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The Missing Children's Assistance Act (MCAA): Appropriations and Reauthorization

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Summary

The Missing and Exploited Children's Program (MECP) was created to coordinate and support various federal missing children's program activities. The National Center for Missing and Exploited Children (NCMEC) is one such activity, which initiated the AMBER Alert plan to help recover abducted children nationwide. The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act (P.L. 108-21) to develop and/or enhance AMBER Alert plans, increased authorized NCMEC funding from \$10 to \$20 million for FY2004 through FY2005. Also, P.L. 108-96 increased NCMEC funding to \$20 million, but extended its funding and other Missing Children's Assistance Act (MCAA) program activities through FY2008.

For FY2004, through the Department of Justice (DOJ), Congress funded \$38.220 million for MECP, out of which \$3.958 million was for the AMBER Alert plan. For FY2005, Congress appropriated \$46.9 million for MECP. Of that amount, \$5 million would support AMBER Alert. This report will be updated as activities warrant.

Most Recent Developments

For FY2005, Congress appropriated \$46.9 million for DOJ's Missing Children Program, more than the amount requested by the Administration. Of that amount, \$5 million would support AMBER Alert,¹ which was the amount the President requested.

In addition to DOJ's contribution, NCMEC receives funding from the Department of Homeland Security (DHS) via the U.S. Secret Service (USSS) for forensic and technical support for missing and exploited children investigations. For FY2004, NCMEC received a \$5 million grant from USSS's \$7.1 million total appropriation for NCMEC (\$2.1 million remained at USSS for its forensic support to NCMEC). The

¹ These figures are subject to the required 0.80% across-the-board rescission through the FY2005 Consolidated Appropriations Act.

Center also receives private donations.² For FY2005, Congress appropriated \$7.1 million once again for USSS, out of which a \$5 million grant goes to NCMEC and \$2.1 million remains at USSS for its forensic support to the Center (H.R. 4567, Department of Homeland Security Appropriations Act, 2005 [P. L. 108-334]).

Introduction

On July 27, 1981, six-year-old Adam Walsh was abducted and later found murdered. This incident brought national attention to the problem of missing children as his and other concerned parents of missing children worked for the passage of the Missing Children's Act of 1982 (P.L. 97-292), and later for the Missing Children's Assistance Act of 1984 (P.L. 98-473, MCAA) to address the problem and to help bring perpetrators to justice. Included as Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, amended, (P.L. 93-415) MCAA was reauthorized on October 10, 2003, as the Runaway, Homeless, and Missing Children Protection Act (RHMCPA, P.L. 108-96) to annually fund the National Center for Missing and Exploited Children (also referred to as the Center, which was created by MCAA), to reauthorize the Missing and Exploited Children's Program (MECP), and to reauthorize the Runaway and Homeless Youth Act.

Along with establishing NCMEC in 1984, MCAA directed the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a component within the Office of Justice Programs of the Department of Justice, to arrange for the coordination of other federal missing children's programs; create and operate a national 24-hour toll-free telephone line for the public to report information about missing children; conduct periodic national incidence studies to determine the number of children who are reported missing and are recovered each year.

This report discusses the Missing and Exploited Children's Program, provides an appropriations funding history of the program, and discusses MCAA reauthorization. The Runaway and Homeless Youth Program (42 U.S.C. § 5701), which was reauthorized, amended, as Title I, Amendments to Runaway and Homeless Youth Act under P.L. 108-96, is not discussed in this report (see CRS Report RL31933, *The Runaway and Homeless Youth Program: Administration, Funding, and Legislative Actions*). Likewise, law enforcement and federal criminal code provisions related to missing and exploited children are outside the scope of this report.

The Missing and Exploited Children's Program

The Office of Juvenile Justice and Delinquency Prevention defines missing children as those who have been abducted by either a family or nonfamily member within the nation or have been taken to a foreign country and are illegally detained. Exploited children refer to those who have been used in criminal activity focusing on sexual abuse,

² Information received Oct. 15, 2004, from the Special Agent in Charge of the Forensic Services Division at USSS.

child pornography, and prostitution.³ MECP was created by the OJJDP Administrator to coordinate federal missing children's programs as mandated by MCAA. Administered through OJJDP's Child Protection Division, MECP not only coordinates federal activities to help missing and exploited children, but also runaway and throwaway children and their families. To address the missing children issue, funding is authorized for activities including direct services, research and demonstration programs, and training and technical assistance for law enforcement agencies, prosecutors, schools and communities.

