

# **The Missing and Exploited Children's (MEC) Program: Background and Policies**

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## Summary

Beginning in the late 1970s, highly publicized cases of children who were abducted, sexually abused, and sometimes murdered prompted policymakers and child advocates to declare a missing children problem. At that time, about 1.8 million children annually were reported to the police as missing. More recent data indicate that the number of children who go missing has declined. A survey from 2013 provides the most recent and comprehensive information on missing children. About 238,000 children (3.1 per 1,000 children) were reported to law enforcement by their caretakers that year as missing due to a family or nonfamily abduction; running away or being forced to leave home; becoming lost or injured; or for benign reasons, such as a miscommunication about schedules.

As a policy issue, missing children are often included in discussions of sexual victimization. Children who go missing—as well as children who are not missing—may be sexually exploited. A study that examined the prevalence of children's exposure to violence in 2008 found that 1 in 16 (6.1%) surveyed children were sexually victimized in the past year and nearly 1 in 10 (9.8%) were sexually victimized at some point over their lifetimes.

Recognizing the need for greater federal coordination of local and state efforts to recover and support missing and exploited children, Congress passed the Missing Children's Assistance Act (P.L. 98-473) in 1984. The act directed the U.S. Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish a national resource center to respond to cases of missing and exploited children, among other related activities. The Missing Children's Assistance Act has been amended multiple times, most recently by the Missing Children's Assistance Act of 2018 (P.L. 115-267).

Activities authorized under the Missing Children's Assistance Act and selected other laws are collectively referred to as the Missing and Exploited Children's (MEC) program. The program includes the following components:

- *The National Center for Missing and Exploited Children (NCMEC)*: Since 1984, NCMEC has served as the national resource center and has carried out many of the objectives of the Missing Children's Assistance Act in collaboration with OJJDP. NCMEC case managers provide support to law enforcement and families of missing children. Most children reported missing to NCMEC have run away.
- *The Internet Crimes Against Children (ICAC) Task Force program*: This program assists state and local enforcement cyber units in investigating online child sexual exploitation. It was authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401), as amended.
- *AMBER (America's Missing: Broadcast Emergency Response) Alert support*: AMBER Alerts publicly broadcast bulletins in the most serious child abduction cases. The AMBER Alert program is authorized under the PROTECT Act (P.L. 108-21), and as administered, provides training and technical assistance to law enforcement and other stakeholders about issuing and disseminating such alerts.
- *Other initiatives*: These include training and technical assistance on investigating and preventing child victimization. They also include support to membership-based nonprofit missing and exploited children's organizations. These initiatives are authorized by the Missing Children's Assistance Act.

The FY2018 and FY2019 appropriations to DOJ for the MEC program were \$76 million and \$82 million, respectively.

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## Introduction

The Missing and Exploited Children's (MEC) program—administered by the Department of Justice's (DOJ's) Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Office of Justice Programs (OJP)—seeks to prevent cases of missing and sexually exploited children and to support communities in responding to such cases. The program is composed of activities that are grouped in four main areas. Multiple laws provide funding authority for these activities, which are funded together under the MEC program appropriation.<sup>1</sup>

- The National Center for Missing and Exploited Children (NCMEC) is a nonprofit organization in Alexandria, VA, that serves as a resource center for law enforcement agencies working on cases of missing and exploited children, the families of child victims, and the public more broadly. NCMEC personnel take reports of missing and exploited children through a hotline and online portal. Most of the children reported missing have run away. NCMEC also provides technical assistance to locate abductors and recover missing children, and helps with identifying child victims of sexual exploitation. Funding for NCMEC was \$28.3 million in FY2018.
- The Internet Crimes Against Children (ICAC) Task Force program funds state and local law enforcement agencies in investigating online child sexual exploitation. The program also includes the National ICAC Data System (NIDS), which is used by law enforcement agencies to coordinate information about perpetrators who sexually abuse children on the internet and to recover these children. Funding for the ICAC program was \$28.6 million in FY2018.
- Under the AMBER Alert (America's Missing: Broadcast Emergency Response) program, DOJ supports a grantee, Fox Valley Technical College, that provides technical assistance to states and localities in alerting the public when children are abducted and believed to be in imminent danger. AMBER Alert technical assistance was funded at \$3.4 million in FY2018.
- The MEC program also provides grants for training and technical assistance on child victimization and related supports. Training and technical assistance is delivered via a grantee (Fox Valley Technical College) that provides assistance through classroom instruction, web-based learning, and in-person support. These grants can vary from year to year, and funding was \$15.7 million in FY2018.

This report covers selected aspects of policies and research concerning missing and exploited children. It begins with background on federal involvement in missing children's issues. The next section includes definitions and approximate numbers of children who are missing and sexually exploited. The report then provides information about each component of the MEC program. The report does not include information about the broader federal response to sexually exploited children.<sup>2</sup>

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<sup>1</sup> Grants for NCMEC, training and technical assistance, and related supports are authorized under the Missing Children's Assistance Act (P.L. 98-413), as amended (34 U.S.C. §11293 et seq.; Chapter 111, Juvenile Justice and Delinquency Prevention). The ICAC Task Force program is authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401), as amended (34 U.S.C. §§21112-21117; Chapter 211, Combating Child Exploitation). The AMBER Alert program is authorized under the PROTECT Act (P.L. 108-21), as amended (34 U.S.C. §20501; Chapter 205, AMBER Alert).

<sup>2</sup> For a broader perspective, see U.S. Department of Justice (DOJ), *The National Strategy for Child Exploitation and Prevention: A Report to Congress*, April 2016. See also, CRS Report RL33785, *Runaway and Homeless Youth*:

## Background

Congress has long been concerned about missing children. In the early 1970s, Congress held hearings about a subset of these children—those who had run away from home. Testimony focused on the interaction that runaway youth had with police and their increasing reliance on social service agencies for support. These hearings and related activity led to the passage of the Runaway Youth Act of 1974 as Title III of the Juvenile Justice and Delinquency Prevention Act (P.L. 93-415). The act, as amended, authorizes assistance to runaway and homeless youth through shelters and other services.<sup>3</sup>

Beginning in the late 1970s, highly publicized cases of children who were abducted, sexually abused, and sometimes murdered prompted policymakers and child advocates to declare a missing children problem. At that time, many of the victims' families and communities perceived that kidnappings were becoming more commonplace. Prominent cases of missing children were highly publicized and a docudrama, "Adam," depicted the story of abducted six-year-old Adam Walsh, son of John and Revé Walsh.<sup>4</sup> Testimony at congressional hearings about missing children further reinforced the perception of a missing children problem. Witnesses testified that as many as 1.8 million children were missing. They also highlighted the accompanying sexual exploitation that children often experienced during missing episodes.<sup>5</sup> In some parts of the country, nonprofit organizations formed by the parents of missing children were often the only entities that organized recovery efforts and provided counseling for victimized families.

Congress responded by passing two bills, both of which were enacted. The Missing Children Act of 1982 (P.L. 97-292) directed the Attorney General to keep records on missing children in the National Crime Information Center's (NCIC's) Missing Persons File, maintained by the Federal Bureau of Investigation (FBI), and to disseminate those records to state and local agencies.<sup>6</sup> That law neither created new federal jurisdiction over missing children's programs nor required federal law enforcement officials to coordinate missing children efforts. Two years later, the Missing Children's Assistance Act (P.L. 98-473) was enacted. It directed OJJDP to lead federal efforts to recover missing children and establish a national resource center on missing children. NCMEC has served as the resource center since 1984. The Missing Children's Assistance Act has been amended multiple times to further specify the responsibilities of OJJDP and NCMEC in responding to missing and exploited children. The act was most recently reauthorized by the Missing Children's Assistance Act of 2018 (P.L. 115-267). It authorizes \$40 million for each of FY2014 through FY2023 for OJJDP to fund activities carried out under the act. Of this amount, up to \$32.2 million is to be allotted to NCMEC.<sup>7</sup> P.L. 115-267 also revised the purpose areas to add that each year tens of thousands of children run away or are abducted or removed from their parents; and adds a definition of *parent*: "a legal guardian or other individual who may lawfully

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*Demographics and Programs*; CRS Report R41878, *Sex Trafficking of Children in the United States: Overview and Issues for Congress*; and CRS Report R44101, *Dark Web*.

