Sept. 5, 2023

**Sent via electronic mail**

The Honorable Patty Murray  The Honorable Kevin McCarthy  
President Pro Tempore  Speaker of the House  
U.S. Senate  U.S. House of Representatives  
154 Russell Senate Office Bldg.  H–232 The Capitol  
Washington, DC 20510  Washington, DC 20515  

The Honorable Chuck Schumer  The Honorable Steve Scalise  
Senate Majority Leader  House Majority Leader  
U.S. Senate  U.S. House of Representatives  
322 Hart Senate Office Bldg.  2049 Rayburn House Office Bldg.  
Washington, DC 20510  Washington, DC 20515  

The Honorable Mitch McConnell  The Honorable Hakeem Jeffries  
Senate Minority Leader  House Minority Leader  
U.S. Senate  U.S. House of Representatives  
317 Russell Senate Office Bldg.  2433 Rayburn House Office Bldg.  
Washington, DC 20510  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

---


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 unpolicied 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.


\(^5\) See footnote 3.


Call to Action

While we know Congress is aware of concerns surrounding AI, and legislation has been recently proposed at both the state and federal level to regulate AI generally, much of the focus has been on national security and education concerns. 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, 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.

---

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,

Lynn Fitch
Mississippi Attorney General

Josh Stein
North Carolina Attorney General

Ellen F. Rosenblum
Oregon Attorney General

Alan Wilson
South Carolina Attorney General

Steve Marshall
Alabama Attorney General

Treg R. Taylor
Alaska Attorney General

Kris Mayes
Arizona Attorney General

Tim Griffin
Arkansas Attorney General
Rob Bonta  
California Attorney General

Phil Weiser  
Colorado Attorney General

William Tong  
Connecticut Attorney General

Kathleen Jennings  
Delaware Attorney General

Brian Schwalb  
District of Columbia Attorney General

Ashley Moody  
Florida Attorney General

Christopher M. Carr  
Georgia Attorney General

Anne E. Lopez  
Hawaii Attorney General

Raúl Labrador  
Idaho Attorney General

Kwame Raoul  
Illinois Attorney General

Todd Rokita  
Indiana Attorney General

Brenna Bird  
Iowa Attorney General
Kris Kobach  
Kansas Attorney General

Daniel Cameron  
Kentucky Attorney General

Jeff Landry  
Louisiana Attorney General

Aaron M. Frey  
Maine Attorney General

Anthony G. Brown  
Maryland Attorney General

Andrea Joy Campbell  
Massachusetts Attorney General

Dana Nessel  
Michigan Attorney General

Keith Ellison  
Minnesota Attorney General

Andrew Bailey  
Missouri Attorney General

Austin Knudsen  
Montana Attorney General

Mike Hilgers  
Nebraska Attorney General

Aaron D. Ford  
Nevada Attorney General