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Missing and Exploited Children: Background, Policies, and Issues

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Summary

Beginning in the late 1970s, highly publicized cases of children abducted, sexually abused, and often murdered prompted policymakers and child advocates to declare a missing children problem. At that time, about one and a half million children were reported missing annually. A more recent count, in 1999, estimated that approximately 1.3 million children went missing from their caretakers that year 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. About half of all missing children ran away or were forced to leave home, and nearly all missing children were returned to their homes. The number of children who are sexually exploited — defined broadly to include a continuum of abuse, from child pornography to commercial sexual exploitation — is unknown. Verified incidents of child sexual exploitation that were reported to the National Center for Missing and Exploited Children (NCMEC) from 1998 to 2008 exceeded 181,000.

Recognizing the need for greater federal coordination of local and state efforts to recover missing and exploited children, Congress created the Missing and Exploited Children's (MEC) program in 1984 under the Missing Children's Assistance Act (P.L. 98-473, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974). The act directed the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish both a toll-free number to report missing children and a national resource center for missing and exploited children; coordinate public and private missing and exploited children's programs; and provide training and technical assistance to recover missing children. Since 1984, NCMEC has served as the national resource center and has carried out many the objectives of the act in collaboration with OJJDP.

The MEC program was last reauthorized by the Runaway, Homeless, and Missing Children Protection Act of 2003 (P.L. 108-96). In addition to funding NCMEC, the program currently supports the Internet Crimes Against Children (ICAC) Task Force program to assist state and local law enforcement cyber units investigate online child sexual exploitation; technical assistance for the AMBER Alert System, which coordinates local and regional efforts to broadcast bulletins in the most serious child abduction cases; and training, through NCMEC's Jimmy Ryce Law Enforcement Training Center, for law enforcement and prosecutors. For FY2008, Congress appropriated $50.0 million for the MEC program.

Authorization of appropriations for the MEC program is scheduled to expire at the end of FY2008. On May 24, 2007, Representative Lampson introduced Protecting Our Children First Act (H.R. 2517) to reauthorize the program. On December 5, 2007, the House voted under suspension of the rules to approve the bill. Senator Leahy introduced similar legislation (S. 1829) on July 19, 2007, but the Senate ultimately took up and passed H.R. 2517 on May 20, 2008. Issues that have been relevant to reauthorization efforts have included the creation of the National Emergency Child Missing Locator Center, among other issues. This report will be updated as relevant legislative and funding activities occur.

Contents

List of Figures

List of Tables

Missing and Exploited Children: Background, Policies, and Issues

Recent Developments

Reauthorization Activity

Appropriations for the Missing and Exploited Children's (MEC) program, administered by the U.S. Department of Justice, are scheduled to expire at the end of FY2008.[1] On May 24, 2007, Representative Lampson introduced Protecting Our Children Comes First Act of 2007 (H.R. 2517) to reauthorize the program. The bill was referred to the Education and Labor Committee, and on December 5, 2007, the House voted to approve the bill under suspension of the rules. The bill proposes to codify many of the activities and services already provided through the National Center for Missing and Exploited Children (NCMEC), the federally funded national resource center and clearinghouse on missing and exploited children's issues. The legislation would increase the authorization of appropriations from $20 million to $40 million for FY2008 and such sums as necessary for FY2009 through FY2013, for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (the office that administers the program) to fund NCMEC's activities. Over that same period, the MEC program would continue to receive such sums as necessary. H.R. 2517 was received in the Senate and referred to the Judiciary Committee on December 5, 2007. On July 19, 2007, Senator Leahy introduced similar legislation, Protect Our Children First Act of 2007 (S. 1829), which was also referred to the Senate Judiciary Committee. The legislation would continue to authorize an annual appropriation of $20 million for NCMEC activities and such sums as necessary for the MEC program from FY2008 to FY2013. The Senate Judiciary Committee ultimately took up H.R. 2517 and passed the bill under unanimous consent on May 20, 2008. The full Senate passed the bill, also under unanimous consent, that same day.

FY2009 Budget Proposal

As with the FY2008 budget, the Administration's FY2009 budget request does not provide a specific sum of funding for the Missing and Exploited Children's

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[1] Note that the MEC program has previously been reauthorized with the Runaway and Homeless Youth program.