<sup>3</sup> For further information, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics and Programs*.

<sup>4</sup> Martin L. Forst and Martha-Elin Blomquist, *Missing Children* (New York: Lexington Books, 1991), pp. 56-66.

<sup>5</sup> U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Juvenile Justice, *Missing Children's Assistance Act* hearing, 98<sup>th</sup> Congress, 2<sup>nd</sup> sess., February 7, 1984 (Washington, DC: GPO, 1984).

<sup>6</sup> The NCIC is a digital index of information on crimes and criminals used by federal, state, and local law enforcement officials. The FBI authorizes the National Central Bureau of Interpol to input missing-child cases into the Missing Person File where no U.S. law enforcement agency jurisdiction exists (34 U.S.C. §41308).

<sup>7</sup> NCMEC coordinates and is involved with several federal activities relating to missing and exploited children. Some of these activities are funded from sources other than the MEC program, though it provides the largest share of federal funds for NCMEC.

exercise parental rights with respect to the child.” P.L. 115-267 also states that NCMEC is to carry out specified activities, some of which were already carried out by the organization before the law was enacted. Such activities include responding to foster care children who are missing from state child welfare agencies by coordinating with such agencies and courts handling juvenile dependency matters; and identifying, locating, and recovering child victims of, and at risk for, sex trafficking. (The **Appendix** provides a description of the original act and its amendments.)

The federal government has since provided additional resources in support of missing and exploited children. Selected activities have been subsumed under the MEC program. DOJ first funded the ICAC Task Force program in 2008 to support state and local law enforcement agencies in combatting online enticement of children and the proliferation of pornography. The PROTECT Our Children Act of 2008 (P.L. 110-401) formally authorized the program. This law provided two authorizations for the ICAC Task Force program—one for \$60 million for FY2009-FY2013 for ICAC activities generally, including grants for ICAC task forces, and one for \$2 million for each of FY2009-FY2016 for the National ICAC Data System, which facilitates online law enforcement investigations of child exploitation. The Child Protection Act of 2012 (P.L. 112-206) authorized annual appropriations of \$60 million for the ICAC Task Force program generally (including the data system and the National Strategy for Child Exploitation Prevention and Interdiction, discussed later in this report) through FY2018. The Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2017 (PROTECT Our Children Act of 2017, P.L. 115-82) extended annual authorizations of \$60 million for the ICAC Task Force program generally through FY2022.

Separately, OJP first provided funding (\$10 million in discretionary appropriations) in 2002 for states and localities to develop AMBER Alert programs. The Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 (PROTECT Act, P.L. 108-21), directed the Attorney General to create a national AMBER Alert program, including appointing a coordinator and developing standards for issuing an alert.<sup>8</sup> P.L. 108-21 also authorized funding in FY2004 for activities to support states in developing AMBER Alert communication plans and technologies. As discussed in more detail later in this report, DOJ has used continuous appropriations for the MEC program since FY2004 to provide technical assistance to states’ AMBER Alert plans and in responding to child abductions. The Ashlynn Mike Amber Alert in Indian Country Act (P.L. 115-166), enacted in 2018, directs DOJ to carry out AMBER Alert grants to tribes for developing and enhancing their AMBER Alert systems and integrating these systems into regional and state systems.

## Demographics of Missing and Exploited Children

### Overview

Missing children and sexually exploited children are distinct but overlapping populations. The term “missing child” is defined under the Missing Children’s Assistance Act as an individual under age 18 whose whereabouts are unknown to that individual’s legal custodian. Although the Missing Children’s Assistance Act does not define child sexual exploitation, both criminal and civil federal statutes specify acts of sexual exploitation for purposes of prosecuting offenders and

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<sup>8</sup> 34 U.S.C. §20501.



providing minimum standards of child abuse for states to use in their own definitions of child abuse.<sup>9</sup>

The actual number of children who are currently missing or sexually exploited is unknown; however, studies have estimated the rate of children who are missing or sexually exploited (as discussed in more detail below).

## Missing Children

The Missing Children's Assistance Act requires OJJDP triennially to conduct incidence studies of the number of missing children, the number of children missing due to a stranger abduction or parental abduction, and the number of missing children who are recovered.<sup>10</sup> Since the act's passage in 1984, DOJ has supported three national incidence studies, known as the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART- 1, 2, and 3). NISMART-1 was conducted in 1988, NISMART-2 was conducted in 1999, and NISMART-3 was conducted in 2011 and 2013.

DOJ has issued findings from NISMART-3 in two reports.<sup>11</sup> One of the reports includes findings from a telephone and online survey of households.<sup>12</sup> As with NISMART-2, NISMART-3 includes five categories of missing children:

- abductions by a family member;
- abductions by a nonfamily member perpetrator;
- run away or thrown away children;
- missing because they were lost, stranded, or injured; or
- missing for benign reasons (e.g., misunderstanding about a child's schedule).

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<sup>9</sup> For example, Title 18 of the U.S. Code includes multiple crimes involving the sexual exploitation of children, such as commerce in child pornography; transferring obscene material to a child by mail or through interstate or foreign travel; traveling abroad to engage in a sexual act with a child; and using a misleading domain name, words, or digital images on the internet with the intent to deceive a minor into viewing material that is harmful to that minor. Most federal criminal statutes on child sexual exploitation are in Chapters 71, 77, 109A, 109B, 110, and 117. In addition, Title 42 of the U.S. Code, at 42 U.S.C. §5106g, provides definitions related to child sexual abuse for purposes of defining "child abuse and neglect" in selected federal child welfare law. Title 34 of the U.S. Code requires individuals convicted of specified crimes against children or sexually violent crimes to register their addresses.

<sup>10</sup> 34 U.S.C. §11293(c). P.L. 113-38 amended the prior law by changing the requirement for OJJDP to conduct incidence studies of missing children from "periodically" to "triennially."

<sup>11</sup> Due to challenges with fielding NISMART-3, DOJ made a competitive award with FY2017 funding to improve data collection of missing children more generally under a new iteration of the study, NISMART-4. DOJ, Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP), Grant Solicitation, *OJJDP FY 2017 National Incidence Studies of Missing Children Reported to Law Enforcement*, 2017. DOJ awarded funds to researchers to collect data on child victims of stereotypical kidnappings known to law enforcement agencies and develop and evaluate strategies to collect information from law enforcement agencies about children who are reported missing to them. The funding was awarded to Westat, Inc., a policy research organization, which has partnered with the University of New Hampshire's Crimes Against Children Research Center. DOJ expects NISMART-4 findings to be available in 2020. See DOJ, OJP, OJJDP, "National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMART) 1, 2, 3," <https://www.ojjdp.gov/research/NISMART1-3.html>.

<sup>12</sup> Andrea J. Sedlak, David Finkelhor, and J. Michael Brick, "National Estimates of Missing Children: Updated Findings From a Survey of Parents and Other Primary Caretakers," *Juvenile Justice Bulletin*, DOJ, OJP, OJJDP, June 2017, <https://www.ojjdp.gov/pubs/250089.pdf>. The report includes definitions of these terms. Some children reported in NISMART-3 were missing, but their caretakers may not have been alarmed or contacted authorities; these children were identified as "non-missing."



The study classifies missing children cases as “caretaker missing” and “reported missing.” For an episode to qualify as “caretaker missing,” the child’s whereabouts must have been unknown to the primary caretaker, with the result that the caretaker was alarmed for at least one hour and tried to locate the child. A “caretaker missing” child was considered “reported missing” if a caretaker additionally contacted the police or a missing children’s agency to locate the child.

The NISMART-3 household survey indicates that the rates of children who were caretaker missing and reported missing declined since the NISMART-2 study. There was a decrease of 32% for caretaker missing cases (from 9.2 per 1,000 in 1999 to 6.3 per 1,000 in 2013) and a decrease of 52% for reported missing cases (from 6.5 per 1,000 in 1999 to 3.1 per 1,000 in 2013). The drop was largely driven by the decline in the rate of children who were missing due to benign reasons. One of the NISMART-3 reports speculates that the increased use of cell phones has improved communication between parents and their children, and therefore fewer children were perceived or reported as missing. The report raises concerns about the methodological challenges with the survey, including that households were difficult to reach because many now only have cell phones. As a result, the overall sample was smaller than the NISMART-2 sample.

