

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1724690-000

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Page 33 ~ b5;

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X For this Page X
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(2) CONSENT; DIGITAL FORGERY; IDENTIFIABLE INDIVIDUAL; INTIMATE VISUAL DEPICTION.—

The terms “consent”, “digital forgery”, “identifiable individual”, “intimate visual depiction”, and “minor” have the meaning given such terms in section 223(h) of the Communications Act of 1934 (47 U.S.C. 223), as added by section 2.

(3) COVERED PLATFORM.—

(A) IN GENERAL.— The term “covered platform” means a website, online service, online application, or mobile application—

(i) that serves the public; and

(ii)

(I) that primarily provides a forum for user-generated content, including messages, videos, images, games, and audio files; or

(II) for which it is in the regular course of trade or business of the website, online service, online application, or mobile application to publish, curate, host, or make available content of nonconsensual intimate visual depictions.

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

(i) A provider of broadband internet access service (as described in section 8.1(b) of title 47, Code of Federal Regulations, or successor regulation).

(ii) Electronic mail.

(iii) Except as provided in subparagraph (A)(ii)(II), an online service, application, or website—

(I) that consists primarily of content that is not user generated but is preselected by the provider of such online service, application, or website; and

(II) for which any chat, comment, or interactive functionality is incidental to, directly related to, or dependent on the provision of the content described in subclause (I).

SEC. 5. SEVERABILITY.

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

History

Signed by President May 19, 2025

Effective date: May 19, 2025

Sponsor

Cruz

USCS ADVANCE LEGISLATIVE SERVICE

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Workflow and Tools: (U//~~FOUO~~)

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Assessing attribution:

b7E

Production timeline and outreach: There is an opportunity to proactively share resources with our partners in this space.

The AI working group will also layout for FBI Executive Management the rapidly changing landscape of AI tools over the coming months.

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[redacted] Acting Unit Chief
FBI/OGC/National Security & Cyber Law Branch
(o) [redacted] (c) [redacted]
[redacted]

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From: [REDACTED] (OGC) (FBI)
Sent: Tuesday, November 4, 2025 10:23 AM
To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
(OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI);
[REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

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Transitory

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11/11/2019

From: [REDACTED] (OGC) (FBI) [REDACTED]
Sent: Monday, November 3, 2025 11:59 AM
To: [REDACTED] (OGC) (FBI) [REDACTED] (OGC) (FBI)

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[redacted] (OGC) (FBI) [redacted]
(OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Thanks, [redacted]

I defer to [redacted] since there are multiple NSCLB units here. But A/DGC Taj McCree will be the DGC level for NSCLB. [redacted] do you propose include the relevant SCs, too?

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[redacted]

NSCLB CILU 2

Office of the General Counsel – FBI

Office/Unclass: [redacted]

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.....
From: [redacted] (OGC) (FBI) [redacted]

Sent: Monday, November 3, 2025 11:42 AM

To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]

[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]

(OGC) (FBI) [redacted] (OGC) (FBI) [redacted]

Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Good morning, all,

I think I responded to everyone's comments. And we are still at one page!

Regarding routing, for IALB, we plan to route to SC Bert English and DGC Julie Kopec (along with the relevant UCs). It might be easier, in terms of version control, if we route to NSCLB and IALB

leadership in a single email—thoughts? I don't know who in NSCLB should be reviewing.

V/r,

[Redacted]

[Redacted]

Assistant General Counsel
Operational Technology Law Unit
Office of the General Counsel
Department of Justice | Federal Bureau of Investigation

Email (S): [Redacted]
Email (U): [Redacted]
Desk: (U) [Redacted]
Cell: (U): [Redacted]

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From: [Redacted] (OGC) (FBI) [Redacted]
Sent: Friday, October 31, 2025 3:55 PM
To: [Redacted] (OGC) (FBI) [Redacted] (OGC) (FBI)
[Redacted] (OGC) (FBI) [Redacted]
[Redacted] (OGC) (FBI) [Redacted] (OGC) (FBI)
[Redacted] (OGC) (FBI) [Redacted]
(OGC) (FBI) [Redacted] (OGC) (FBI) [Redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

I made one additional comment. Otherwise good to go from CyLU. Thanks!

From: [Redacted] (OGC) (FBI) [Redacted]
Sent: Thursday, October 30, 2025 4:06 PM
To: [Redacted] (OGC) (FBI) [Redacted] (OGC) (FBI)
[Redacted] (OGC) (FBI) [Redacted]
[Redacted] (OGC) (FBI) [Redacted] (OGC) (FBI)

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Thanks, [REDACTED] I made some comments in the One Drive document.