Program.[2] The budget proposes to consolidate grants now authorized under the Missing Children's Assistance Act, Juvenile Justice and Delinquency Prevention Act, Victims of Child Abuse Act, and other acts into a "single flexible grant program," and OJP would use the funds to make competitive discretionary grants to assist state and local governments "in addressing multiple child safety and juvenile justice needs to reduce incidents of child exploitation and abuse, including those facilitated by the use of computers and the Internet, improve juvenile justice outcomes, and address school safety needs."[3]

FY2008 Appropriations Finalized

On June 28, 2007, the Senate Committee on Appropriations reported the FY2008 appropriations bill (S. 1745) for the Departments of Commerce, Justice, and Science (CJS) and related agencies. The committee recommended $65 million for the Missing and Exploited Children's Program.[4] The House Committee on Appropriations reported its version of the bill (H.R. 3093) on July 12, and recommended $61.4 million for the program.[5]

The House and Senate Commerce-Justice-Science FY2008 appropriations bills were consolidated with other appropriations bills into H.R. 2764 (the original State-Foreign Operations Appropriations Act for FY2008) as the vehicle for an omnibus appropriations for FY2008. H.R. 2764 was signed into law as P.L. 110-161 and provides $50 for the MEC program, an increase of $250,000 from the FY2007 level.

Other Legislation on Missing and Exploited Children

In addition to the MEC program reauthorization legislation, four other bills have been introduced in the 110th Congress that would amend the Missing and Exploited Children's Program or make related changes.

The Bring Our Children Home Act (H.R. 2518) would amend the Missing Children's Assistance Act (which authorizes the MEC program) to assist state and local entities in locating non-citizen children under age 18 who are missing in the United States. The legislation would also amend the International Child Abduction Remedies Act to provide legal assistance for the victims of parental kidnappings, among other supports for victims. The Audrey Nerenburg Act (H.R. 271) would expand the definition of "missing child" under the Missing Children's Assistance Act

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[2] U.S. Department of Justice, Office of Justice Programs, *FY2009 Performance Budget*, pp. 104-105.

[3] U.S. Department of Justice, *FY2008 Performance Budget*, Office of Justice Programs, pp. 65-71.

[4] U.S. Congress. Senate. Committee on Appropriations. *Departments of Commerce, Justice, Science, and Related Agencies Appropriations Bill, FY2008.* Report to accompany S. 1745. 110th Congress, 1st session. S.Rept. 110-124. Washington, GPO: 2007.

[5] A draft bill was approved by the House Committee on Appropriations. At the time this report was written, the bill had not been filed.

to include an individual whose mental capacity is less than 18 years of age as determined by an appropriate medical authority and whose whereabouts are unknown to the individual's legal custodian. The Combating Child Exploitation Act of 2007 (S. 1738) and the PROTECT Our Children Act (H.R. 3845) would create a special counsel for child exploitation prevention and interdiction in the Office of the Deputy Assistant General and expand the Internet Crimes Against Children (ICAC) Task Force program.

Other legislation would modify the duties of the National Center for Missing and Exploited Children. The Securing Adolescents from Exploitation-Online (SAFE) Act (H.R. 876/H.R. 3791/S. 1519) would amend Title 18 (Crimes and Criminal Procedure Code) to require electronic service providers and remote computing service providers to report child pornography and characteristics of the incident (i.e., geography location of individual and website, information about the individual) to the National Center for Missing and Exploited Children, among other requirements. The Protecting Children in the 21st Century Act of 2007 (S. 1965) and Responsive and Effective Solutions for Children Using and Entering Online Services Act of 2007 (H.R. 3850) authorize NCMEC to provide images and or other relevant information reported to its Cyber Tipline to an electronic communication service provider or a remote computing service provider only to stop the further transmission of the images and to develop anti-child pornographic technologies and related industry best practices, among other provisions related to promoting Internet safety.[6] The Protect Our Children First Act (S. 1829), the bill reauthorizing the MEC program, and the Emmett Till Unsolved Civil Rights Crime Act of 2007 (H.R. 923) enable any Inspector General to authorize staff to assist NCMEC by conducting reviews of inactive case files to develop recommendations for further investigation and engaging in similar activities.