The second NISMART-3 report, which focuses on stereotypical kidnappings, was based on cases known to law enforcement in 2011.<sup>13</sup> Such kidnappings refer to nonfamily abduction in which a slight acquaintance or stranger moves the child at least 20 feet or holds the child at least one hour. In addition to these criteria, the child has to be detained overnight, transported at least 50 miles, held for ransom, abducted with the intent to keep the child permanently, or killed. The report indicates that 105 children were victims of stereotypical kidnappings in 2011.

## **Sexually Exploited Children**

The true number of sexual exploitation incidents—whether they accompany missing children cases or not—is unknown because this type of abuse often goes undetected. In addition, studies of child sexual exploitation report varying numbers because of differences in their methodology, the time periods over which the data were collected, and how exploitation is defined. Nonetheless, one federal study, the National Survey of Children’s Exposure to Violence, provides some insight into the prevalence of sexual exploitation. The study shows that a significant number and share of children under age 18 have been sexually victimized.

The National Survey of Children’s Exposure to Violence, conducted by the University of New Hampshire with support from OJJDP, examined the incidence and prevalence of children’s exposure to violence in 2008.<sup>14</sup> Researchers interviewed a nationally representative sample of children under age 18 and their caretakers by phone. They asked whether children had experienced certain forms of violence and victimization, including sexual victimization, within the past year and over their lifetime. The sexual victimization category encompasses seven types of victimization: sexual conduct or fondling by an adult the child knew, sexual conduct or fondling by an adult stranger, sexual contact or fondling by another child or teenager, attempted or completed intercourse, exposure or “flashing,” sexual harassment, and consensual sexual conduct with an adult. The study found that 1 in 16 (6.1%) surveyed children and youth were sexually victimized in the past year and nearly 1 in 10 (9.8%) were sexually victimized at some point over their lifetimes. Girls were more likely than boys to report that they had been sexually victimized, with 7.4% of girls reporting sexual victimization within the past year and 12.2%

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<sup>13</sup> Janis Wolak, David Finkelhor, and Andrea J. Sedlak, “Child Victims of Stereotypical Kidnappings Known to Law Enforcement in 2011,” DOJ, OJP, OJJDP, *Juvenile Justice Bulletin*, June 2016.

<sup>14</sup> David Finkelhor et al., *Children’s Exposure to Violence: A Comprehensive National Survey*, DOJ, OJP, OJJDP, October 2009.

reporting victimization over their lifetimes. Female adolescents ages 14 to 17 had the highest rate of victimization. Nearly 8% had been sexually victimized within the past year and 18.7% had been sexually victimized over their lifetimes.

## Funding for the MEC Program

The MEC program was initially funded at \$4 million in FY1985 and has received funding increases in most years since 1991. Funding more than doubled from \$6.0 million in FY1997 to \$12.3 million in FY1998, when the ICAC Task Force program was implemented. Another funding peak, from FY2003 to FY2004, was the result of increased funds for the AMBER Alert program and NCMEC.

Funding increased again—from \$50 million in FY2008 to \$70 million in FY2009—following reauthorization of the program. Also in FY2009, Congress appropriated funding for the program under the American Recovery and Reinvestment Act (ARRA, P.L. 111-5). ARRA provided funding for myriad federal programs and initiatives to address the economic recession that began in December 2007 and extended through June 2009. Specifically, the law appropriated \$50 million for the ICAC Task Force program.

Total FY2019 funding was \$82 million. **Table 1** shows total funding and funding for each of the program's components from FY2007 through FY2018. NCMEC has received the most funding in each of these years, followed by the ICAC Task Force program. The next highest level of funding support went to activities including program administration, training and technical assistance on missing and exploited children, support services for missing children's organizations, and grant programs that can vary from year to year.

As with prior appropriations legislation, the FY2018 omnibus appropriations law (P.L. 115-141) did not specify the level of funds for each of the program's components. DOJ allocated \$76 million for the program, primarily for NCMEC. According to DOJ, the increase in funding for the AMBER Alert program was to build capacity to respond to these alerts in Indian Country.<sup>15</sup>

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<sup>15</sup> Based on CRS correspondence with DOJ, OJP, April 2019.

**Table 1. Actual Funding for the Missing and Exploited Children's Program, by Component, FY2007-FY2018**

(In thousands of dollars)

Program Component	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018
NCMEC	\$26,500	\$24,740	\$30,488	\$30,496	\$30,130	\$26,623	\$25,500	\$26,005	\$25,700	\$28,343	\$28,343	\$28,343
ICAC Task Force Program	\$11,779 <sup>a</sup>	\$15,950	\$25,000 <sup>b</sup>	\$28,800 <sup>b</sup>	\$28,583	\$25,670	\$25,050	\$27,049	\$27,049	\$27,600	\$27,600	\$28,600
AMBER Alert Training and Technical Assistance	\$5,000	\$4,481	\$5,000	\$3,150	\$4,075	\$2,515	\$2,364	N/A <sup>c</sup>	\$2,402	\$2,400	\$2,400	\$3,400
Grant Programs and Technical Assistance <sup>d</sup>	\$4,108	\$4,829	\$9,512	\$7,554	\$7,072	\$10,192	\$9,478	\$7,270	\$5,865	\$4,194	\$4,231	\$15,657
<i>Total Funding</i>	<i>\$47,387</i>	<i>\$50,000</i>	<i>\$70,000</i>	<i>\$70,000</i>	<i>\$69,860</i>	<i>\$65,000</i>	<i>\$62,392</i>	<i>\$60,324</i>	<i>\$61,016</i>	<i>\$62,536</i>	<i>\$63,124</i>	<i>\$76,000</i>

**Sources:** Congressional Research Service, correspondence with the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Communications, March, July, and October 2014; October 2015; October 2016; December 2017; December 2018; and June 2019. Also, the Continuing and Further Continuing Appropriations Act, 2013 (P.L. 113-6); Rules Committee Print 113-32 on the amendment to H.R. 3547, which was enacted as P.L. 113-67; Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235); Consolidated Appropriations Act, 2016 (P.L. 114-113); Consolidated Appropriations Act, 2017 (P.L. 115-31); and Consolidated Appropriations Act, 2018 (P.L. 115-141). Appropriations reflect rescissions where applicable, and the FY2013 appropriations reflect amounts post-sequestration as required under the terms of the Budget Control Act of 2011 (P.L. 112-25) and the Balanced Budget and Emergency Deficit Control Act of 1985 (P.L. 99-177), as amended.

**Notes:** In most years, some funding is reprogrammed to support activities under OJP. In addition, some funding (generally between \$1 and \$60,000) is unobligated. For example, the FY2017 appropriation for the MEC program was \$72,500,000. Of this amount, \$63,124,000 was allocated to the components of the program; \$7,091,479 was reprogrammed for other OJP activities; and \$2,227,026 was used to support OJJDP functions (i.e., website, communication functions, training and technical assistance standards, and performance measures). Another \$57,652 was unobligated.

- The ICAC Task Force program received an additional \$11.5 million in 2007 through the Byrne Discretionary Grant Program to expand the program, provide training and technical assistance, and improve the forensic capabilities of task forces and reduce the backlog of cases they handle. These funds are not shown here.
- The ICAC received \$50 million under the American Recovery and Reinvestment Act (ARRA, P.L. 111-5) to support four ICAC activities authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401): (1) ICAC grants; (2) ICAC Training and Technical Assistance grant; (3) ICAC Research grants to encourage innovative and independent research and data collection to further understand the scope and prevalence of technology and Internet crimes against children; and (4) the National ICAC Data System. These funds are not shown here.
- Remaining funds from previous years were carried over to support AMBER Alert activities through FY2014.
- This includes funding for program management and administration, support services for missing children's organizations, and grant programs that can vary from year to year. For example, the FY2018 allocations included \$8,960,308 for program management and administration; \$4,196,692 for the MEC training and technical assistance program, specialized services for victims of child sex trafficking training and technical assistance, specialized services for victims of child sex trafficking programs, and evaluation of the ICAC program; and \$2,500,000 for strengthening investigative tools and technology for combating child exploitation.

