

# United States Senate

WASHINGTON, DC 20510

December 21, 2021

Joseph R. Biden  
President of the United States  
The White House  
Washington, D.C., 20500

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, D.C., 20530

Dear President Biden and Attorney General Garland:

We write to encourage your Administration to reinvigorate its work to prevent, investigate and prosecute the scourge of commercial sexual exploitation of children (CSEC). The number of reports filed about child sexual abuse material (CSAM) online, a particularly pernicious form of CSEC, has skyrocketed. However, the federal government's response has been tepid at best, and it lacks a whole-of-government strategy to dismantle this abomination in the long term. We know you share our goal of eradicating exploitation, so we write to ask you to update our national strategy to make it a reality.

The federal government's current strategy appears to be a patchwork of discrete efforts – some statutorily required, some not. As part of this, the federal government operates numerous programs and initiatives to address human trafficking, some of which do relate to CSEC. However, few, if any, are focused solely on it. For example, the Obama administration established a Federal Strategic Action Plan for Services for Victims of Human Trafficking, which instructed federal agencies to take certain steps “to ensure that all victims of human trafficking in the United States are identified and have access to the services they need to recover.” This plan, which was allowed to expire in 2017, coordinated federal efforts to support trafficking survivors, including children, but it focused on trafficking, rather than other forms of exploitation.

Moreover, 90% of victims of CSEC know their abuser, according to the National Children's Advocacy Center. However, the only federal interagency effort to combat CSEC — the Cabinet-level Interagency Task Force to Monitor and Combat Trafficking in Persons — is led by the U.S. Secretary of State, suggesting the federal focus on combating CSEC is directed at shadowy, far-away criminals rather than those close to home. While the Task Force's requirements with respect to interagency collaboration to combat trafficking represent a worthy goal, and it is one that we have fought for years to address, its focus on international trafficking may come at the expense of broader forms of CSEC and the proliferation of CSAM domestically.

Additionally, the Attorney General is statutorily required to file a “National Strategy for Child Exploitation Prevention and Interdiction” annually, in accordance with the Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act (PROTECT Our

Children Act) of 2008 (P.L. 110-401). Congress passed this important legislation to establish “comprehensive long-range goals for reducing child exploitation,” informed in part by these annual reports. Yet, Congress has not received a report since 2016, despite the fact that the law was bipartisanly reauthorized in 2017. This failure is in clear contradiction to Congressional intent.

In addition to failing to comply with statutory reporting requirements, the previous administration did not prioritize efforts to combat this crisis and tackle its roots. The Trump Department of Justice (DOJ) not only restricted the use of grant funding for survivors, but it also requested budget cuts for programs that do important work preventing and supporting victims of CSEC, including a cut of more than \$40 million for its Office of Juvenile Justice. It should not come as a surprise that, between 2016 and 2019, the number of prosecutions of people who trafficked children for exploitative purposes declined significantly. The previous administration also politicized critical appropriations by delaying the distribution of grants to fund housing for survivors of trafficking due to a lack of citizenship requirements for recipients. The United States is fortunate to have many dedicated advocates and nonprofits that provide such services to prevent and support victims of CSEC, CSAM and trafficking, and they deserve a comprehensive, consistent and committed approach from their government partners.

The Biden administration has shown a commendable commitment to protecting our children. As such, we respectfully ask you to seize the opportunity to reinvigorate the Executive’s work to prevent, investigate and prosecute the scourge of CSEC. In doing so, we urge you to come into full compliance with the statutory requirements of the PROTECT Our Children Act without delay. This includes the following, the latter two of which have never been executed:

1. Submit to Congress a National Strategy for Child Exploitation Prevention and Interdiction, for 2021 and subsequently on an annual basis;
2. Designate a senior official at the DOJ to be responsible for coordinating the development of the National Strategy for Child Exploitation Prevention and Interdiction; and
3. Prepare a report to identify investigative factors that reliably indicate whether a subject of an online child exploitation investigation poses a high risk of harm to children.

Given the public interest in an expeditious effort, we request that you communicate with our staff regarding an estimated timeline for achieving compliance with the law. Of course, the devastating human cost of this crisis demands action beyond the minimum required by law. To that end, we urge you to provide increased transparency, accountability and coordination within the federal government’s efforts to find and prosecute child predators, help protect and support their victims and prevent further harm to children. In doing so, we encourage you to:

1. Complete a review of the numerous overlapping programs, task forces and organizations related to this effort in order to identify any gaps or unhelpful redundancy;
2. Establish an Office to Enforce and Protect Against Child Sexual Exploitation, within the Executive Office of the President, to direct and streamline the federal government’s national strategy and discrete efforts therein;
3. Combine the statutorily required National Strategy for Child Exploitation Prevention and Interdiction and the Obama administration’s Federal Strategic Action Plan, and publish an updated strategy within the next year;

4. Ensure thorough reporting to Congress is regularly completed to enable Congress to pass any necessary legislative action or appropriation nimbly in response to new data; and
5. Provide a report on the initiative established under Section 550D of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92) to enhance the capability of military criminal investigative organizations to prevent and combat child sexual exploitation.

In coordination and consultation with Congress, these efforts will bring the United States into this decade and beyond with a smart, collaborative strategy to end child exploitation. We appreciate your prompt response to this timely matter, and we stand ready to assist as needed.

Sincerely,



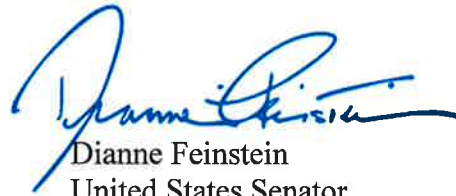
Ron Wyden  
United States Senator



Alex Padilla  
United States Senator



Margaret Wood Hassan  
United States Senator



Dianne Feinstein  
United States Senator



Kirsten Gillibrand  
United States Senator

/s/ Brian Schatz

Brian Schatz  
United States Senator