Finally, the Child Protection Improvements Act of 2008 (S. 2756/H.R. 5606) would authorize a background screening program of volunteers and employees of youth-serving entities, including a business or organization that provides care, care placement, supervision, instruction, and other activities on behalf of children. The bills would also authorize a fitness determination program, to be administered by NCMEC, that would make determinations about whether the criminal history record information conducted under the background screening program would render a volunteer or employee unfit to interact with children. NCMEC currently provides this service under a pilot program authorized under the PROTECT Act (P.L. 108-21). An amendment to S. 2756 on May 22, 2008, would omit language authorizing NCMEC to conduct the fitness determination. The amendment would direct the Attorney

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[6] The bill would also authorize the Federal Trade Commission to carry out a nationwide public awareness campaign to promote safe use of the Internet by children and to provide information about Internet safety to all state and local governments and other entities. In addition, the bill directs the Department of Commerce to establish an Online Safety and Technology working group — composed of representatives of relevant sectors of the business community, public interest groups, and other appropriate groups and federal agencies — to review and evaluate industry efforts to promote online safety and to develop technologies that enable parents to supervise their children on the Internet, among other efforts.

General to enter into an agreement with NCMEC to establish a criminal history resource center that assists participating entities in assessing criminal history records.

Other legislation includes general provisions related to missing and exploited children. One of these bills addresses the issue of infants kidnapped from hospitals reimbursed under Medicare: the Infant Protection and Baby Switching Prevention Act of 2007 (H.R. 257). Other legislation involves protecting children on the Internet. These bills are the Keeping the Internet Devoid of Sexual Predators Act of 2007 (H.R. 719), Enhancing the Efficient Prosecution of Child Pornography Act of 2007 (H.R. 4136); and Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007 (H.R. 3461). Another bill, A Child Is Missing Recovery and Alert Center Act (H.R. 5464/S. 2667) would provide an annual grant to A Child is Missing, a non-profit advocacy group for missing children, to operate an alert center about missing children. The Combating Child Exploitation Act of 2007 (S. 1738) and the PROTECT Our Children Act (H.R. 3845) would create a special counsel for child exploitation prevention and interdiction in the Office of the Deputy Assistant General and authorize the Internet Crimes Against Children (ICAC) Task Force program.

Introduction

During the 1970s and 1980s, highly publicized cases of children abducted, sexually abused, and often murdered prompted policymakers and child advocates to declare a missing children problem. At that time, advocates estimated that one and a half million children were reported missing annually, and that some children who did go missing were sexually exploited. In some parts of the country, non-profit organizations formed by the parents of missing children were often the only entities that organized recovery efforts and provided counseling for victimized families.

Recognizing the need for greater federal coordination of local and state efforts to assist missing and exploited children and to publicize information about this population, Congress created the Missing and Exploited Children's (MEC) program in 1984 under the Missing Children's Assistance Act (P.L. 98-473, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974).[7] The act directed the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish both a toll-free number to report missing children and a national resource center and clearinghouse to provide information; coordinate public and private missing and exploited children's programs; and provide training and technical assistance related to missing children. Since 1984, the National Center for Missing and Exploited Children (NCMEC), a non-profit organization located in Alexandria, Virginia, has carried out these duties in collaboration with OJJDP.

The MEC program was last reauthorized by the Runaway, Homeless, and Missing Children Protection Act of 2003 (P.L. 108-96). NCMEC is the primary component of the program and supports a range of activities authorized under the

[7] The Missing and Exploited Children's Program is codified at §5771 et seq.

Missing Children's Assistance Act and other federal legislation.[8] The MEC program also supports (1) the Internet Crimes Against Children (ICAC) Task Force program to assist state and local enforcement cyber units to investigate online child sexual exploitation; (2) technical assistance for the AMBER (America's Missing: Broadcast Emergency Response) Alert System, which coordinates local and regional efforts to broadcast bulletins in the most serious child abduction cases, and other missing and exploited children's programs; (3) training, through NCMEC's Jimmy Ryce Law Enforcement Training Center, for state and local agencies that serve missing and exploited children; and (4) administration of the program. In FY2008, Congress appropriated $50 million for the MEC program. The authorization of the program expires at the end of FY2008.

This report begins with an overview of the scope of the missing and exploited children issue, including definitions and approximate numbers of children known to be missing or exploited. This section also discusses the limitations of data on missing and exploited youth. The report then provides information about the MEC program's funding, oversight, and major components. Finally, the report discusses issues that may be relevant to the Missing and Exploited Children's Program. These issues include

- the creation of the National Emergency Child Missing Locator Center at NCMEC that will provide assistance to jurisdictions experiencing disasters;
- the potential need for current and region-specific data on missing children and comprehensive, nationally-representative studies of sexually exploited children;
- children missing from foster care; and
- missing adults.

