

United States Senate

WASHINGTON, DC 20510

July 25, 2023

The Honorable Merrick Garland
United States Attorney General Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

Dear Attorney General Garland,

We write to express deep concern regarding the alarming proliferation of realistic child sex abuse material (CSAM) created using generative artificial intelligence (AI) technology. Recent developments in AI, including tools known as diffusion models that allow users to create realistic images based on a brief description of what they want to see, enable pedophiles to create AI-generated CSAM in seconds and raise serious ethical and legal questions about the exploitation of minors through the production and dissemination of such material. While these images may not depict real children, they impede law enforcement efforts to identify real-life child victims. In the interest of protecting our most vulnerable citizens from this growing threat, we seek clarity on the Department of Justice's (DOJ) efforts to address this pressing issue.

DOJ officials who combat child exploitation say that such images still violate federal child protection laws, even if the child shown is AI-generated.¹ According to reports, however, the officials were unable to cite any cases where a suspect had been charged for creating one.² Given the proliferation of AI-generated CSAM, the absence of charges or successful prosecutions raises concerns about the effectiveness of our current legal framework in combating this heinous crime.

Given these developments, we request that the DOJ provide answers to the following questions no later than August 7, 2023 to gain a better understanding of its use of existing authority to prosecute cases involving AI-generated CSAM:

1. How many investigations related to the production and distribution of AI-generated CSAM has the DOJ undertaken within the past two years? Of those, how many resulted in arrests or prosecutions?
2. What challenges or legal hurdles does the DOJ encounter when attempting to prosecute individuals involved in the creation of AI-generated child sex abuse material, and how does the DOJ plan to address these obstacles effectively? What additional tools or resources does DOJ need?

¹ Drew Harwell, AI-generated child sex images spawn new nightmare for the web, *The Washington Post*, (June 19, 2023), <https://www.washingtonpost.com/technology/2023/06/19/artificial-intelligence-child-sex-abuse-images/>.

² *Id.*

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3. Please describe any ongoing efforts at DOJ to investigate the use of known CSAM to train AI applications to generate CSAM, as well any federal legal protections that exist for children who are involved and the penalties for offenders.
4. Please provide a detailed account of DOJ's strategies and collaborations with other government agencies, international partners, technology companies and non-profits (e.g., the National Center for Missing and Exploited Children) to prevent the creation, distribution, and consumption of AI-generated child sex abuse material.

Addressing this issue requires a comprehensive approach involving law enforcement, technology companies, and legislative action. By understanding the DOJ's current efforts, challenges, and future plans, we can work together to develop targeted strategies that protect our children from exploitation and hold perpetrators accountable under the law.

Thank you for your attention to this matter. If you have any questions, please contact Chief Counsel for Sen. Ossoff, Sara Schaumburg, at sara_schaumburg@ossoff.senate.gov or Chief Counsel for Sen. Blackburn, Katie Lane, at kaytlin_lane@blackburn.senate.gov. We appreciate your ongoing commitment to safeguarding the well-being of our nation's children and look forward to your timely response.

Sincerely,



Senator Jon Ossoff
Chairman
Subcommittee on Human Rights



Senator Marsha Blackburn
Ranking Member
Subcommittee on Human Rights