Some MECP supported activities include "direct services" through the NCMEC, the Association of Missing and Exploited Children's Organizations (AMECO), and Project H. O. P. E (Help Offer Parents Empowerment); "research and demonstration programs" through the capacity building program called Internet Crimes Against Children (ICAC) Task Force Program, an FBI research project called Behavioral Characteristics of Offenders Who Abduct and Murder Children, a Washington state Attorney General's Office project called Case Management of Abduction Murder Investigations, and the National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children; "training and technical assistance for law enforcement agencies, prosecutors, schools and communities" through the Fox Valley Technical College, School Resource Officer Standards, Training, and Technical Assistance, and Law Enforcement Technology Assistance; and "interagency cooperation" through the Federal Agency Task Force on Missing and Exploited Children.⁴

The National Center for Missing and Exploited Children. Created in 1984 as a private, non-profit organization through MCAA, the Center works in partnership with OJJDP to coordinate federal, state, and local intervention and prevention services related to locating and recovering missing and exploited children, and deterring child abduction, molestation, sexual exploitation, and victimization. To accomplish these goals, the Center operates a 24-hour national toll-free hotline (1-800-THE-LOST), to assist persons reporting the location of a missing child, or seeking assistance in finding a missing child.⁵ Since 1998, NCMEC has operated the CyberTipline [<http://www.cybertipline.com>] where persons report leads and tips about child sexual exploitation.

NCMEC also provides case management, analysis, and computerized age progression of photographs of long-time missing children. It distributes millions of photographs and information about missing children; provides healthcare professionals with training to prevent infant abductions from medical settings; assists parents, law enforcement, and others with locating and returning child victims of international abduction; and provides training at the Jimmy Ryce Law Enforcement Training Center for state and local law enforcement officials investigating missing and exploited

³ U.S. Dept. of Justice, Office of Juvenile and Delinquency Prevention, "Proposed Program Plan for the Missing and Exploited Children's Program for Fiscal Year 2002," 67 *Federal Register* 15826, Apr. 3, 2002.

⁴ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *The Missing and Exploited Children's Program (Update)*, by Cathy Girouard, OJJDP Fact Sheet, FS-200116, May 2001. (Hereafter cited as *The Missing and Exploited Children's Program*, OJJDP Fact Sheet).

⁵ *Ibid.*

children's cases. The Jimmy Ryce Training Center was named in the memory of nine-year-old Jimmy Ryce who, in 1995, was abducted and killed in Florida.

The AMBER Plan was named for nine-year-old Amber Hagerman, abducted and killed in 1996 in Arlington, Texas. To be used when a child is abducted and believed to be in grave danger, NCMEC initiated the AMBER Plan (that is, America's Missing: Broadcast Emergency Response) in fall 2001, to help recover abducted children nationwide.

Although no legislation was enacted in the 107th Congress to create a national AMBER plan, the Administration created such a plan, suggesting \$10 million be used from existing funds to operate the plan. In the 108th Congress, S. 151, the Prosecuting Remedies and Tools Against the Exploitation of Children (PROTECT) Act, was passed, amended, and not only provides \$20 million for state grants to develop and/or enhance AMBER Alert plans, but reauthorizes NCMEC by increasing its annual grant to \$20 million (in each of FY2004 and FY2005), requires the creation of procedures in public buildings to locate a child missing in such buildings, and includes law enforcement and federal criminal code provisions related to missing and exploited children. S. 151 was signed into law (P. L. 108-21) by the President on April 30, 2003 (see CRS Report RL31655, *Missing and Exploited Children: Overview and Policy Concerns*).

In addition to DOJ funding, NCMEC receives federal funding from the Department of Homeland Security via the U.S. Secret Service for forensic and technical support for missing and exploited children investigations. NCMEC also receives private donations.

The Association of Missing and Exploited Children's Organizations (AMECO). AMECO was established in 1994 by an OJJDP grant as an alliance of 42 non-profit organizations to "support the efforts of groups that serve missing and exploited children, their families, and the community."⁶ It has an interactive website that contains information about missing children.

Project Help Offer Parents Empowerment (H. O. P. E.). Created in 1998, Project H. O. P. E. provides mentoring and support services to parents who have missing children, including runaways. Since the project's inception in 1998, OJJDP funds have been used to train about 50 parent volunteers (who have experienced the disappearance of a child) to provide mentoring services.

Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force program was established in 1998 as a multi jurisdictional and multi agency task force to create state and local law enforcement units to investigate online sexual exploitation of children, and to provide information about safe online practices for internet users.⁷ ICAC provides investigative, forensic, and preventive assistance to law enforcement agencies, and others interested in issues related to child victimization.

⁶ *The Missing and Exploited Children's Program (Update)*, OJJDP Fact Sheet.

⁷ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Protecting Children in Cyberspace: The ICAC Task Force Program*, by Michael Medaris and Cathy Girouard, *Juvenile Justice Bulletin*, Jan. 2002, p. 3.