The end of the report includes several appendices. **Appendix A** provides additional information about the demographics of missing and exploited children and the causes and effects of missing and sexual exploitation incidents on victims and families. **Appendix B** enumerates prosecutable acts of sexual exploitation under federal law. **Appendix C** presents the major provisions of the Missing Children's Assistance Act of 1984 and amendments to the act. **Appendix D** includes a map of state, regional, and local AMBER Alert programs, as of May 2007. **Appendix E** describes federal efforts to combat sexual exploitation across multiple agencies, such as Project Safe Childhood (U.S. Attorney's Office), Innocent Images National Initiative (FBI), and Operation Child Predator (Immigration and Customs Enforcement Agency), among others. **Appendix F** provides a list of CRS reports on issues related to the Missing and Exploited Children's Program.

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[8] NCMEC coordinates and is involved with several federal activities relating to missing and exploited children. Many of these activities are funded from sources other than the Missing and Exploited Children's Program, although the largest share of federal funds for NCMEC is through the program.

Demographics of Missing and Exploited Children

Overview

Missing children and 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.[9] Children who go missing — and children who are not missing — may be sexually exploited. Although the act does not define child sexual exploitation, OJJDP characterizes sexual exploitation as the use of a child for the sexual gratification of an adult.[10] Federal statutes (both criminal and civil) also specify acts of sexual exploitation for purposes of prosecuting offenders and providing minimum standards of child abuse for states to use in their own definitions of child abuse.

The current number of missing or exploited children is unknown. The Missing Children's Assistance Act requires OJJDP to periodically 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.[11] Since the act's passage in 1984, two national incidence studies have been conducted. However, the studies are dated (one was conducted in 1988 and the other in 1999) and provide little information about children who were exploited during a missing episode. (Limitations of the data set are discussed in the "Issues" section of this report.)

As discussed below, the 1999 study indicates that of the 1.3 million children who went missing that year, most had run away from home or were forced to leave their home, and nearly all were returned to their caretakers. Cases of serious nonfamily abductions, in which the child is transported and held for ransom or killed, are rare. The discussion below indicates that the true number of child sexual exploitation incidents is unknown because of the secrecy around exploitation.

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[9] This definition is codified at 42 U.S.C. §5772. It was changed in 2006 under P.L. 109-248. Previously, the definition included an individual under age 18 whose whereabouts are unknown to that individual's legal custodian if (a) the circumstances surrounding his or her disappearance indicate that the individual may possibly have been removed by another individual from the control of his or her legal custodian without the custodian's consent or (b) the circumstances of the case strongly indicate that the individual is likely to be abused and sexually exploited.

[10] This definition was provided to the Congressional Research Service (CRS) by the Office of Justice Programs in May 2007.

[11] 42 U.S.C. §5773(c).

Missing Children

NISMART-1. The first national incidence study of missing children, known as the National Incidence Study of Missing, Abducted, Runaway, and Thrownaway Children (commonly known as NISMART-1), was conducted in 1988 pursuant to the Missing Children's Assistance Act. NISMART-1 provided the first nationally representative comprehensive data on the incidence of missing children. Unlike previous sources of missing children data, the study provided two counts of children who were missing. One count was based on whether a parent considered the child missing, regardless of the seriousness of the incident, and another was based on whether law enforcement considered a missing child at risk and in need of immediate intervention.[12]

The study classified five categories of missing children: (1) children who were missing because they were lost, injured, or did not adequately communicate with their caretakers about their whereabouts; (2) children abducted by family members; (3) children abducted by non-family members; (4) runaways; and (5) "thrownaways" forced to leave their homes. NISMART-1 did not aggregate the number of missing children across these categories because researchers viewed each category as distinct from other categories. Researchers also raised concerns that some children were not literally missing because caretakers knew of their children's location, but could not recover them.

NISMART-2. NISMART-2 attempted to resolve some of the methodological challenges of NISMART-1.[13] Based on policymakers' views that missing children (even those not literally missing because their parents knew their whereabouts) share a common experience, data for all missing children were aggregated for "caretaker missing" and "reported missing" cases. 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. In this circumstance, a child could have been missing for benign reasons, such as miscommunication about schedules. A "caretaker missing" child was considered "reported missing" if a caretaker contacted the police or a missing children's agency to locate the child.[14]

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[12] David Finkelhor, Gerald Hotaling, and Andrea J. Sedlak, *Missing, Abducted, Runaway, and Thrownaway Children in America, First Report: Numbers and Characteristics National Incidence Studies*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 1990.

