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Congress of the United States
House of Representatives
Washington, DC 20515

August 5, 2019

The Honorable William Barr
U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave N.W.
Washington, DC 20530

The Honorable Jeffery Rosen
U.S. Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Ave N.W.
Washington, DC 20530

Dear Attorney General Barr and Deputy Attorney General Rosen,

I am writing to express my concern about the clear lack of compliance with multiple Federal guidelines established in the Providing Resources, Officers, and Technology to Eradicate Cyber Threats (PROTECT) Our Children Act of 2008 and the Child Protection Act of 2012.

Signed into law eleven years ago and reauthorized last Congress, one of the most crucial things the PROTECT Our Children Act of 2008 did was to create a National Strategy for Child Exploitation Prevention and Interdiction. This vital guiding blueprint undergirds the overriding goal of this legislation, which is to employ a strategic, coordinated campaign across various local, state and federal jurisdictions to interdict offenders who use the internet to exploit children and to rescue children from serious abuse. Under this statute, it is the Attorney General's role to create and implement this National Strategy every two years (34 U.S.C. § 21111(b)).

Since October of 2008, I am aware of only two such reports emanating from the Attorney General's office; one in 2010 and one in 2016. This is a clear violation of the timeline listed in this Public Law, which states that the National Strategy must be submitted to Congress on February 1 after enactment and every two years thereafter. This plainly states that the National Strategy should have been provided on February 1, 2009, 2011, 2013, 2015, 2017, and 2019. However, the Department of Justice (DOJ) has failed to adhere to this Federally mandated timeline, as Congress has only received two National Strategies over the last decade.

Given the rapidly evolving techniques being deployed against these vulnerable children, this glaring neglect not only violates the law, but also suggests an alarming disinterest which all but guarantees that inadequate resources are being marshaled to fight this evil scourge. To better understand the DOJ's rationale, I respectfully request answers to the questions below.

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1. *Why is the DOJ not compliant with current law in providing Congress with a National Strategy?*
2. *What are your current plans to ensure that you and your Department adhere to the directed timeline moving forward?*

The primary purpose of the PROTECT Our Children Act of 2008 was to have National Internet Crimes Against Children (ICAC) Task Force and other Federal, State, and local agencies prioritize leads that identify and/or rescue child victims (34 U.S.C. § 21114(8)). ICAC Task Forces across the country are drowning in peer-to-peer, cyber-tip and dark net leads.

3. *What is DOJ doing to comply with Federal law 34 U.S.C. § 21114(8) to ensure that leads that help the ICACs identify the most dangerous offenders (i.e.: offenders who upload, trade and possess images of pre-pubescent and very young children, enduring sadistic acts) are prioritized?*
4. *If rescuing children who have been victims of internet crimes has not been your priority, what has been the priority?*

It has come to Congress's attention that internet service providers (ISPs) have been providing anonymizing services in the form of proxies and VPNs that enable the worst offenders to avoid being interdicted. I understand that some VPN and proxy service providers are not complying with lawful requests from law enforcement (18 U.S.C. § 2522).

5. *What is the DOJ doing to ensure that ISPs comply with lawful subpoena requests from federal, state, and local law enforcement when trying to obtain subscriber data when attempting to identify those harming children?*
6. *Is this an issue that can be enforced under existing laws and if so, what are DOJ's plans to address ISP non-compliance; if not, is this an issue that needs legislative action?*

The National Strategy is imperative because not only does it ensure that there are measurable goals and objectives to prevent child exploitation and protect children in the United States, but it also enables the DOJ to create budget goals and priorities (34 U.S.C. § 21111(c)(1, 2, 5, 8)). The PROTECT Our Children Act of 2008 authorized \$60 million annually to the ICAC Task Force Program and has been continually reauthorized at the same amount. Since the inception of the Program, not once has the DOJ requested full appropriation of funds specifically for this program. Therefore, this program has been underfunded and under supported, due to the lack of prioritization from the DOJ.

Your department has failed to make ICAC a priority, meaning it has failed to make preventing and rescuing children from internet crimes a priority. Additionally, the DOJ has failed to provide local law enforcement, agencies, and parents the tools they need to protect their children. Each day ICAC Child Online Protective Services detects between 4,000 and 5,000 unique IP addresses associated with child pornography in the U.S. However, they are only able to follow up 1-2% of these leads, showing the need for more fiscal and personnel resources. It is highly concerning that the DOJ has never felt the need to request additional resources from Congress, especially when it has already been authorized.

7. *Why has the DOJ never requested the full authorized amount of \$60 million annually specifically allocated to ICAC?*

Finally, in 2012 the Child Protection Act created a National Coordinator for Child Exploitation Prevention and Interdiction to oversee and develop the National Strategy. This Act also stated that the National Coordinator must be in the Senior Executive Service (SES) (34 U.S.C. § 21111(d)(1)(a)). However, since the role was created, there has never been a permanent position holder and, to my knowledge, this position has never been held by a member in the SES. For six consecutive years, the DOJ has attempted to circumvent the law and fill this position with non-SES individuals. It also mirrors a disturbing lack of urgency and prioritization of this mission.

8. *Why has the DOJ chosen to side-step Federal law and keep short-term detailees in the National Coordinator position without assigning the position to an individual in the SES?*


It is deeply troubling for me to see a long list of serious non-compliances with this vital federal law by the DOJ, the department within the U.S. government whose mission it is to enforce the law and defend the interests of Americans. The clear disregard and defiance of Federal law gives me little faith that you are able to effectively keep the American people safe.

9. *Given the lack of compliance, what is your current plan to ensure that the DOJ will immediately meet the standards set in place by law?*
10. *What is your current plan to provide Congress with a National Strategy to protect our children?*

The Protect Our Children Act of 2008 and the Child Protection Act of 2012 were adopted by Congress to ensure clear planning and coordination of efforts to protect and rescue children being victimized by child sexual predators online. These predators are voracious and create content through massive victimization of young children. Every minute that the DOJ drops the ball and ignores your responsibility under federal law, a child victim remains in danger and makes rescues less likely.

Thank you for your attention to these concerns, and I look forward to hearing from you.

Sincerely,



Debbie Wasserman Schultz
Member of Congress