## National Center for Missing and Exploited Children

NCMEC is a primary component of the MEC program and employs more than 300 people at its Alexandria, VA, headquarters and regional offices in California, Florida, New York, and Texas. These regional offices provide case management and technical support in their geographic areas.

NCMEC provides multiple activities and services pertaining to

- missing children, including those abducted to or from the United States;
- exploited children;
- training and technical assistance;
- families of missing children; and
- partnerships with state missing children's clearinghouses and other stakeholders.

These activities and services are detailed further in this section.<sup>16</sup> Note that some missing children and exploited children programs are not mutually exclusive, and this report does not provide an exhaustive discussion of all services provided by NCMEC.<sup>17</sup> In addition to funding through the MEC program, NCMEC is also funded through private contributions, other DOJ grants, and the United States Secret Service (USSS) in the Department of Homeland Security (DHS). Pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), Congress has mandated that the USSS provide forensic and technical assistance to NCMEC and federal, state, and local law enforcement agencies in matters involving missing and exploited children. In recent years, funding provided by the USSS has been transferred to OJP to be provided directly to NCMEC.

## Missing Children's Services

### Call Center

NCMEC's Call Center receives calls on its 24-hour toll-free hotline (1-800-THE-LOST), primarily from parents and law enforcement officials. In FY2018, the center responded to over 171,000 calls reporting missing children; sightings of missing children; and requests for assistance, information, and technical assistance from families of missing children, law enforcement agencies, and others.<sup>18</sup> Since 1987, reports of child sexual exploitation received through the CyberTipline are routed to the Call Center. Assistance activities range from sending publications or educational materials to providing technical support to law enforcement and families about missing children cases. The Call Center also provides information to families of missing children about free or low-cost transportation services or requests transportation for families needing assistance with reunification.

NCMEC is the only nonprofit, non-law enforcement entity to have access to the FBI's National Crime Information Center (NCIC) Missing Person File, which is reviewed by Call Center staff for records of missing children added by local and state law enforcement agencies and updates of

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<sup>16</sup> Unless otherwise noted, the description of these services is based on a site visit to NCMEC, interviews and ongoing correspondence with NCMEC staff, and quarterly progress reports submitted by NCMEC to the Department of Justice about the status of the grant received under the Missing and Exploited Children's program.

<sup>17</sup> For further information about NCMEC, see its website: <http://www.missingkids.org/>.

<sup>18</sup> Based on correspondence with the National Center for Missing and Exploited Children, December 2018.

these records. Law enforcement agencies submitting information to NCIC on a missing child are to notify NCMEC of each report that relates to a child reportedly missing from foster care, and they must maintain close liaison with NCMEC (and child welfare agencies) to exchange information and technical assistance about missing children cases generally.<sup>19</sup> Cases of children who are believed to be seriously at risk are flagged in NCIC for NCMEC. NCMEC is permitted to search the Missing Person File to assist with long-term missing children who would be over age 18.

## **Case Management**

Each missing child case is entered into NCMEC's nationwide database, and a case manager in the Missing Children's Division is assigned. NCMEC case managers serve as the single point of contact for the searching family and provide technical assistance to locate abductors and recover missing children. In FY2018, case managers handled 26,813 cases (i.e., individual children). Of these, about 9 out of 10 involved children who had run away.<sup>20</sup>

## **Project ALERT (America's Law Enforcement Retiree Team) and Team Adam**

The Project ALERT program was established in 1992 to assist law enforcement agencies with the recovery of missing children—particularly long-term cases—at no cost to the agencies. Project ALERT members include nearly 150 retired federal, state, and local law enforcement officials who have recent and relevant investigative experience.<sup>21</sup> Project ALERT services include case review, organization, recommendation of investigative strategies, assistance with case interviews, and liaison efforts with the family of a missing child. Representatives also conduct outreach to the community through public speaking and attending conferences.

Team Adam, created in 2003, is designed to be a rapid, onsite response and support system that provides investigative and technical assistance to local law enforcement agencies at no cost to them. The team is staffed by approximately 90 retired federal, state, and local investigators, and is chosen by a committee with representatives from the FBI and state and local law enforcement executives experienced in crimes-against-children investigations.<sup>22</sup> Team Adam consultants determine the additional resources or assistance that would assist in the search for the victim, the investigation of the crime, and family crisis management.

## **Forensic Services Unit**

The Forensic Services Unit is composed of the Forensic Imaging Unit and a Biometrics Team. The teams assist in the recovery of long-term missing children and work to identify the remains of deceased children and young adults believed to have gone missing. The Forensic Imaging Unit was created in 1990 to “age-progress” images of missing children through software programs using the most recent picture of the child. The age-progressed image appears in clothing and with a hairstyle consistent with the child's current age. Missing children photos are age-progressed every two years, and adult photos are age-progressed in five-year increments. Age-progressed images are distributed to the local police, searching families, and media, and posted on the

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<sup>19</sup> 34 U.S.C. §41308. Child welfare agencies must report cases of missing or abducted children to NCMEC and to law enforcement for entry into the NCIC, no later than 24 hours after receiving information on these children. 42 U.S.C. §671 (a)(B)(35).

<sup>20</sup> Based on correspondence with the National Center for Missing and Exploited Children, December 2018.

<sup>21</sup> NCMEC, *NCMEC Quarterly Progress Reports, July 1 – Sept. 30, 2018*, p. 18.

<sup>22</sup> *Ibid.*, p. 21.

NCMEC website. The Forensic Unit also creates age-regressed images. These are produced at the request of law enforcement agents posing as youth in online communication with adults who seek to engage in sexual acts with children.

Staff in the Biometric Team provide support and resources for long-term missing child cases and cases of unidentified human remains of victims believed to be children and young adults. They assist law enforcement and medical examiners/coroners in identifying unknown children, either deceased or living, by facilitating the collection of DNA, dental information, fingerprints, facial reconstructions, photo enhancements, and documentation of personal belongings found with the child. Once collected, the information is uploaded to the National Missing and Unidentified Persons System (NamUs), so it can be compared directly against the information collected from unidentified persons.<sup>23</sup> NamUs is a program created by OJP to serve as a central repository and resource center for missing persons and unidentified decedent records. It contains databases storing detailed information about missing people and unidentified remains and may be searched for possible matches among cases.<sup>24</sup>

## **International Missing Children's Cases**

NCMEC assists with cases of children abducted to and from the United States.<sup>25</sup> From 1995 through May 2008, NCMEC had a Cooperative Agreement with the State Department and OJJDP to handle *incoming* cases of international abduction to the United States under The Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention").<sup>26</sup> The State Department is now responsible for handling these cases. NCMEC assists the State Department with developing and distributing posters for missing children. Signatories to the Hague Convention pledge to work toward the prompt return of abducted children. Of the 195 officially recognized countries in the world, however, 119 do not have formal civil mechanisms in place with the United States to facilitate the return of a parentally abducted child.<sup>27</sup>

NCMEC also coordinates cases of American children abducted abroad, or *outgoing* cases. NCMEC provides technical assistance to law enforcement in support of federal statute that criminalizes removing a child from the United States "with the intent to obstruct the lawful exercise of parental rights."<sup>28</sup>

NCMEC handles hundreds of prevention and abduction-in-progress matters each year that involve international abduction. It also coordinates the provision of pro-bono legal assistance to victim families and provides technical support, including legal technical assistance to parents, lawyers, court officers, law enforcement officials, and others.

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<sup>23</sup> NCMEC, *NCMEC Quarterly Progress Reports, July 1 to Sept. 30, 2018*, p. 16.

<sup>24</sup> DOJ, OJP, National Institute of Justice, "NamUs," <http://www.namus.gov/>.

<sup>25</sup> The International Centre for Missing and Exploited Children ("ICMEC") is a sister organization affiliated with NCMEC. ICMEC focuses on policy, advocacy, and training, and does not perform case work. ICMEC advocates for adoption of treaties in regard to children's rights; engages international law enforcement officials, civil service organizations, and government representatives; offers technical assistance in creating missing children centers; and creates and distributes reports on international child abduction and child sexual exploitation.

<sup>26</sup> The Department of State is designated as the U.S. Central Authority for the Hague Convention. NCMEC was permitted to serve as the representative of the State Department pursuant to 42 U.S.C. §11608.

