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Hon. Senator Ron Wyden
221 Dirksen Senate Office Bldg.
Washington, D.C., 20510

May 7, 2020

S.3629: Invest in Child Safety Act

Dear Senator Wyden,

Thank you for introducing the Invest in Child Safety Act. As a child protection organization that champions evidence-based policymaking in this area, Prostasia Foundation is proud to support this comprehensive and important bill. We make three suggestions for minor amendments that could improve the Act to make it even stronger:

1. Broaden the selection criteria for the Director of the Office
2. Focus enforcement funding on child exploitation crimes
3. Include prevention programs targeted at potential perpetrators

These suggestions are explained further below, and amendment language is suggested:

Broaden the selection criteria for the Director of the Office

The first amendment we suggest is to broaden the selection criteria for the Director of the Office to Enforce Protect Against Child Sexual Exploitation, so that a public health background and expertise in the prevention of child sexual abuse can also be considered as relevant qualifications, alongside law enforcement experience.

This is important because the Act will call upon the Director to develop an enforcement and protection strategy for, inter alia, the prevention, investigation, or prosecution of child sexual exploitation, and to make a determination about whether the activities of covered programs and agencies are consistent with that strategy. Experience in law enforcement investigation and prosecution only covers one part of this overall responsibility, omitting the third and most vital part—prevention. Considering the candidate's experience in addressing sexual violence as a preventable public health issue would correct this omission.

Our suggested amendment can be effected by making the following changes to section 3(b)(3):

- Add after “a demonstrated ability in managing large organizations and coordinating offices; and” the words “at least two of the following additional qualifications:”
- Insert new paragraphs (B) and (C) as follows:
(B) a background in addressing sexual violence as a public health issue;
(C) clinical experience in the primary prevention of child sexual exploitation;
- Renumber the succeeding sub-paragraphs (B) and (C) to become (D) and (E) (or alternatively, sub-paragraphs (B) and following could become (i) to (iv) underneath (A)).

The entire subsection would then read as follows:

- (3) QUALIFICATIONS.—The individual appointed as the Director shall have—
- (A) a demonstrated ability in managing large organizations and coordinating offices; and at least two of the following additional qualifications:
 - (B) a background in addressing sexual violence as a public health issue;
 - (C) clinical experience in the primary prevention of child sexual exploitation;
 - (D) experience prosecuting Federal child sexual exploitation crimes; and
 - (E) proficiency in investigating crimes that have a technological or cyber component.

Focus enforcement funding on child exploitation crimes

To ensure that the objectives of the Act are not undermined, we recommend that further safeguards be inserted to clarify that the funds allocated by the Act are to be targeted at crimes affecting real children, rather than at other activities or programs conducted by the agencies to whom grants can be made. For example, obscenity prosecutions against producers of adult pornography should not be prioritized over the prosecution of child pornography offenders, and those who traffic adults for sex should not be prosecuted at the expense of prosecuting those who traffic minors.

This amendment would help to provide greater clarity in this regard:

- Under section 4(c)(3) add a new sub-paragraph (C):
“Notwithstanding any other provision of this Act, amounts made available to agencies, programs, and services that are used to support the investigation or prosecution of offenses shall only be applied to support the investigation or prosecution of child exploitation offenses.”

Include prevention programs targeted at potential perpetrators

Although otherwise quite comprehensive, there is one notable absence from the list of services and programs included in those for which funds may be transferred for treatment and support for victims of child sexual exploitation and evidence based programs and services to prevent child sexual exploitation, detailed in section 4(b)(2). Namely, it omits to specifically address prevention programs that are targeted at potential perpetrators of child sexual exploitation.

Such programs were identified as a priority in the conclusions of the 2019 Action Plan of the Child Dignity Alliance, which identified the need for “early intervention with potential offenders before they offend,

[that would] utilize the public health model and focus on primary prevention.”

Although the Director’s ability to allocate funding for such programs is implicitly covered by the catch-all provision in 4(b)(2)(M), we recommend that it be made explicit, by shifting that catch-all subparagraph to (N), and inserting a new (M) as follows:

(M) make grants to non-Federal entities or transfer funds to Executive agencies to support public health programs for early intervention with potential child sexual exploitation offenders before they offend;

With these three sets of minor amendments, Prostasia Foundation strongly supports the Invest in Child Safety Act, and congratulates you once again on your foresight in sponsoring a law that will make a real difference to child safety, while avoiding taking a harmful approach that would place undue responsibility on Internet companies alone.

Please do not hesitate to reach out if we may offer any further assistance at any stage of the legislative process.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Malcolm', written in a cursive style.

Jeremy Malcolm
Executive Director, Prostasia Foundation