Fox Valley Technical College (FVTC). Fox Valley Technical College of Appleton, Wisconsin, partners with NCMEC and OJJDP to provide training and technical assistance to state and local agencies preparing to address missing and exploited children, child abuse and neglect, and child fatalities cases. Over 6,000 professionals are trained yearly in various techniques and strategies required to handle such situations.⁸

National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART). Two NISMART studies were published as mandated in MCAA for national research on the number of missing and recovered children within a given year. NISMART-1, released in 1990, covered 1988 data, while NISMART-2, released in 2002, covered 1999 data. Both studies provide survey results on the number of missing and reported missing children. See CRS Report RL31655, *Missing and Exploited Children: Overview and Policy Concerns* for a detailed discussion about the incidence studies and their findings.

Appropriations and Funding History

Table 1 presents an appropriation funding history for DOJ's MECP from FY2000 to FY2005. For FY2004, Congress funded \$38.220 million for MECP, which includes \$3.958 million for AMBER Alert. For FY2005, Congress appropriated \$46.9 million for MECP, of which \$5 million would support AMBER Alert.⁹

Table 1. DOJ's Missing and Exploited Children's Program Appropriations, FY2000-FY2005, by Program Component
(\$ in millions)

Program Component	FY2000	FY2001	FY2002	FY2003	FY2004 ^d	FY2005 ^e
Missing Children OJP Office ^a	\$8.798	\$9.277	—	—	\$1.484	\$1.500
Management & Administration	^c	^c	\$2.347	\$2.331	\$2.599	^f
ICAC Task Force	^a	^a	\$6.500	\$12.419	\$12.369	\$13.500
CyberTipline	^a	^a	^b	^b	^b	^f
NCMEC	\$9.654	\$11.425	\$11.450 ^b	\$12.419 ^b	\$14.842 ^b	\$23.900
Jimmy Ryce Center	\$1.500	\$2.295	\$2.700	\$2.980	\$2.968	\$3.000
AMBER Alert	—	—	—	\$2.484	\$3.958	\$5.000
MECP Total Funding	\$19.952	\$22.997	\$22.997	\$32.633	\$38.220	\$46.900

Source: U.S. Department of Justice, Office of Justice Program's (OJP's) Office of Management and Budget, Feb. 25, 2004 and the FY2005 Consolidated Appropriations Act, Dec. 8, 2004.

⁸ *The Missing and Exploited Children's Program (Update)*, OJJDP Fact Sheet.

⁹ These figures are subject to the required 0.80% across-the-board rescission through the FY2005 Consolidated Appropriations Act.

- a. Includes funding for ICAC (\$2.400 million for FY1998; \$5.000 million for FY1999; \$6.000 million for FY2000; and \$6.485 million for FY2001), and the CyberTipline (\$2.125 million for FY2000; and \$2.245 million for FY2001 and FY2002), plus other MECP in-house activities at OJJDP.
- b. Includes funding for CyberTipline.
- c. Included in total amount shown under Missing Children OJP Office.
- d. These figures reflect the 0.59% across-the-board rescission.
- e. These figures are subject to the required 0.80% across-the-board rescission.
- f. Funding levels for these specific areas are not yet known.

In addition to DOJ's contribution, for FY2004, NCMEC received a \$5 million grant for forensic and technical support for missing and exploited children investigations from the U.S. Secret Service's \$7.1 million total appropriation for NCMEC (\$2.1 million remained at USSS for its forensic support to NCMEC). The Center also received private donations, which brought its FY2004 total funding level to \$22,626,984.¹⁰ For FY2005, Congress appropriated \$7.1 million once again for USSS, out of which a \$5 million grant goes to NCMEC and \$2.1 million remains at USSS for its forensic support to the Center (H.R. 4567, Department of Homeland Security Appropriations Act, 2005 [P. L. 108-334]).¹¹

MCAA Reauthorization

On October 10, 2003, the Runaway, Homeless, and Missing Children Protection Act was signed into law (P.L. 108-96) amending and reauthorizing the Missing Children's Assistance Act of 1984 (42 U.S.C. 5771). Along with streamlining and consolidating the act's findings (Section 402), the law increased authorized NCMEC funding from \$10 to \$20 million for FY2004 through FY2008, as well as for other MCAA program activities, continuing the authorization begun by the PROTECT Act (P.L. 108-21). The PROTECT Act also enacted language to coordinate the operation of a cyber tipline to provide online users an effective way to report internet-related child sexual exploitation. Therefore, such language was not included in MCAA program activities in the reauthorized law.

¹⁰ NCMEC, Schedule of Awards, June 18, 2004 (information received from the financial officer).

¹¹ Information received Oct. 15, 2004, from the Special Agent in Charge of the Forensic Services Division at USSS.