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Assistant General Counsel
FBI | OGC | National Security & Cyber Law Branch

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From: [REDACTED] (OGC) (FBI) [REDACTED]
Sent: Thursday, October 30, 2025 2:09 PM
To: [REDACTED] (OGC) (FBI) [REDACTED] (OGC)
(FBI) [REDACTED] (OGC) (FBI) [REDACTED]
[REDACTED] (OGC) (FBI) [REDACTED] (OGC) (FBI)
[REDACTED] (OGC) (FBI) [REDACTED] (OGC)
(FBI) [REDACTED] (OGC) (FBI) [REDACTED]

Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Transitory

Nothing from me. Thanks!

From: [REDACTED] (OGC) (FBI) [REDACTED]
Sent: Thursday, October 30, 2025 1:40 PM
To: [REDACTED] (OGC) (FBI) [REDACTED] (OGC) (FBI)
 [REDACTED] (OGC) (FBI)
 (OGC) (FBI) [REDACTED] (OGC) (FBI) [REDACTED]
 [REDACTED] (OGC) (FBI) [REDACTED] (OGC) (FBI)
 [REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Transitory

No comments from PCLU. Thanks, [redacted]

[redacted]

[redacted]
Assistant General Counsel
Privacy and Civil Liberties Unit
Federal Bureau of Investigation
Department of Justice
UNET Teams: [redacted]

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From: [redacted] (OGC) (FBI) [redacted]
Sent: Thursday, October 30, 2025 10:22 AM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Importance: High

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

All,

I participated in an OTD call with DAD Hardiman this morning, where she was discussing [redacted]
[redacted] As you may recall, DAD Hardiman wants OTD to provide an update along with the SAC legal guidance that we are working on, ideally out within mid-November.

b5

As mid-November is close upon us, I am checking in—has everyone had a chance to review the document I shared? If so, is it ready to go up to OGC EM? My assumption is that this needs to get signed off on at least by the DGC level, if not the GC.

VR

[redacted]

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From: [redacted] (OGC) (FBI) [redacted]
Sent: Tuesday, October 21, 2025 1:07 PM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

[redacted]—if you're willing and able, it would be great if you could take the pen on a first draft.
Thank you!

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From: [redacted] (OGC) (FBI) [redacted]
Sent: Tuesday, October 21, 2025 10:34 AM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Good morning, all,

Checking in on this—what is the suspense and who has the pen on the first draft? Happy to take pen if needed.

VR

[redacted]

[redacted]

Assistant General Counsel
Operational Technology Law Unit
Office of the General Counsel
Department of Justice | Federal Bureau of Investigation
Email (S): [redacted]

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Email (U): [redacted]
Desk: (U)
Cell: (U): [redacted]

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From: [redacted] (OGC) (FBI) [redacted]
Sent: Wednesday, October 15, 2025 2:59 PM
To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Transitory

Thanks [redacted] Very glad you [redacted] and others clearly have already done a lot of work on this topic.

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The one new legal development from the last election cycle that CyU is tracking is the Take It Down Act, which I think will be worth flagging for SACs/CDCs for three reasons:

[redacted]

b5

CyLU did a very quick and dirty one-pager on the Act a few months ago, which I have attached.

V/r

[redacted]

b6
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From: [redacted] (OGC) (FBI) [redacted]

Sent: Wednesday, October 15, 2025 2:51 PM

To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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[redacted]

Yes, I have several materials, but most of it is on TS. I attached the original document that I worked with DAD Hardiman on, and have also attached an older **draft** version of that document with [redacted]

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[redacted]

Bottom line, we have provided this guidance numerous times and I don't think we need to re-invent the wheel.

I believe [redacted] may be referring to the NSC Legal Guidance that former GC [redacted] signed off on, that [redacted] and I participated in developing. I can send it over on yellow shortly. The material is UNCLASS, but it was all done on yellow. As the OGC ODNI MASC representative, I also have [redacted] from last cycle on yellow as well that I can share.

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VR

[redacted]

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From: [redacted] (OGC) (FBI) [redacted]

Sent: Wednesday, October 15, 2025 2:43 PM

To: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)

[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Hi all,

Thanks for joining the call with DAD Hardiman regarding the attached and the ask to develop legal guidance for SACs in evaluating synthetic content that may require FBI investigation or resources. DD Bongino is looking for guidance to be completed before mid-November so they can roll it out to SACs.

