, Susanna Gibson, was harmed in this way when her nonconsensual ‘real’ videos of her with her husband were distributed and then reported on by the Washington Post. Rather than being treated as a victim of a sex crime, Susanna was fully exploited by media, the public and those who shared her content. Shortly thereafter deepfake abuse content of Susanna was also online for anyone to view. She lost her job, her candidacy, experienced terrifying threats to her and her family and almost ended her life. In order to get her content down, Susanna could not rely upon the police because there were no laws to protect her. Susanna could not compel the websites hosting her abuse content to remove them because they also were not required by law to do so. Instead, Susanna, like almost all victims of deepfake abuse, had to create her own digital rape kit, painfully locating each abuse image and contacting each platform and website hoping they would take mercy on her and remove the content.

Like over half of the survivors of image-based sexual violence, including survivors of sex trafficking as young as 13, who I have met, Breeze Liu considered ending her life when her former partner created both non-synthetic and deepfake abuse images and videos of her. Her nonconsensual sexual violence images were on at least over 800 URLs

across the world and currently remain on over 140 URLs hosted by Microsoft Asia. Just recently having graduated from the University of California Berkeley and a venture capitalist, Breeze was astounded and humiliated when, instead of helping her, law enforcement asked her if she was a prostitute.

The truth of the matter is, though, anyone - including for example a young woman who exchanged a nude photo for money - should not lose their right to consent to the further abuse of nonconsensual deepfake harms. Neither should a woman in sports, politics or any public life. This is not a matter of freedom of speech because another person's face or body should not be an abuser's freedom of expression. Consent is consent and without it, the creation of and distribution (and threat of distribution) nonconsensual intimate images is simply sexual violence facilitated by technology.

Deepfake abuse is growing at astounding rates. Estimates indicate that deepfake abuse has grown by 3000% since 2019 with over 300 apps - often free - that are easily found by a simple online search. I believe this directly contributes to situations like teen boys finding and using online apps to nudify their female classmates or teachers. It's a digital virtual gun that is loaded and aimed at the faces and lives of women and girls such as those testifying before you today. So, you have the app stores that monetize the nudify apps, the software developers that create it, the platforms that host it and the websites that explicitly create a form of organized sexual violence that is coordinated and monetized. Some creators make over \$20,000 a year.

Deepfake abuse has become a dark culture that celebrates the abuse and sexual exploitation of women and girls. A simple look into the forums of websites like Mr. deepfakes.com show that there is a culture emerging that validates creators and rewards the violence. Recently in the United Kingdom, Mr. Deepfakes was banned.

One user whose comments I found lamented that he knew it was wrong to create deepfake abuse of an ex-wife or girlfriend but didn't see the problem with creating deepfake abuse of celebrities. It is not that simple. In winter of this year, an avalanche of deepfake abuse appeared of Taylor Swift, Billie Eilish and Ariana Grande – all celebrity women who did not consent to this abuse. The bodies used to create some of this abuse content were in fact the bodies of the young women who were sex trafficked and exploited online in the now infamous Girls Do Porn case.

While technology platforms from Meta to Bumble are laudably partnering with efforts such as StopNCII.org to remove images, the abuse still continues. We need the law to match the crime and support technology platforms in enforcing measures to disable deepfake abuse from their business model. With global hashing technology, harm moderation and AI tools, we do have a way to stop this at its source. I don't see tech as the enemy. I see it as the solution to human created abuse - but will they join us to stop this form of sexual violence?

Deepfake abuse is an evolution of such technology-facilitated sexual violence. Image-based sexual violence is not an inevitable by-product of our online lives nor should it become the threat that silences women and girls in an ever increasingly digitized world.

Earlier, I mentioned a young woman survivor named Breeze Liu. Breeze didn't just end her life when her abuse continued. Breeze went on to find the very tech solution that she needed in her darkest hours. Alecto AI uses AI facial recognition software that will partners with platforms big and small to all for individuals to find and request their content be immediately removed and prevented from being re-uploaded. This gives the control - and safety - back to individuals where it belongs and gives technology platforms a software that will save them time and resources. Alecto AI demonstrates that there can and should be a technological solution to deepfake - and non-synthetic - image based sexual violence.

Survivors - both minors and adults - deserve protection and justice. Every survivor should be able to report their abuse to law enforcement and abusers should be found and held appropriately accountable. A U.S. federal law should rely upon the consent of the individual, not the intent of the abuser. Image-based sexual violence should be classified as a serious sex offense. I do understand there are nuances for minor offenders. That said, this is rape facilitated online. You can not accidentally sexual assault someone offline and the same should be true for the online world where the harms quickly follow that victim home, to school, to work and anywhere they try to exist after such a profound and public trauma.

Survivors should also be able to rely on technology platforms and websites to remove their abuse content immediately. This is simply a responsible aspect of doing business. Rather than rely upon complicated and often conflicting user agreements that are centered on the content, we must create laws and technological solutions to support the survivors themselves.

I have worked with and alongside many survivors of deepfake abuse here in the United States and globally. There them, I know this to be true: no survivor should stand alone in the face of their own abuse and injustice. Today, I share my testimony with the determination that they won't have to in the United States much longer. The United States needs federal legislation that creates protection and justice for every survivor. The time is now, survivors are waiting.

Senator Cruz, I stand here before you today with a hope that we are getting closer to a world where young women and girls don't have worry that being online means being targets of sexual violence. I invite your questions. I also stand, as an advocate, expert and survivor of sexual violence, with survivors no matter their background or age. We can stop deepfake abuse. I know we can.