<sup>27</sup> NCMEC, *NCMEC Quarterly Progress Report: July 1-September 30, 2018*, p. 63, footnote 61.

<sup>28</sup> 18 U.S.C. §1204(a). The term parental rights refers to the right to joint or sole physical custody of a child obtained through a court order, a legally binding agreement between the involved parties, or operation of law. For further information about the International Parental Kidnapping Crime Act and the Hague Convention, see CRS Report RS21261, *International Parental Child Abductions*.



## Response to Child Sexual Exploitation

Pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), Congress mandated that the United States Secret Service provide forensic and technical assistance to NCMEC and federal, state, and local law enforcement agencies in matters involving missing and exploited children. NCMEC's Exploited Children's Division (ECD) was established in January 1997 with a grant from USSS received pursuant to P.L. 103-322. The USSS continues to provide funding for this purpose.

The ECD administers the Child Victim ID Program (CVIP) and CyberTipline. The unit also analyzes data and forwards requests to appropriate NCMEC divisions and departments and monitors online services, news reports, and other sources each day for new cases and information relative to the issues of child sexual exploitation. The ECD follows up with law enforcement agencies about cases of exploited children. In addition to the ECD, two separate units in NCMEC—the Sex Offender Tracking Team and the Child Sex Trafficking Team within the Case Analysis Division—also work on exploited children's issues.

### The Child Victim Identification Program (CVIP)

CVIP formally began in 2002 in response to the decision in *Ashcroft v. Free Speech Coalition* (2002), in which the Supreme Court held that federal laws prohibiting pornography are enforceable when they involve identified children, not images that appear to be children.<sup>29</sup> CVIP analysts assist law enforcement officers and prosecutors with child pornography cases throughout the country using their knowledge of child pornography series and relevant computer software. Law enforcement agencies may submit seized images to federal law enforcement agents detailed to NCMEC and request that CVIP examine the images. CVIP analysts use computer software and visual analysis to determine whether any of the images contain identified child victims. In addition, NCMEC has a secure website (the Child Victim Identification Lab) for law enforcement officers, prosecutors, and social service workers to examine sanitized images that contain clues about a child's whereabouts. Authorized users can examine the images and post comments and suggestions for both NCMEC and other authorized users.

### CyberTipline

The CyberTipline, created in March 1998, serves as the national clearinghouse for tips and leads about child sexual exploitation, and is available 24 hours a day, seven days a week. The tipline allows the public to report online incidents involving child sexual exploitation, and electronic communication services or remote computing service providers (collectively known as electronic service providers or ESPs) are required by law to report such incidents.<sup>30</sup> Although the CyberTipline began operating in 1998, NCMEC's role as its administrator was formally authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children

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<sup>29</sup> *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002).

<sup>30</sup> 34 U.S.C. §11293(b)(1)(P). The tipline enables ESPs and members of the public to report under eight categories: (1) possession, manufacture, and distribution of child pornography; (2) online enticement of children for sexual acts; (3) child sex trafficking; (4) child sex tourism; (5) child sexual molestation by someone other than a family member; (6) unsolicited obscene material sent to a child; (7) misleading domain names; and (8) misleading words or digital images on the internet. The first three reporting categories were specified in P.L. 108-21, and the other five categories were specified in the Protecting Our Children Comes First Act of 2007 (P.L. 110-240). The Justice for Victims of Trafficking Act (P.L. 114-22) struck "child prostitution" and replaced it with "child sex trafficking, including child prostitution."



Today (PROTECT) Act of 2003 (P.L. 108-21). The authorizing statute for the MEC program states that the CyberTipline is intended to take reports of “internet related and other instances of child sexual exploitation.” After evaluating the reports and rating them based on risk to the child, NCMEC makes reports to the CyberTipline (along with accompanying analysis) available to select federal, state, and local law enforcement agencies through a secure web-based system.<sup>31</sup>

### **Sex Offender Tracking Team**

The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) expanded the requirements for state law enforcement and prison officials to track and register sex offenders. NCMEC’s Sex Offender Tracking Team, in its Case Analysis Division, provides assistance to federal, state, and local law enforcement in their efforts to locate and apprehend noncompliant sex offenders by providing technical assistance and analysis. The team developed a standard protocol in response to law enforcement requests for assistance in locating fugitive sex offenders, which generally includes information obtained through public databases and search tools routinely used by NCMEC analysts. The team participates in the National Sex Offender Targeting Center, an interagency intelligence and operations center created by the U.S. Marshals Service.

### **Child Sex Trafficking Team**

The Child Sex Trafficking Team compares reports of suspected child sex trafficking victims submitted to the CyberTipline with reports of missing children received by the Missing Children’s Division. It also provides technical support and analysis to the FBI’s Innocence Lost National Initiative. The team provides technical assistance to law enforcement agencies working to identify and recover children in the United States who have been victimized by sex trafficking, including those involved in the FBI’s Innocence Lost National Initiative. Analysts in the unit provide reports about offenders who sexually exploited children through sex trafficking, and they provide information to law enforcement officials about known missing child cases possibly linked to sex trafficking.<sup>32</sup>

### **Family Advocacy Services**

NCMEC’s Family Advocacy Division provides support, crisis intervention, and technical assistance to families, law enforcement, and family-advocacy agencies. Team HOPE (Help Offering Parents Empowerment), a component of the division, consists of trained volunteers who have experienced the disappearance of a child in their family. These volunteers mentor other parents and families of missing children to help them cope during and after the incident.

### **Training and Technical Assistance**

NCMEC staff provide onsite and offsite training and technical assistance to law enforcement, criminal and juvenile justice professionals, and healthcare professionals nationwide and in Canada. Training involves issues relating to child sexual exploitation and missing-child case detection, identification of victims, investigation, prevention, and forensic imaging. NCMEC

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<sup>31</sup> U.S. Government Accountability Office (GAO), *Combating Child Pornography: Steps are Needed to Ensure That Tips to Law Enforcement are Useful and Forensic Examinations are Cost Effective*, GAO-11-334, March 2011, p. 9 (hereinafter, GAO, *Combating Child Pornography*).

<sup>32</sup> NCMEC, “Child Sex Trafficking,” <http://www.missingkids.com/theissues/trafficking>.

provides nationally accredited training about infant security for healthcare professionals and law enforcement.

## Partnerships

NCMEC works closely with federal agencies, some of which have detailed agents and analysts to work at NCMEC part-time or full-time. These analysts follow CyberTipline leads and work with NCMEC to develop policy and procedures around children missing internationally, among other activities.

NCMEC also works with missing children's clearinghouses in each state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada.<sup>33</sup> These clearinghouses disseminate information and collect data about missing individuals, provide technical assistance in cases of missing and exploited children, and network with other clearinghouses. NCMEC provides the clearinghouses with training, technical assistance, and information to assist them in handling missing-children cases.

Further, NCMEC serves as the national clearinghouse for AMBER Alert information about abducted children and their perpetrators, and employs an AMBER Alert law enforcement liaison. (See "AMBER Alert Program" for more information.) NCMEC verifies AMBER Alerts and disseminates information about an abduction to authorized secondary distributors, such as hotel chains and internet service providers, which can target messages to their customers in a specific geographic region. Only law enforcement can initiate and release AMBER Alerts for primary distribution to the general public.<sup>34</sup> NCMEC also maintains data on the number of children recovered through AMBER alerts.<sup>35</sup>

In 2006, NCMEC and the International Centre for Missing and Exploited Children joined with 34 international financial institutions and internet industry leaders to combat commercial online child pornography.<sup>36</sup> The purpose of the coalition is to prevent the purchase and sale of child pornography over the internet and to engage in prevention efforts. NCMEC, law enforcement agencies, and financial institutions share information pertaining to commercial child pornography websites, with the goal of eliminating the ability of users to pay for access to them.

## Internet Crimes Against Children (ICAC) Task Force

### ICAC Task Forces<sup>37</sup>

The ICAC Task Force program is authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401), as amended. The program supports state and local law enforcement task forces in responding to online enticement of children by sexual perpetrators, child exploitation, and child obscenity and pornography cases. The program serves multiple purposes, including

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<sup>33</sup> For further information, see NCMEC, "Missing Child Clearinghouses," <http://www.missingkids.com/Clearinghouses>.