[redacted] DAD Hardiman said she had already spoken with you, so our call was NSCLB specific, but now getting us all on one email to better coordinate.

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If you have existing materials, could you please reply all here? [redacted] I can start to compile (unless someone else wants to lead!).

[redacted] DAD Hardiman mentioned you have a helpful graphic.
[redacted] you mentioned document(s) you had created for the last election cycle.

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[redacted] so we are all tracking.

Thanks!

Regards,

[redacted]

[redacted] Acting Unit Chief
FBI/OGC/National Security & Cyber Law Branch
(o) [redacted] (c) [redacted]
[redacted]

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From: [redacted] (OGC) (FBI)

Sent: Wednesday, October 15, 2025 10:12 AM

To: Hardiman, Kellie M. (CID) (FBI) [redacted]

Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted]

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Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Hi Kellie,

I forwarded the invite and document to CILU attorney [redacted] (cced here). Talk soon!

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b7C

[redacted]

From: Hardiman, Kellie M. (CID) (FBI) [redacted]

Sent: Wednesday, October 15, 2025 8:17 AM

To: [redacted] (OGC) (FBI) [redacted]

Cc: [redacted] (OGC) (FBI) [redacted]

Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Transitory

Today at 1:30 works well for me, thank you! And yes, please recommend CI POCs.

From: [redacted] (OGC) (FBI) [redacted]

Sent: Tuesday, October 14, 2025 4:44 PM

To: Hardiman, Kellie M. (CID) (FBI) [redacted]

Cc: [redacted] (OGC) (FBI) [redacted]

Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Hi Kellie,

Definitely. I am adding my colleague SSA [redacted] who also works AI issues in CyLU. Do you have time tomorrow 1:30-3 or Thurs 10-11, or 12-2?

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[redacted]

could recommend POCs if you would like.

Regards,

[redacted]

b6
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[redacted] Acting Unit Chief
FBI/OGC/National Security & Cyber Law Branch
(o) [redacted] (c) [redacted]
[redacted]

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From: Hardiman, Kellie M. (CID) (FBI) [redacted]
Sent: Tuesday, October 14, 2025 3:53 PM
To: [redacted] (OGC) (FBI) [redacted]
Subject: FW: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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H [redacted]

I am assigned to the DD's office to handle preparations for the 2026 midterm cycle. A few weeks ago, DD Bongino requested an overview on AI in the election space. I worked with the AI Small Group and OTD to pull together the attached; [redacted] in the Operational Technology Law Unit provided input on legal triggers.

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The DD has since asked that I get with OGC to draft legal guidance for the SACs. I met with GC Ramer this afternoon and he recommended I work with OGC's Cyber Unit, so I wanted to reach out to you. Do you have some time available this week for me to talk this over with you?

Thank you,

Kellie M. Hardiman
FBI Election Executive
Office of the Deputy Director
(Desk) [redacted]
(Secure) [redacted]
(Cell) [redacted]
FBIHQ, Room 3823

b7E

From: Hardiman, Kellie M. (CID) (FBI)
Sent: Wednesday, October 8, 2025 10:51 AM

To: [redacted] (OGC) (FBI) [redacted] Ramer, Samuel (OGC) (FBI)
[redacted] Regan, Frederick Janney (DO) (FBI) [redacted]
Cc: [redacted] (OGC) (FBI) [redacted]
Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Transitory

Hi [redacted]

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I didn't see the draft attached, so I'm including it here just in case. I'd be happy to meet to discuss further.

Thank you,
Kellie

From: [redacted] (OGC) (FBI) [redacted]
Sent: Tuesday, October 7, 2025 4:50 PM
To: Hardiman, Kellie M. (CID) (FBI) [redacted] Ramer, Samuel (OGC) (FBI)
[redacted] Regan, Frederick Janney (DO) (FBI) [redacted]
Cc: [redacted] (OGC) (FBI) [redacted]
Subject: RE: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Good afternoon, Kellie and GC Ramer.

The DD has requested OGC create a one pager with guidance for the SACS on the implications of AI images and videos for elections and the First Amendment considerations.

Should we meet to discuss or do you want to come up with an OGC draft for review before we meet?

I have forwarded Kellie's email below which includes a draft she created.

