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Sept. 5, 2023

<u>**Sent via electronic mail**</u>

The Honorable Patty Murray
President Pro Tempore
U.S. Senate
154 Russell Senate Office Bldg.
Washington, DC 20510

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-232 The Capitol
Washington, DC 20515

The Honorable Chuck Schumer
Senate Majority Leader
U.S. Senate
322 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Steve Scalise
House Majority Leader
U.S. House of Representatives
2049 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable Mitch McConnell
Senate Minority Leader
U.S. Senate
317 Russell Senate Office Bldg.
Washington, DC 20510

The Honorable Hakeem Jeffries
House Minority Leader
U.S. House of Representatives
2433 Rayburn House Office Bldg.
Washington, DC 20515

Re: Artificial Intelligence and the Exploitation of Children

Dear President Murray; Speaker McCarthy; and Leaders Schumer, McConnell, Scalise, and Jeffries:

We, the attorneys general of the 54 undersigned states and U.S. territories, are writing to you today to request that an expert commission be established by Congress to study the means and methods of artificial intelligence (AI) used to exploit children specifically, such as through the generation of child sexual abuse material (CSAM), and to propose solutions to deter and address such exploitation in an effort to protect America's children.

As the world has become increasingly aware, AI is rapidly transforming the landscape of what is possible. While AI has the potential to bring

about remarkable advances in our society, it also has the potential to inflict serious harms.

In recent months, Congress has committed itself to studying AI and to beginning the process of developing a regulatory framework to address some of these harms. While we commend Congress for these initial efforts, we write to highlight an underreported and understudied aspect of the AI problem—namely, the exploitation of children through AI technology.

As Attorneys General of our respective States and territories, we have a deep and grave concern for the safety of the children within our respective jurisdictions. We also have a responsibility to hold accountable those who seek to harm children in our States and territories. And while internet crimes against children are already being actively prosecuted, we are concerned that AI is creating a new frontier for abuse that makes such prosecution more difficult.

With these concerns in mind, we write to provide background on this unique problem and urge Congress to take action to address it.

Exploitation of Children Through AI

As we all learn more about the capabilities of AI, it is becoming increasingly apparent that the technology can be used to exploit children in innumerable ways. AI has the potential to be used to identify someone's location, mimic their voice, and generate deepfakes.

As a matter of physical safety, using AI tools, images of anyone, including children, can be scoured and tracked across the internet and used to approximate or even anticipate a victim's location.[1]

As a matter of personal privacy, AI can even study short recordings of a person's voice, such as from voicemail or social media posts, and convincingly mimic that voice to say things that person never said. This technology has already been used by scammers to fake kidnappings.[2]

Most disturbingly, AI is also being used to generate child sexual abuse material (CSAM).[3] For example, AI tools can rapidly and easily create "deepfakes" by studying real photographs of

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[1] Fox News, "Who is watching you? AI can stalk unsuspecting victims with 'ease and precision': experts", May 30, 2023, https://www.foxnews.com/us/who-is-watching-you-ai-can-stalk-unsuspecting-victims-ease-precision-experts (accessed Jul. 17, 2023).

[2] NewsNation, "'I have your daughter': Mom warns of AI dangers after scam", Jun. 14, 2023, https://www.newsnationnow.com/politics/i-have-your-daughter-mom-warns-ai-dangers-after-scam/ (accessed Jul. 17, 2023); *see also* Daily Mail, "Scammers are targeting parents by using AI to clone their children's voices and then calling with fake emergencies and randsom [sic] demands", Jul. 3, 2023, https://www.dailymail.co.uk/news/article-12247143/Scammers-using-CHILDRENS-voices-generated-AI-fake-emergency-phone-calls.html (accessed Jul. 17, 2023)

[3] The Washington Post, "AI-generated child sex images spawn new nightmare for the web", Jun. 19, 2023, https://www.washingtonpost.com/technology/2023/06/19/artificial-intelligence-child-sex-abuse-images/ (accessed Jul. 17, 2023).

abused children to generate new images showing those children in sexual positions. This involves overlaying the face of one person on the body of another.[4] Deepfakes can also be generated by overlaying photographs of otherwise unvictimized children on the internet with photographs of abused children to create new CSAM involving the previously unharmed children. Additionally, AI can combine data from photographs of both abused and non-abused children to animate new and realistic sexualized images of children who do not exist, but who may resemble actual children. Creating these images is easier than ever, as anyone can download the AI tools to their computer and create images by simply typing in a short description of what the user wants to see. And because many of these AI tools are "open-source," the tools can be run in an unrestricted and unpoliced way.[5]

Prior to AI, it was possible for skilled photo editors to "photoshop" images by modifying their appearance with computer software tools. However, AI has made it quick and easy for even the least-proficient user to generate deepfake images.[6] Whether the children in the source photographs for deepfakes are physically abused or not, creation and circulation of sexualized images depicting actual children threatens the physical, psychological, and emotional wellbeing of the children who are victimized by it, as well as that of their parents.

Even in situations where the CSAM images generated by AI are *not* deepfakes but are realistic animations depicting children who do not actually exist, these creations are *still* problematic for at least four reasons: 1) this AI-generated CSAM is still often based on source images of abused children; 2) even if some of the children in the source photographs have never been abused, the AI-generated CSAM often still resembles actual children, which potentially harms and endangers those otherwise unvictimized children, as well as their parents; 3) even if some AI-generated CSAM images do not ultimately resemble actual children, the images support the growth of the child exploitation market by normalizing child abuse and stoking the appetites of those who seek to sexualize children;[7] and 4) just like deepfakes, these unique images are quick and easy to generate using widely available AI tools.