<sup>34</sup> DOJ, OJP, OJJDP, *Report to the Congress on AMBER Alert*, July 2005, p. 7. (Hereinafter, DOJ, OJP, OJJDP, *Report to the Congress on AMBER Alert*.)

<sup>35</sup> NCMEC, "Get Help Now: AMBER Alerts," [missingkids.org/amber](http://missingkids.org/amber).

<sup>36</sup> ICMEC, "U.S. Financial Coalition Against Child Pornography," <https://www.icmec.org/fcacp/>.

<sup>37</sup> 34 U.S.C. §§21112 et seq.

- increasing the capabilities of state and local law enforcement officers to detect internet crimes against children and apprehend offenders;
- conducting proactive and reactive internet crimes against children investigations;
- providing training and technical assistance to ICAC task forces and other law enforcement agencies in the areas of investigation, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;
- increasing the number of internet crimes against children offenses being investigated and prosecuted;
- enhancing nationwide responses to offenses involving internet crimes against children; and
- delivering internet crimes against children public awareness and prevention programs.

An ICAC task force is formed when a state or local law enforcement agency enters into a grant contract with OJJDP, and then into a memorandum of understanding with other federal, state, and local agencies. Currently, 61 task forces are in operation, each of which is composed of multiple affiliated organizations (most of which are city and county law enforcement agencies).<sup>38</sup> The task forces receive leads from CyberTipline analysts at NCMEC and concerned citizens or develop leads through proactive investigations and undercover operations. The Attorney General is to award grants to state and local ICAC task forces using a formula established by DOJ to distribute 75% of the funds; the remaining 25% is to be distributed based on need.

In establishing any formula, DOJ must ensure that each state or local ICAC receives at least 0.5% of the funds available. In addition, DOJ is to take into consideration factors such as—each state's population; the number of investigative leads within the task force's jurisdiction; the number of criminal cases related to internet crimes against children referred to a task force for federal, state, or local prosecution; the number of successful prosecutions of child exploitation cases by a task force; the amount of training, technical assistance, and public education or outreach conducted by a task force on child exploitation offenses; and other criteria established by DOJ to demonstrate the level of need for additional resources.

Pursuant to the law, DOJ established the ICAC Training and Technical Assistance program to provide assistance to ICAC task forces. Multiple entities have been awarded funds to provide training on improving investigation, technologies, and prosecutorial capabilities.<sup>39</sup>

## **National ICAC Data System (NIDS)**

The authorizing law for ICAC directs the Attorney General to establish the National ICAC Data System (NIDS).<sup>40</sup> As discussed in the law, the intent of Congress in authorizing the data system was to build upon Operation Fairplay, developed by the Wyoming Attorney General's office. Operation Fairplay established a secure, undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect

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<sup>38</sup> DOJ, OJP, OJJDP, "Program Summary: Internet Crimes Against Children Task Program," <http://www.ojjdp.gov/programs/progsummary.asp?pi=3>.

<sup>39</sup> Ibid.

<sup>40</sup> 34 U.S.C. §21115.

and aggregate data on the extent of the problem of child exploitation.<sup>41</sup> The law specified that the system is to be housed and maintained within DOJ or a credentialed law enforcement agency and is to be available for a nominal charge to support law enforcement agencies' efforts to combat child exploitation. It must also collect and report real-time data; provide an undercover infrastructure for users; identify high-priority suspects; and include a network that provides for secure, online data storage and analysis, among other items.

DOJ issued a grant solicitation in March 2009 for constructing, maintaining, and housing NIDS; however, grant applicants were notified in January 2010 that DOJ would not make an award under that solicitation and instead would pursue a different system for "deconfliction" and investigation than was described in the solicitation.<sup>42</sup> DOJ issued another solicitation in June 2010 to select a grantee to conduct a national needs assessment and perform other tasks to support the future development of NIDS.<sup>43</sup>

In September 2011, DOJ awarded funds to the West Virginia State Police to develop and implement the ICAC Deconfliction System (IDS), which was launched in December 2014. It is used by all ICAC task forces and other registered law enforcement users. IDS enables users to contribute and access data (e.g., name, alias, email address, IP address of perpetrator and related information) to resolve case conflicts. Information about a potential perpetrator is compared against other databases that store information about crimes committed against children. IDS alerts the user if information has been collected on the potential perpetrator in these other systems, and informs the user of other law enforcement agencies working on a case involving the perpetrator.<sup>44</sup>

## **National Strategy for Child Exploitation Prevention and Interdiction**

The ICAC authorizing law directs the Attorney General to create and implement a National Strategy for Child Exploitation Prevention and Interdiction.<sup>45</sup> The law specifies that the strategy is to involve establishing long-range, comprehensive goals concerning child exploitation and that DOJ is to coordinate its programs to combat child exploitation with other federal programs, as well as with international, state, local, and tribal law enforcement agencies and the private sector. As part of this strategy, DOJ is directed to assess the ICAC program, including an evaluation of

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<sup>41</sup> DOJ, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, August 2010, pp. 10-12, <http://www.justice.gov/psc/docs/natstrategyreport.pdf>. (Hereinafter, DOJ, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*.)

<sup>42</sup> Deconfliction is the coordination and information sharing among law enforcement agencies on multi-jurisdiction investigations to help ensure officer safety and the effective use of resources. GAO, *Combating Child Pornography*.

<sup>43</sup> DOJ OJP, OJJDP, *Needs Assessment and Development Activities for the National Internet Crimes Against Children Data System (NIDS)*, no date, <http://www.ojjdp.gov/grants/solicitations/FY2010/ARRA%20NIDS.pdf>. In September 2010, OJJDP awarded a grant to the Massachusetts State Police (MASP) and its partners to conduct a national needs assessment for NIDS. According to DOJ, work on and payment for the grant were suspended due to misconduct involving a former MASP employee who was investigated by DOJ's Office of the Inspector General. P.L. 112-206 required DOJ to submit a report to Congress about the status of the data system. See DOJ, OJP, OJJDP, *Report on the National Internet Crimes Against Children Data System (NIDS) Project, Pursuant to the Child Protection Act of 2012* (P.L. 112-206), no date.

<sup>44</sup> DOJ, OJP, OJJDP, *Internet Crimes Against Children Data System*, fact sheet, no date; and CRS correspondence with DOJ, OJP, October 2015 and April 2019.

<sup>45</sup> 34 U.S.C. §2111. The law additionally directed the Department of Justice to appoint a senior official to serve as coordinator of the national strategy. DOJ appointed the National Coordinator in January 2010. Soon thereafter, the national coordinator convened the National Strategy Working Group to assist in implementing the national strategy. See GAO, *Combating Child Pornography*, pp. 12-13.

how entities that comprise each task force coordinate on investigations, and the success of task forces in leveraging state and local resources and matching funds. The law also directs the Attorney General to conduct periodic reviews of the effectiveness of each ICAC task force, and to submit a report on the strategy to Congress every other year. Two reports have been issued, one in August 2010 and another in April 2016. Both reports discuss the ICAC Task Force program, an assessment of threats to children, and the work of federal agencies to combat child sexual exploitation.<sup>46</sup> As of April 2019, DOJ did not have immediate plans to issue a subsequent report.<sup>47</sup>

## AMBER Alert Program

AMBER (America's Missing: Broadcast Emergency Response) Alert systems are state-administered communication systems to inform the public about children who are abducted. AMBER systems are voluntary partnerships—between law enforcement agencies, broadcasters, and transportation agencies—to activate messages in a targeted area when a child is abducted and believed to be in grave danger. The first system began locally in 1996 when fourth-grader Amber Hagerman was abducted and murdered near her home in the Dallas-Fort Worth area. After the abduction, law enforcement agencies in North Texas and the Dallas-Fort Worth Association of Radio Managers developed a plan to send out an emergency alert about a missing child to the public through the Emergency Alert System (EAS), which interrupts broadcasting. Soon after, jurisdictions in Texas and other states began to create regional alert programs.