Thank you,

[redacted]

From: Hardiman, Kellie M. (CID) (FBI) [redacted]
Sent: Tuesday, September 30, 2025 2:57 PM
To: Regan, Frederick Janney (DO) (FBI) [redacted] (OGC) (FBI)
[redacted]
Subject: AI in the Election Space Overview --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

From: [redacted] (CO) (FBI)
To: [redacted] (OGC) (FBI); McNulty, Tucker (OGC) (FBI)
Cc: [redacted] (CD) (FBI); [redacted] (CID) (FBI); [redacted] (CD) (FBI); [redacted] (FBI); [redacted] (CO) (FBI); [redacted] (OM) (FBI); [redacted] (OGC) (FBI); [redacted] (CID)
Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~
Date: Wednesday, March 18, 2026 12:42:02 PM

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Transitory

Thanks, [redacted]

[redacted]

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[redacted]

From: [redacted] (OGC) (FBI) [redacted]
Sent: Monday, March 16, 2026 9:47 AM
To: [redacted] (CD) (FBI) [redacted] McNulty, Tucker (OGC) (FBI)
Cc: [redacted] (CyD) (FBI) [redacted] (CID) (FBI) [redacted] (CD) (FBI) [redacted] (CD) (FBI) [redacted] (CD) (FBI) [redacted] (OGC) (FBI) [redacted]
Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

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Transitory

Hey [redacted]

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No big issues from me. One comment and one question.

Thanks!

[redacted]

[redacted]

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Office of the General Counsel – FBI

Office/Unclass: [redacted]

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From: [redacted] (OGC) (FBI)

Sent: Friday, March 13, 2026 9:09 AM

To: [redacted] (CD) (FBI) [redacted] McNulty, Tucker (OGC) (FBI)

Cc: [redacted] (CyD) (FBI) [redacted]

(CID) (FBI)

(CD) (FBI)

(CD) (FBI)

(CD) (FBI)

(OGC) (FBI)

Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

No prob! I should get it back to you by Monday at the latest.

[redacted]
NSCLB CILU 2

Office of the General Counsel – FBI

Office/Unclass: [redacted]

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From: [redacted] (CD) (FBI) [redacted]

Sent: Friday, March 13, 2026 9:07 AM

To: [redacted] (OGC) (FBI) [redacted] McNulty, Tucker (OGC) (FBI)

Cc: [redacted] (CyD) (FBI) [redacted]

(CID) (FBI)

(CD) (FBI)

(CD) (FBI)

(CD) (FBI)

(OGC) (FBI)

Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

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Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Hi [REDACTED]

Many thanks. We're concurrently sending out for all-division coordination with a deadline of COB 20 March. Let's call that a soft deadline; just let us know if you need more time.

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Thanks!

[REDACTED]

From: [REDACTED] (OGC) (FBI) [REDACTED]
Sent: Friday, March 13, 2026 9:05 AM
To: McNulty, Tucker (OGC) (FBI) [REDACTED] (CD) (FBI)
[REDACTED]
Cc: [REDACTED] (CyD) (FBI) [REDACTED]
(CID) (FBI) [REDACTED] (CD) (FBI) [REDACTED]
[REDACTED] (CD) (FBI) [REDACTED] (CD) (FBI)
[REDACTED] (OGC) (FBI) [REDACTED]
Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

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Transitory

Thanks, Tucker.

[REDACTED] I will review and get back to you. Do you have a deadline?

[REDACTED]

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[REDACTED]

NSCLB CILU 2

Office of the General Counsel – FBI
Office/Unclass: [REDACTED]

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From: McNulty, Tucker (OGC) (FBI) [REDACTED]
Sent: Friday, March 13, 2026 8:46 AM

To: [redacted] (CD) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted]
Cc: [redacted] (CyD) (FBI) [redacted]
(CID) (FBI) [redacted] (CD) (FBI) [redacted]
[redacted] (CD) (FBI) [redacted] (CD) (FBI)
[redacted] (OGC) (FBI) [redacted]

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Subject: RE: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

=====
Transitory

+ AGC [redacted] who is the CILUs POC for election issues.

b6
b7C

From: [redacted] (CD) (FBI) [redacted]

Sent: Friday, March 13, 2026 8:29 AM

To: [redacted]

Cc: [redacted] (CyD) (FBI) [redacted]

(CID) (FBI) [redacted] (CD) (FBI) [redacted]

[redacted] (CD) (FBI) [redacted] (CD) (FBI)

[redacted]

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Subject: For OGC review: Indicators of election-related FMI --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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Transitory

Good morning, CILU 1—

CIATU, along with CyD and CRM, has drafted the attached graphic report, “(U//~~FOUO~~) [redacted]

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[redacted] for

dissemination to state and local election officials ahead of the midterms this year. The bulk of the content is based on a similar graphic we published in 2024.

We’d like your review of [redacted]

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Many thanks, and please let us know if you have any questions.