[13] NISMART-2 combined data from four sources: the National Household Survey of Adult Caretakers, the National Household Survey of Youth, Law Enforcement Study, and Juvenile Facilities Study. Each sampled child was counted only once in the unified estimate. See Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 5. The report is available at [http://www.ncjrs.gov/pdffiles1/ojjdp/196465.pdf]. (Hereafter referred to as Sedlak et al., *National Estimates of Missing Children*.)

[14] Some children reported in NISMART-2 were missing, but their caretakers may not have been alarmed or contacted authorities; these children were identified as "non-missing." See

(continued...)

NISMART-2 added to and combined some of the missing children categories created in NISMART-1.[15] "Missing benign" was added as a category to describe a child who goes missing due to a miscommunication and is not in any danger. The survey consolidated the runaway and thrownaway categories that had been separate in NISMART-1. NISMART-2 researchers determined that the categorization of each type of runaway or thrownaway episode frequently depended on whether information was gathered from the children (who tended to emphasize the thrownaway aspects of the episode) or their caretakers (who tended to emphasize the runaway aspects).[16]

Findings from NISMART-2. NISMART-2 combined the data across the five categories to calculate a total number for both caretaker missing and reported missing episodes. The survey found that 1,315,600 children were missing based on the caretaker missing definition. In about 798,000 (61%) of these cases, parents reported their child missing to the police or a missing children's agency. Nearly all (99.8%) caretaker missing children were recovered. Only 2,500 (0.2%)"caretaker missing" children had not returned home or been located, and the majority of these children were runaways from institutions.[17]

Figure 1 below summarizes the number of caretaker missing and reported missing incidents within the five missing children categories: (1) nonfamily abductions; (2) family abductions; (3) missing involuntary, lost, or injured; (4) missing benign; and (5) runaway or thrownaway. Children who were missing under multiple categories are included in every category that applies to them. About 36,500 (3%) children experienced more than one type of caretaker missing incident during the year. Therefore, the total number of caretaker missing incidents combined across episodes is 1,352,100. Approximately 31,00 (4%) children experienced more than one type of reported missing incident during the year. Therefore, the total number of reported missing incidents is 828,600.

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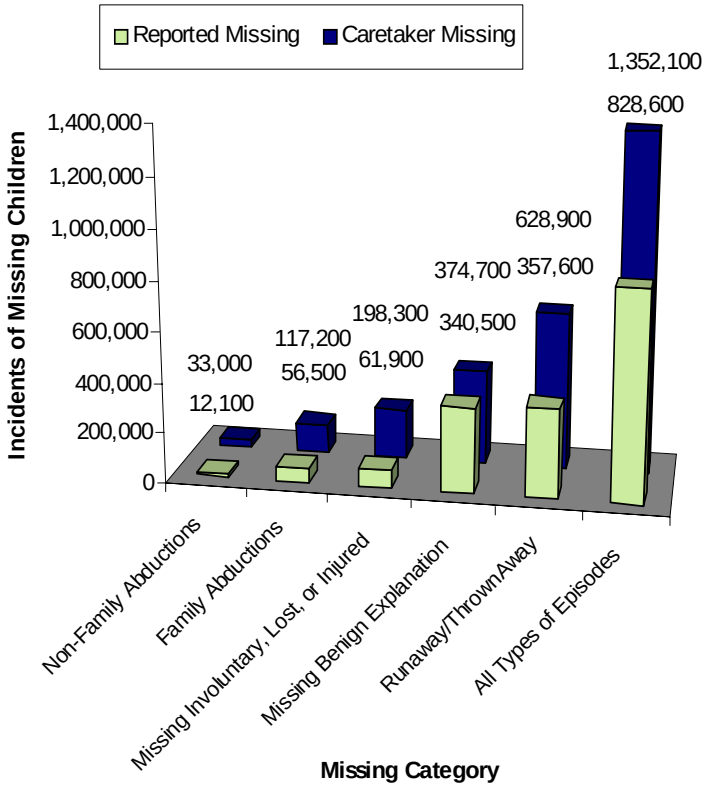
[14] (...continued)
Appendix A for a further discussion of non-missing children.