OJP first provided funding (\$10 million in discretionary appropriations) in 2002 for states and localities to develop AMBER Alert programs. The PROTECT Act (P.L. 108-21), enacted in 2003, directed the Attorney General to create a national AMBER Alert program, including appointing a coordinator and developing standards for issuing an alert.<sup>48</sup> P.L. 108-21 also authorized funding for activities to support states in developing AMBER Alert communication plans and technologies. The law has since been amended by the Ashlynnne Mike AMBER Alert Act (P.L. 115-166), which directs DOJ to make grants to Indian tribes to develop and expand their alert systems. DOJ must also provide a report to Congress by April 2019 that evaluates the readiness, education, and training needs; technological challenges; and specific obstacles encountered by Indian tribes in integrating with regional or state AMBER Alert communication plans. In June 2019, DOJ provided the report, which delivered information from surveys of federally recognized tribes and state AMBER Alert coordinators about the extent to which tribes have tribal alerting systems or have training on a state AMBER Alert plan, and the challenges for tribes in supporting and accessing the plan (e.g., about one-third of tribes do not have an agreement with the state AMBER Alert plan to allow access to it).<sup>49</sup>

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<sup>46</sup> DOJ, *The National Strategy for Child Exploitation Prevention and Interdiction: A Report to Congress*, August 2010; and DOJ, *The National Strategy for Child Exploitation and Prevention: A Report to Congress*, April 2016. The first report identified the following types of child sexual exploitation: (1) child pornography, (2) online enticement of children for sexual purposes, (3) commercial sexual exploitation of children (primarily domestic prostitution), and (4) child sex tourism. The second report identified five types of child sexual exploitation: (1) child pornography, (2) sextortion and live streaming of child sexual abuse, (3) child sex trafficking, (4) child sex tourism, and (5) sex offender registry violations.

<sup>47</sup> Based on CRS correspondence with DOJ, OJP, April 2019.

<sup>48</sup> 34 U.S.C. §20501.

<sup>49</sup> DOJ, OJJDP, OJP, *Implementation of the Ashlynnne Mike AMBER Alert in Indian Country Act of 2018: A Report to Congress*, May 2019.

## **AMBER Alert Coordinator and Standards**

P.L. 108-21 provided that the Attorney General appoint an AMBER Alert coordinator to (1) work with states to encourage the development of additional regional and local AMBER Alert plans; (2) serve as the regional coordinator for abducted children throughout the AMBER Alert network; (3) create voluntary standards for the issuance of alerts, including minimum standards that address the special needs of the child (such as health care needs), and limit the alerts to a geographic area most likely to facilitate the abduction of the child, without interfering with the current system of voluntary coordination between local broadcasters and law enforcement; (4) submit a report to Congress by March 1, 2005, on the activities of the coordinator and the effectiveness and status of the AMBER plans of each state that has implemented one; and (5) consult with the FBI and cooperate with the Federal Communications Commission in implementing the program.

In 2003, the DOJ AMBER Alert coordinator was appointed. The coordinator convened a national advisory group to oversee the national initiative and make recommendations on the AMBER Alert criteria, examine new technologies, identify best practices, and identify issues with implementation. On the basis of the group's recommendations, the department issued guidelines for issuing an alert:

- law enforcement officials have a reasonable belief that an abduction has occurred,
- law enforcement officials believe that the child is in imminent danger of serious bodily injury or death,
- enough descriptive information exists about the victim and the abductor for law enforcement to issue an alert,
- the victim is age 17 or younger, and
- the child's name and other critical data elements have been entered into the National Crime Information Center (NCIC) Missing Person File.

A new AMBER Alert “flag” was created within the NCIC's Missing Person File for abducted children for whom an alert has been issued. DOJ submitted a report to Congress in 2005 that provided an overview of its strategy to facilitate a national AMBER Alert plan and the criteria developed for issuing an alert.<sup>50</sup>

In 2019, DOJ issued a second edition of a guide on best practices for law enforcement and its partners in preparing for, and responding to, AMBER Alerts; and a field guide for law enforcement officers in issuing AMBER Alerts.<sup>51</sup>

## **AMBER Alert Grant Programs**

The AMBER Alert statute provides three authorizations to support states in implementing AMBER Alert communication plans and technologies: (1) an authorization of \$4 million in FY2019 to DOJ for grants to states and Indian tribes to develop and implement AMBER Alert communication programs, which allows states to pursue activities specified in the law (e.g., the integration of state or regional AMBER Alert communication plans with an Indian tribe); (2) an

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<sup>50</sup> DOJ, OJP, OJJDP, *Report to the Congress on AMBER Alert*.

<sup>51</sup> DOJ, OJP, OJJDP, *AMBER Alert Best Practices*, 2<sup>nd</sup> ed., 2019; and DOJ, OJP, OJJDP, *AMBER Alert: Field Guide for Law Enforcement Officers*, May 2019.



additional \$5 million in FY2019 to DOJ to provide funding to states to develop and implement new technologies to improve Amber Alert communications and to integrate state or regional AMBER Alert communication plans with those of Indian tribes; and (3) \$20 million to the Department of Transportation (DOT) in FY2004 for grants to states to develop and enhance notification or communication systems along highways.<sup>52</sup>

With regard to the DOJ authorization, the law specifies that the department is to provide grants to states, on a geographically equitable basis if possible, for developing and enhancing their AMBER Alert communications plans. The federal government is to provide no more than 50% of the costs for carrying out the activities specified in the law related to communication plans, except that DOJ can determine that an Indian tribe does not have sufficient funds and can increase the federal share above 50%. DOJ determined that funds would be most efficiently spent providing training and technical assistance to law enforcement and state officials on abducted children, including providing assessments of AMBER Alert communication plans.<sup>53</sup> This is instead of funding that is awarded to states to implement communication plans, including the more narrow activity of developing and implementing new technologies. Every five years, OJJDP issues a competitive solicitation seeking bids to provide technical assistance, and it has awarded funding under this solicitation to Fox Valley Technical College.<sup>54</sup>

As noted, the statute authorized \$20 million in FY2004 for DOT to fund states in developing and enhancing communications systems along highways for alerts and other information to assist in the recovery of abducted children. States are eligible to receive funding (up to \$400,000 each) to be used for the *implementation* of a communications program that employs changeable message signs or other motorist information systems—if DOT determines that the state has already developed the program.<sup>55</sup> The federal share of the cost of these activities is not to exceed 80%, and federal funds are available until expended.<sup>56</sup> As of November 2018, 40 states and the District of Columbia had received funding, and approximately \$3.1 million was still available.

## Grant Programs and Technical Assistance

The MEC program provides funding to support other activities related to missing and exploited children, including training and technical assistance for public and private nonprofit organizations.<sup>57</sup> OJJDP contracts with Fox Valley Technical College to provide technical assistance, which focuses on strengthening multi-disciplinary responses in child victimization

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<sup>52</sup> P.L. 108-21 originally provided \$5 million for FY2004 under the first two authorization categories.

<sup>53</sup> This information was provided to the Congressional Research Service by DOJ, OJP in May 2007 and updated in December 2017.

<sup>54</sup> DOJ, “AMBER Alert Program, Technical Assistance,” <http://www.amber-net.org/technicalassistance.html>.

<sup>55</sup> Pursuant to the PROTECT Act, states are eligible to receive two types of DOT grants. *Development* grants to be used to develop general policies, procedures, training, and communication systems for changeable message signs or other motorist information about an abduction. *Implementation* grants are to be used to support the infrastructure of the program. Funding authorized under the PROTECT Act was used exclusively for the implementation of communication systems to issue AMBER alerts. However, states are eligible to apply for grants of up to \$125,000 each, through a separate DOT appropriation for the Intelligent Transportation Systems program, to support state departments of transportation efforts related to AMBER Alert planning. These funds are available until expended.

<sup>56</sup> Based on CRS correspondence with Department of Transportation, Federal Highway Administration, December 2018.

<sup>57</sup> For further information, see Fox Valley Technical College, “Missing and Exploited Children,” <https://ncjtc.fvtc.edu/training>.



cases. Assistance is provided through distance learning, webinars, onsite technical assistance, or classroom formats.

The program additionally supports program administration, printing of publications for Missing Children's Day, generally recognized annually in May,<sup>58</sup> and grant programs that vary from year to year.