[redacted] & co

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IA

CED | CIS | CIATU

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Classification: UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

From: [redacted] (OGC) (FBI)
To: McCree, Taj K. (OGC) (FBI); Eisenreich, Katherine Adams (OGC) (FBI); Cambier, Afsoun A. (OGC) (FBI); [redacted] (OGC) (FBI); English, Robert D. (OGC) (FBI); Kopec, Julie L. (OGC) (FBI); Findlay, Patrick N. (OGC) (FBI)
Cc: [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] (OGC) (FBI)
Subject: RE: For Review: SAC Guidance on Authority to Analyze Synthetic Media --- UNCLASSIFIED//~~FOUO~~
Date: Monday, November 10, 2025 9:42:58 AM
Attachments: Encl. 2_OGC_Election One Page For OGC Review.docx

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Classification: UNCLASSIFIED//~~FOUO~~
ATTORNEY WORK PRODUCT/DELIBERATIVE PROCESS PRIVILEGED DOCUMENT
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Transitory

Taj,

Thank you. I have made one change pursuant to SC Findlay's input and have re-attached (with all original comments deleted for a clean copy). I am standing by for any further questions or needs.

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VR

[redacted]

[redacted]

Assistant General Counsel
Operational Technology Law Unit
Office of the General Counsel
Department of Justice | Federal Bureau of Investigation
Email (S): [redacted]
Email (U): [redacted]
Desk: (U) [redacted]
Cell: (U): [redacted]

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From: McCree, Taj K. (OGC) (FBI) [redacted]
Sent: Friday, November 7, 2025 4:38 PM
To: [redacted] (OGC) (FBI); [redacted] Eisenreich, Katherine Adams (OGC) (FBI); [redacted] Cambier, Afsoun A. (OGC) (FBI); [redacted] (OGC) (FBI); [redacted] English, Robert D. (OGC) (FBI)

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(OGC) (FBI) [redacted] Kopec, Julie L. (OGC) (FBI) [redacted] Findlay,
Patrick N. (OGC) (FBI) [redacted]
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
(OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted]

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Subject: RE: For Review: SAC Guidance on Authority to Analyze Synthetic Media ---
UNCLASSIFIED//~~FOUO~~

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Transitory

Hi [redacted]

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I reviewed for NSCLB and have no concerns. The GC may be out on Monday (TBD). If so, he won't have an opportunity to review until Wednesday morning at the earliest. Also, adding SC Findlay for IALB who is covering for Julie.

Thanks, Taj

From: [redacted] (OGC) (FBI) [redacted]
Sent: Tuesday, November 4, 2025 2:49 PM
To: Eisenreich, Katherine Adams (OGC) (FBI) [redacted] Cambier, Afsoun A.
(OGC) (FBI) [redacted] (OGC) (FBI) [redacted] English,
Robert D. (OGC) (FBI) [redacted] Kopec, Julie L. (OGC) (FBI)
[redacted] McCree, Taj K. (OGC) (FBI) [redacted]
Cc: [redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
(OGC) (FBI) [redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted] (OGC) (FBI) [redacted]
[redacted] (OGC) (FBI) [redacted] (OGC) (FBI)
[redacted]

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Subject: For Review: SAC Guidance on Authority to Analyze Synthetic Media ---
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Transitory

All,

Good afternoon. Respectfully request your review of the attached draft OGC guidance to SACs on legal authorities to analyze potentially synthetic (i.e., AI-generated) material during the election cycle.

Background: DAD Kellie Hardiman, the FBI's Election Executive, was tasked by Deputy Director Bongino to create a one-page summary of election issues, including legal authorities, relating to AI (Enclosure 1). The document was prepared with input from OTD's technical SMEs and OTLU. After review, the Deputy Director requested that DAD Hardiman prepare guidance for all ADICs and SACs on AI-generated media in the upcoming election cycle. OGC was asked to provide a one-page document, expounding on the legal authorities, as part of that guidance. OTD was asked to provide guidance on [REDACTED]

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Document Summary: The draft guidance (Enclosure 2), as drafted by OTLU, PCLU, and NSCLB, largely follows guidance approved by FBI OGC EM during the 2024 Presidential election on legal authorities allowing for investigation and review of potentially AI-generated content. The document notes that [REDACTED]

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Deadline: Mid-November. Of note, OTD (DAD Karl Schumann) advised he would work to submit OTD feedback to DAD Hardiman by **12 November**.

Request: Respectfully request review and concurrence. Additionally, we recommend that, upon your concurrence, this document be routed to GC Ramer for his review and approval.