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[4] PetaPixel, "FBI Warns of AI-Generated Deepfakes [sic] Images in Sextortion Schemes", Jun. 7, 2023, https://petapixel.com/2023/06/07/fbi-warns-of-ai-generated-deepfakes-images-in-sextortion-schemes/ (accessed Jul. 17, 2023).

[5] *See* footnote 3.

[6] The Washington Post, "Anyone can Photoshop now, thanks to AI's latest leap", Jun. 16, 2023, https://www.washingtonpost.com/technology/2023/06/16/ai-photoshop-generative-fill-review/ (accessed Jul. 17, 2023)

[7] *See* BBC News, "Illegal trade in AI child sex abuse images exposed", Jun. 28, 2023, https://www.bbc.com/news/uk-65932372 (accessed Jul. 17, 2023); *see also* Evening Standard, "Internet Watch Foundation confirms first AI-generated child sex abuse images", Jul. 18, 2023, https://www.standard.co.uk/tech/rishi-sunak-prime-minister-national-crime-agency-b1094964.html (accessed Jul. 18, 2023).

Call to Action

While we know Congress is aware of concerns surrounding AI,[8] and legislation has been recently proposed at both the state and federal level to regulate AI generally,[9] much of the focus has been on national security and education concerns.[10] And while those interests are worthy of consideration, the safety of children should not fall through the cracks when evaluating the risks of AI.

Conclusion

We believe the following would be a good start in the race to protect our children from the dangers of AI:

First, Congress should establish an expert commission to study the means and methods of AI that can be used to exploit children specifically and to propose solutions to deter and address such exploitation. This commission would operate on an ongoing basis due to the rapidly evolving nature of this technology to ensure an up-to-date understanding of the issue. While we are aware that several governmental offices and committees have been established to evaluate AI generally,[11] a working group devoted specifically to the protection of children from AI is necessary to ensure the vulnerable among us are not forgotten.

Second, after considering the expert commission's recommendations, Congress should act to deter and address child exploitation, such as by expanding existing restrictions on CSAM to explicitly cover AI-generated CSAM. This will ensure prosecutors have the tools they need to protect our children.

We are engaged in a race against time to protect the children of our country from the dangers of AI. Indeed, the proverbial walls of the city have already been breached. Now is the time to act. We appreciate your consideration.

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[8] Reuters, "U.S. Senate leader schedules classified AI briefings", Jun. 6, 2023, https://www.reuters.com/technology/us-senate-leader-schedules-classified-ai-briefings-2023-06-06/ (accessed Jul. 17, 2023).

[9] *See* Reuters, "U.S. Congress to consider two new bills on artificial intelligence," Jun. 9, 2023, https://www.reuters.com/technology/us-congress-consider-two-new-bills-artificial-intelligence-2023-06-08/ (accessed Jul. 17, 2023); *see also* National Conference of State Legislatures, "Artificial Intelligence 2023 Legislation", updated Apr. 18, 2023, https://www.ncsl.org/technology-and-communication/artificial-intelligence-2023-legislation (accessed Jul. 17, 2023).

[10] Reuters, "US Senate leader Schumer calls for AI rules as ChatGPT surges in popularity", Apr. 13, 2023, https://www.reuters.com/world/us/senate-leader-schumer-pushes-ai-regulatory-regime-after-china-action-2023-04-13/ (accessed Jul. 17, 2023).

[11] The National Artificial Intelligence Initiative Office, https://www.ai.gov/#SCAI-SELECT-COMMITTEE-ON-AI (accessed Jul. 17, 2023).

The four co-sponsors of this letter, the attorneys general of Mississippi, North Carolina, South Carolina, and Oregon, are joined by the undersigned attorneys general across the U.S. states and its territories.
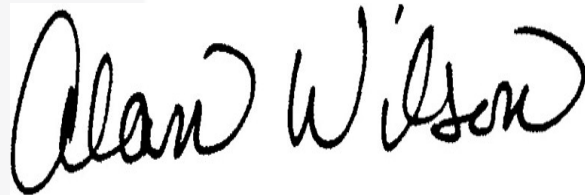
Sincerely,

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Josh Stein
North Carolina Attorney General

Ellen F. Rosenblum
Oregon Attorney General
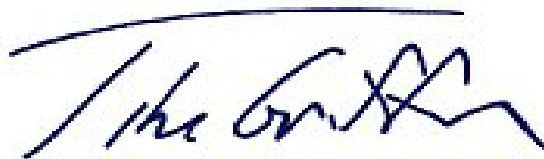
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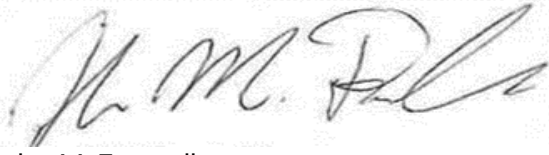
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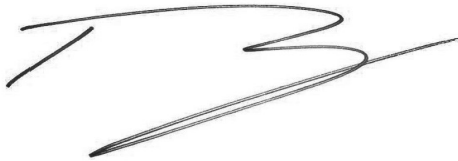
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