[15] See **Appendix A** for a description of the NISMART-2 missing children categories.

[16] Heather Hammer, David Finkelhor, and Andrea J. Sedlak, *Runaway/Thrownaway Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 2. The report is available at [http://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf].

[17] Hammer, Finkelhor, and Sedlak, *National Estimates of Missing Children*, p. 6.

Figure 1. Reported Missing and Caretaker Missing, by Missing Category, 1999



Source: Congressional Research Service presentation of data provided in Table 3 in Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6.

Note: This figure reflects individual missing children and not cases of missing children. Therefore, it omits the approximately 36,500 (3%) children who experienced more than one type of caretaker missing incident during the year and the approximately 31,00 (4%) children who experienced more than one type of reported missing incident during the year.

Nearly half of the caretaker missing children and 45% of the reported missing children in NISMART-2 had run away or were forced to leave their homes.[18] Children missing due to benign reasons comprised the next largest share in both categories: 28% in the caretaker missing category and 43% in the reported missing category. Family abductions made up 9% of the caretaker missing children population and 7% of the reported missing children population. Finally, nonfamily abductions comprised 3% of caretaker missing children and 2% of reported missing children.

Stereotypical kidnapping — in which a stranger or slight acquaintance detained the child overnight, traveled at least 50 miles, and held the child for ransom or killed the child — is a type of nonfamily abduction. Extensive media coverage about stereotypical kidnapping cases, such as those involving Adam Walsh (1981), Polly

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[18] Sedlak et al., *National Estimates of Missing Children*, p. 7.

Klaas (1993), and Elizabeth Smart (2002), may contribute to the belief that these missing children incidents are common. However, such cases are rare. With the caveat that NISMART-2 data on stereotypical kidnappings are not entirely reliable because estimates are based on too few sample cases, about 90 of the reported missing nonfamily abduction victims in 1999 experienced a stereotypical kidnapping (this information is not shown in **Figure 1**).[19] Although nonfamily abductions rarely result in more serious cases, children who are not recovered immediately in such cases are at increased risk of becoming harmed. Studies show that the first three hours after an abduction are the most crucial for the recovery of the child. Just over 75% of abducted children who are murdered are dead within three hours of the abduction.[20]

NISMART-2 shows that children missing in 1999 tended to be teenagers, male, and white. About half (45% of caretaker missing and 44% of reported missing) of missing children were between the ages of 15 and 17. The next largest share of children (31% and 30%) were between the ages of 12 and 14 in both categories, followed by children ages 6 to 11 (13% and 14%) and children 0 to 5 (11% and 12%). A disproportionate share — 57% of the caretaker missing children and 51% of the reported missing children — were male. Though whites made up the greatest proportion (57% and 54%) of missing children, they were underrepresented compared to their share of the total U.S. population; black (16% and 19%) and Hispanic (18% and 21%) children were overrepresented.

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[19] David Finkelhor, Heather Hammer, and Andrea J. Sedlak, *Nonfamily Abducted Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6;available at [http://www.ncjrs.gov/pdffiles1/ojjdp/196467.pdf]. (Hereafter referred to as Finkelhor, Hammer, Sedlak, *Nonfamily Abducted Children*.)

[20] Katherine M. Brown et al. *Case Management for Missing Children Homicide Investigation*, Office of the Attorney General, State of Washington and U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, May 2006, p. 13; available at [http://www.missingkids.com/en_US/documents/homicide_missing.pdf].

Incidents of Missing Children: Trends

Not all questions in the surveys used in NISMART-1 and NISMART-2 were identical, and in some instances, the question format was changed for the second study.[21] For these reasons, report findings for each type of missing category cannot be compared. However, data for certain types of categories are commensurate between the two studies — children abducted by family members, runaways, and children categorized as lost, injured, or missing for other reasons. Applying the NISMART-1 definitions of "broad scope" and "policy focal" to data from both surveys, researchers found that the incidence of missing children in the three categories decreased between 1988 and 1999 for "broad scope" cases and remained about the same for "policy focal" cases.[22] ("Broad scope" classified a missing incident the way affected families defined it, and included both serious and minor episodes that might be more alarming to parents, and a "policy focal" definition classified a missing incident from the point of view of the police or other missing children agencies.)