Attachments:

1. Enclosure 1: AI Elections Overview for DD: Information Only
2. Enclosure 2: OGC Election One Page Guidance: For DGC Review

VR

[REDACTED]

[REDACTED]

Assistant General Counsel

Operational Technology Law Unit

Office of the General Counsel

Department of Justice | Federal Bureau of Investigation

Email (S):

Email (U):

[REDACTED]

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Desk: (U) [redacted]
Cell: (U): [redacted]

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User Name:

Date and Time: Friday, August 8, 2025 1:47 PM EDT

Job Number: 259810513

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Document (1)

1. Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks
Act, 2025 Enacted S 146, 119 Enacted S 146

Client/Matter: -None-

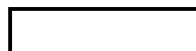
take it down act:

Search Type: Natural Language

Narrowed by:

Content Type
Statutes and Legislation

Narrowed by
-None-



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*Tools to Address Known Exploitation by Immobilizing Technological
Deepfakes on Websites and Networks Act, 2025 Enacted S 146, 119 Enacted
S 146*

Enacted, May 19, 2025

Reporter

119 P.L. 12; 2025 Enacted S 146; 119 Enacted S 146; 139 Stat. 55

USCS ADVANCE LEGISLATIVE SERVICE > UNITED STATES CONGRESS 1ST SESSION OF THE 119TH
CONGRESS > *Public Law 119-12* > [S. 146]

Synopsis

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

Text

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act” or the “TAKE IT DOWN Act”.

SEC. 2. CRIMINAL PROHIBITION ON INTENTIONAL DISCLOSURE OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) **IN GENERAL.**— Section ~~223~~ of the Communications Act of 1934 (47 U.S.C. ~~223~~) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) **Intentional disclosure of nonconsensual intimate visual depictions.**—

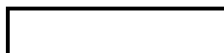
“(1) **Definitions.**— In this subsection:

“(A) **Consent.**— The term ‘consent’ means an affirmative, conscious, and voluntary authorization made by an individual free from force, fraud, duress, misrepresentation, or coercion.

“(B) **Digital forgery.**— The term ‘digital forgery’ means any intimate visual depiction of an identifiable individual created through the use of software, machine learning, artificial intelligence, or any other computer-generated or technological means, including by adapting, modifying, manipulating, or altering an authentic visual depiction, that, when viewed as a whole by a reasonable person, is indistinguishable from an authentic visual depiction of the individual.

“(C) **Identifiable individual.**— The term ‘identifiable individual’ means an individual—

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



Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act,
2025 Enacted S 146, 119 Enacted S 146

“(ii) whose face, likeness, or other distinguishing characteristic (including a unique birthmark or other recognizable feature) is displayed in connection with such intimate visual depiction.

“(D) **Interactive computer service.**—The term ‘interactive computer service’ has the meaning given the term in section 230.

“(E) **Intimate visual depiction.**—The term ‘intimate visual depiction’ has the meaning given such term in section 1309 of the Consolidated Appropriations Act, 2022 (15 U.S.C. 6851).

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

“(2) **Offense involving authentic intimate visual depictions.**—

“(A) **Involving adults.**— Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is not a minor if—

“(i) the intimate visual depiction was obtained or created under circumstances in which the person knew or reasonably should have known the identifiable individual had a reasonable expectation of privacy;

“(ii) what is depicted was not voluntarily exposed by the identifiable individual in a public or commercial setting;

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

“(iv) publication of the intimate visual depiction—

“(I) is intended to cause harm; or

“(II) causes harm, including psychological, financial, or reputational harm, to the identifiable individual.

“(B) **Involving minors.**— Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish an intimate visual depiction of an identifiable individual who is a minor with intent to—

“(i) abuse, humiliate, harass, or degrade the minor; or

“(ii) arouse or gratify the sexual desire of any person.

“(C) **Exceptions.**— Subparagraphs (A) and (B) shall not apply to—

“(i) a lawfully authorized investigative, protective, or intelligence activity of—

“(I) a law enforcement agency of the United States, a State, or a political subdivision of a State; or

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

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

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

“(II) as part of a document production or filing associated with a legal proceeding;

“(III) as part of medical education, diagnosis, or treatment or for a legitimate medical, scientific, or education purpose;

“(IV) in the reporting of unlawful content or unsolicited or unwelcome conduct or in pursuance of a legal, professional, or other lawful obligation; or

Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act,
2025 Enacted S 146, 119 Enacted S 146

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

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

“(iv) a person who possesses or publishes an intimate visual depiction of himself or herself engaged in nudity or sexually explicit conduct (as that term is defined in section 2256(2)(A) of title 18, United States Code); or

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

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

“(II) a visual depiction described in subsection (a) or (b) of section 1466A of title 18, United States Code (relating to obscene visual representations of the sexual abuse of children).