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<sup>58</sup> See DOJ, OJP, OJJDP, "About Missing Children's Day," <https://www.ojjdp.gov/missingchildrensday/>.

## Appendix. The Missing Children's Assistance Act of 1984, as Amended

**Table A-1. The Missing Children's Assistance Act of 1984 and Amendments to the Act**

Year (Public Law)	Description
1984 (P.L. 98-473)	<p>—Defines <i>missing child</i> as any individual under age 18 whose whereabouts are unknown to such individual's legal custodian if he or she was removed from control of his or her legal custodian without custodian's consent or the circumstances strongly indicate that such individual is likely to be abused or sexually exploited;</p> <p>—Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to</p> <ul style="list-style-type: none"> <li>(1) facilitate effective coordination among all federally funded programs relating to missing children,</li> <li>(2) establish and operate a national toll-free telephone line for individuals to report information regarding the location of any missing child, or other child 13 years old or younger whose whereabouts are unknown,</li> <li>(3) establish and operate a national resource center and clearinghouse designed to provide technical assistance to state and local governments and law enforcement agencies, disseminate information about innovative and model missing children's programs, and periodically conduct national incidence studies to determine the number of missing children,</li> <li>(4) analyze, compile, publish, and disseminate an annual summary of recently completed research relating to missing children with emphasis on effective models of inter-governmental coordination and effective programs designed to promote community awareness of missing children, among others, and</li> <li>(5) prepare an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children;</li> </ul> <p>—Authorizes the OJJDP Administrator to make grants and enter into contracts for research, demonstration projects, or service programs designed to disseminate information about missing children, locate missing children, and collect information from states or localities on the investigative practices used by law enforcement agencies in missing children's cases, among other purposes; and</p> <p>—Provides funding authorization at \$10 million for FY1985 and such sums as necessary for FY1986 through FY1988.</p>
1988 (P.L. 100-690)	<p>—Removes the requirement that the OJJDP Administrator analyze, compile, publish, and disseminate an annual summary of recently completed research concerning missing and exploited children;</p> <p>—Requires the OJJDP Administrator to submit a report, within 180 days after the end of each fiscal year, to the President and Congress, including a comprehensive plan for facilitating coordination among all agencies and organizations with responsibilities related to missing children; identify and summarize effective models of cooperation; identify and summarize effective programs for victims of abduction; and describe in detail the activities in the national resource center and clearinghouse, among other requirements;</p> <p>—Requires the OJJDP Administrator to disseminate information about free or low-cost legal, restaurant, lodging, and transportation services available for the families of missing children, as well as information about the lawful use of school records and birth certificates to identify and locate missing children;</p> <p>—Requires the OJJDP Administrator to establish annual research, demonstration, and service program priorities for making grants and contracts, and criteria based on merit for making such grants and contracts; limits a grant or contract to \$50,000 unless the grant is competitive;</p> <p>—Provides funding authorization at such sums as necessary for FY1989 through FY1992.</p>

<b>Year (Public Law)</b>	<b>Description</b>
1989 (P.L. 101-204)	Technical amendments only.
1992 (P.L. 102-586)	Provides funding authorization at such sums as necessary for FY1993 through FY1996.
1994 (P.L. 103-322)	Establishes a task force composed of law enforcement officers from pertinent federal agencies to work with the National Center for Missing and Exploited Children (NCMEC) and coordinate federal law enforcement resources to assist state and local authorities in investigating the most difficult cases of missing and exploited children.
1996 (P.L. 104-235)	<p>—Requires that the OJJDP Administrator use only up to 5% of the amount appropriated for a fiscal year to conduct an evaluation of the effectiveness of programs and activities under the Missing Children's Assistance Act;</p> <p>—Provides funding authorization at such sums as necessary for FY1997 through FY2001.</p>
1998 (P.L. 105-314)	Deletes the language to establish a task force composed of law enforcement officers from pertinent federal agencies to work with NCMEC.
1999 (P.L. 106-71)	<p>—Provides an annual grant to NCMEC to carry out the activities originally designated to the OJJDP Administrator, including the following:</p> <ul style="list-style-type: none"> <li>(1) operate the national 24-hour, toll-free telephone line,</li> <li>(2) coordinate the operation of the telephone line with the operation of the Runaway and Homeless Children Program's national communications system, and</li> <li>(3) operate the official national resource center and information clearinghouse for missing and exploited children, among other responsibilities;</li> </ul> <p>—Requires the OJJDP Administrator to make grants to or enter into contracts to periodically conduct national incidence studies to determine for a given year the actual number of children reported missing, among other statistics; and</p> <p>—Provides funding authorization for NCMEC at \$10 million for FY2000 through FY2003 and such sums as necessary for the Missing Children's Assistance Act program for these same years.</p>
2003 (P.L. 108-21)	<p>—Provides funding authorization for NCMEC at \$20 million for FY2004 through FY2005; and</p> <p>—Provides that NCMEC coordinate the operation of a cyber tipline to provide online users an effective means of reporting internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.</p>
2003 (P.L. 108-96)	Provides funding authorization for NCMEC at \$20 million for FY2004 through FY2008 and such sums as necessary for the Missing Children's Assistance Act program for these same years.
2006 (P.L. 109-248)	Changes the definition of <i>missing child</i> to any individual less than 18 years of age whose whereabouts are unknown to such individual's legal guardian.
2008 (P.L. 110-240)	Provides funding authorization for NCMEC at \$40 million for FY2008 and such sums as necessary for FY2009 through FY2013, and such sums as necessary for the Missing Children's Assistance Act program for these same years. The law also authorizes the OJJDP Administrator to make the grant to NCMEC to carry out specified activities, some of which were already carried out by the organization before the law was enacted.
2008 (P.L. 110-344)	Provides authority to an Inspector General to authorize staff to assist NCMEC by conducting reviews of inactive case files to develop recommendations for further investigations and by engaging in similar activities.

Year (Public Law)	Description
2013 (P.L. 113-38)	Provides funding authorization of \$40 million for each of FY2014 through FY2018 for OJJDP to fund activities carried out under the act. Of this amount, up to \$32.2 million is to be used for NCMEC. The law also requires more regular (every three years) studies on missing and sexually exploited children and implements new accountability standards for grant recipients.
2018 (P.L. 115-267)	Provides funding authorization of \$40 million for each of FY2014 through FY2023 for OJJDP to fund activities carried out under the act. Of this amount, up to \$32.2 million is to be used for NCMEC. The law also revised the purpose areas to add that each year tens of thousands of children run away or are abducted or removed from their parents; and adds a definition of <i>parent</i> : "a legal guardian or other individual who may lawfully exercise parental rights with respect to the child." Further, the law adds that the grant to NCMEC is to be used to carry out specified activities, some of which were already carried out by the organization before the law was enacted. Such activities include (1) responding to foster care children who are missing from state child welfare agencies in coordinating with such agencies and courts handling juvenile dependency matters; (2) identifying, locating, and recovering child victims of, and at risk for, sex trafficking; (3) utilizing emerging technology to provide additional outreach and educational materials to parents and families; and (4) annually providing reports to DOJ and the public on children reported missing to NCMEC, including specifying the number of victims of non-family and family abductions, and the number who are recovered; and (5) tracking the number of attempted child abductions to identify links and patterns, and to provide this information to law enforcement and, as appropriate, the public.

**Source:** Compiled by the Congressional Research Service (CRS).

**Notes:** This compilation only includes amendments to the Missing Children's Assistance Act, which outlines the duties of OJJDP and NCMEC. The act is codified at 34 U.S.C. 11293 et seq. (Chapter 111, Juvenile Justice and Delinquency Prevention). In addition to funding for NCMEC and selected other activities, the Missing and Exploited Children's program supports the Internet Crimes Against Children (ICAC) Task Force program and the AMBER Alert program. The ICAC Task Force program is codified at 34 U.S.C. §§21112-21117 (Chapter 211, Combating Child Exploitation) and was authorized under the PROTECT Our Children Act of 2008 (P.L. 110-401), as amended. The AMBER Alert program is codified at 34 U.S.C. §20501 (Chapter 205, AMBER Alert) and was authorized under the PROTECT Act (P.L. 108-21). The Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) made a change to one of the CyberTipline categories, which was subsequently changed by P.L. 115-267.

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