“(3) Offense involving digital forgeries.—

“(A) Involving adults.— Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish a digital forgery of an identifiable individual who is not a minor if—

“(i) the digital forgery was published without the consent of the identifiable individual;

“(ii) what is depicted was not voluntarily exposed by the identifiable individual in a public or commercial setting;

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

“(iv) publication of the digital forgery—

“(I) is intended to cause harm; or

“(II) causes harm, including psychological, financial, or reputational harm, to the identifiable individual.

“(B) Involving minors.— Except as provided in subparagraph (C), it shall be unlawful for any person, in interstate or foreign commerce, to use an interactive computer service to knowingly publish a digital forgery of an identifiable individual who is a minor with intent to—

“(i) abuse, humiliate, harass, or degrade the minor; or

“(ii) arouse or gratify the sexual desire of any person.

“(C) Exceptions.— Subparagraphs (A) and (B) shall not apply to—

“(i) a lawfully authorized investigative, protective, or intelligence activity of—

“(I) a law enforcement agency of the United States, a State, or a political subdivision of a State; or

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

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

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

“(II) as part of a document production or filing associated with a legal proceeding;

“(III) as part of medical education, diagnosis, or treatment or for a legitimate medical, scientific, or education purpose;

Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act,
2025 Enacted S 146, 119 Enacted S 146

“(IV) in the reporting of unlawful content or unsolicited or unwelcome conduct or in pursuance of a legal, professional, or other lawful obligation; or

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

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

“(iv) a person who possesses or publishes a digital forgery of himself or herself engaged in nudity or sexually explicit conduct (as that term is defined in section 2256(2)(A) of title 18, United States Code); or

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

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

“(II) a visual depiction described in subsection (a) or (b) of section 1466A of title 18, United States Code (relating to obscene visual representations of the sexual abuse of children).

“(4) Penalties.—

“(A) **Offenses involving adults.**—Any person who violates paragraph (2)(A) or (3)(A) shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.

“(B) **Offenses involving minors.**—Any person who violates paragraph (2)(B) or (3)(B) shall be fined under title 18, United States Code, imprisoned not more than 3 years, or both.

“(5) Rules of construction.— For purposes of paragraphs (2) and (3)—

“(A) the fact that the identifiable individual provided consent for the creation of the intimate visual depiction shall not establish that the individual provided consent for the publication of the intimate visual depiction; and

“(B) the fact that the identifiable individual disclosed the intimate visual depiction to another individual shall not establish that the identifiable individual provided consent for the publication of the intimate visual depiction by the person alleged to have violated paragraph (2) or (3), respectively.

“(6) Threats.—

“(A) **Threats involving authentic intimate visual depictions.**—Any person who intentionally threatens to commit an offense under paragraph (2) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be punished as provided in paragraph (4).

“(B) Threats involving digital forgeries.—

“(i) **Threats involving adults.**—Any person who intentionally threatens to commit an offense under paragraph (3)(A) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be fined under title 18, United States Code, imprisoned not more than 18 months, or both.

“(ii) **Threats involving minors.**—Any person who intentionally threatens to commit an offense under paragraph (3)(B) for the purpose of intimidation, coercion, extortion, or to create mental distress shall be fined under title 18, United States Code, imprisoned not more than 30 months, or both.

“(7) Forfeiture.—

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2025 Enacted S 146, 119 Enacted S 146

“(A) In general.— The court, in imposing a sentence on any person convicted of a violation of paragraph (2) or (3), shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that the person forfeit to the United States—

“(i) any material distributed in violation of that paragraph;

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

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

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

“(8) Restitution.— The court shall order restitution for an offense under paragraph (2) or (3) in the same manner as under section 2264 of title 18, United States Code.

“(9) Rule of construction.— Nothing in this subsection shall be construed to limit the application of any other relevant law, including section 2252 of title 18, United States Code.”.

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

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

SEC. 3. NOTICE AND REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—

(1) NOTICE AND REMOVAL PROCESS.—

(A) ESTABLISHMENT.— Not later than 1 year after the date of enactment of this Act, a covered platform shall establish a process whereby an identifiable individual (or an authorized person acting on behalf of such individual) may—

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

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

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

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

(B) REQUIREMENTS.— A notification and request for removal of an intimate visual depiction submitted under the process established under subparagraph (A) shall include, in writing—

(i) a physical or electronic signature of the identifiable individual (or an authorized person acting on behalf of such individual);

(ii) an identification of, and information reasonably sufficient for the covered platform to locate, the intimate visual depiction of the identifiable individual;

(iii) a brief statement that the identifiable individual has a good faith belief that any intimate visual depiction identified under clause (ii) is not consensual, including any relevant information for the covered platform to determine the intimate visual depiction was published without the consent of the identifiable individual; and

(iv) information sufficient to enable the covered platform to contact the identifiable individual (or an authorized person acting on behalf of such individual).

(2) NOTICE OF PROCESS.— A covered platform shall provide on the platform a clear and conspicuous notice, which may be provided through a clear and conspicuous link to another web page or disclosure, of the notice and removal process established under paragraph (1)(A) that—

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

(B) provides information regarding the responsibilities of the covered platform under this section, including a description of how an individual can submit a notification and request for removal.

(3) REMOVAL OF NONCONSENSUAL INTIMATE VISUAL DEPICTIONS.— Upon receiving a valid removal request from an identifiable individual (or an authorized person acting on behalf of such individual) using the process described in paragraph (1)(A)(ii), a covered platform shall, as soon as possible, but not later than 48 hours after receiving such request—

(A) remove the intimate visual depiction; and

(B) make reasonable efforts to identify and remove any known identical copies of such depiction.

(4) LIMITATION ON LIABILITY.— A covered platform shall not be liable for any claim based on the covered platform's good faith disabling of access to, or removal of, material claimed to be a nonconsensual intimate visual depiction based on facts or circumstances from which the unlawful publishing of an intimate visual depiction is apparent, regardless of whether the intimate visual depiction is ultimately determined to be unlawful or not.

(b) ENFORCEMENT BY THE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.— A failure to reasonably comply with the notice and takedown obligations under subsection (a) shall be treated as a violation of a rule defining an unfair or a deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.— Except as provided in subparagraph (D), the Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

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

(C) AUTHORITY PRESERVED.— Nothing in this Act shall be construed to limit the authority of the Federal Trade Commission under any other provision of law.

(D) SCOPE OF JURISDICTION.— Notwithstanding sections 4, 5(a)(2), or 6 of the Federal Trade Commission Act (15 U.S.C. 44, 45(a)(2), 46), or any jurisdictional limitation of the Commission, the Commission shall also enforce this section in the same manner provided in subparagraph (A), with respect to organizations that are not organized to carry on business for their own profit or that of their members.

SEC. 4. DEFINITIONS.

In this Act:

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



30 September 2025

AI in the 2026 Election Space

Background: In the 2024 US Presidential Election cycle, Artificial Intelligence (AI) did not end up playing a major role as previously anticipated. Most fake videos about election topics were made using actors rather than synthetic content. The primary use of AI was for the generation of robocalls used in the February 2024 New Hampshire primary. **Looking ahead to the 2026 midterm elections, AI is anticipated to play a larger role** given the expansion of publicly available AI tools since the last cycle.

Review Threshold: Content, including synthetic media, is generally considered protected free speech under the First Amendment. The FBI may not take investigative action based solely on the exercise of First Amendment rights, or on the race, ethnicity, gender, national origin, religion, disability, sexual orientation, or gender identity of the subject, or a combination of only those factors. All investigations, including analysis of potentially synthetic media, must be founded upon an authorized purpose, pursuant to the AGG-DOM and DIOG. There are **general triggers** for review of synthetic content:

b7E

Specific to the election space, **the FBI may review synthetic content hitting the above triggers that pertains to federal, state, or local elections, including election infrastructure.**

State and Federal Regulatory Considerations: Many states and federal agencies have implemented **legislative or regulatory prohibitions on the use of synthetic material** in various contexts or with a given intent. It is possible that these agencies will request technical assistance from the FBI; the FBI could only provide technical assistance; state criminal or federal civil regulatory requirements do not create independent authority for the FBI to investigate, absent a separate authorized purpose for an FBI investigation.

Capabilities: Generative AI can create entirely new media across modalities:

Images	Videos	Audio	Text	Other
Face-swapping Pose iteration Model images Image enhancement	Facial reenactment Content localization Lip syncing Background editing	Human-like voices Voice skins Text-to-speech Custom sounds Custom music	Copywriting Business intelligence Product descriptions Blog posts	Avatars Digital humans Virtual environments Virtual try-ons 3D body-scanning Holograms