Defining Child Sexual Exploitation

As discussed above, child sexual exploitation refers to the use of a child for the sexual gratification of an adult, and a child can be exploited regardless of whether he or she goes missing.[23] This definition reflects a continuum of exploitation ranging from child sexual molestation to the production of child pornography and trafficking of children for sexual purposes. Both Title 18 (Crimes and Criminal Procedure) and Title 42 (Public Health and Welfare) of the U.S. Code address sexually exploitative acts involving children. Federal offenses that are prosecutable under Title 18 include, but are not limited to, the following:

- Possession, production, and distribution of child pornography and obscene visual representations of the sexual abuse of children;
- Transfer of obscene material to a child;
- Prostitution of children;
- Sex tourism involving children;
- Selling or buying of children for exploitation; and
- Providing a misleading Internet domain name.[24]

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[21] Heather Hammer et al., *National Estimates of Missing Children: Selected Trends, 1989-1999*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002.

[22] Ibid, p. 2.

[23] This information is based on Congressional Research Service correspondence with Office of Justice Programs in May 2007. See also David Finkelhor et al., *A Sourcebook on Child Sexual Abus*e (Beverly Hills: Sage Publications, 1984), pp. 22-27 and Richard J. Estes, *The Sexual Exploitation of Children: A Working Guide to the Empirical Literature*, August 2001, p. 6.

[24] **Appendix B** includes a more complete list of federal statutes governing child pornography and enticement crimes under Title 18.

Title 42 provides two types of definitions related to child sexual exploitation. First, 42 U.S.C. §5101, as enacted by the Child Abuse Prevention and Treatment Act (CAPTA, P.L. 93-247), provides the minimum standards of child abuse — including child sexual abuse — that states must incorporate into their statutory definitions of child abuse and neglect in order to be eligible to receive CAPTA funds.[25] According to CAPTA, the term "sexual abuse" includes "(1) the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or to assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or (2) the rape, and in cases of inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children." Guardians of children under age 18 who are investigated for engaging in these acts or failing to adequately protect their children from such acts may be penalized under state civil and criminal procedures governing child abuse and neglect.

Second, specified crimes of sexual exploitation are defined under 42 U.S.C. §16911, as enacted by the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248).[26] The law modified federal guidelines for state programs that require individuals convicted of crimes against children or sexually violent crimes to register his or her address. Specified crimes of sexual exploitation requiring offender registration include criminal sexual conduct against a minor; solicitation of a minor to engage in sexual conduct; use of a minor in a sexual performance; solicitation of a minor to practice prostitution; video voyeurism (such as watching a child on a web-cam); possession, production, and distribution of child pornography; criminal sexual conduct involving a minor or the use of the Internet to facilitate or attempt such conduct; and any conduct that by its nature is a sex offense against a minor.

Incidents of Child Sexual Exploitation

NISMART-2 did not collect data on incidents of child sexual exploitation except as they accompanied cases of nonfamily member abductions or precipitated runaway or thrownaway events. The true number of sexual exploitation incidents — whether they accompany missing children cases or not — is not known because the abuse often goes undetected. Nonetheless, data collected by NCMEC provide some evidence about the prevalence of sexual exploitation.[27]

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[25] U.S. Department of Health and Human Services, Child Welfare Information Gateway, *Definitions of Child Abuse and Neglect: Summary of State Laws*, January 2005; see [http://www.childwelfare.gov/systemwide/laws_policies/statutes/defineall.pdf]. (Hereafter referred to as U.S. Department of Health and Human Services, *Definitions of Child Abuse and Neglect*.)

[26] This program was originally created under the Jacob Wetterling Crimes Against Children Act and Sexually Violent Offender Registration Act at 42 U.S.C. §14701 (Title XVII of the Violent Crime Control and Law Enforcement Act of 1994, P.L. 103-322). For additional information about the federal sexual offender program, see CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Enforcement and Other Issues*, by Garrine Laney.

[27] Researchers have provided estimates of the number of children in the child welfare system (continued...)

Incidents Reported to the NCMEC CyberTipline. A measure of the prevalence of child sexual exploitation is the number of verified incidents reported to NCMEC's CyberTipline. The CyberTipline began in March 1998 to serve 24 hours a day, seven days a week as the national clearinghouse for tips and leads about child sexual exploitation.[28] The tipline allows individuals and electronic communication service providers (ESPs) to report incidents of (1) child pornography, (2) child prostitution, (3) child sex tourism, (4) child sexual molestation (not in the family), and (5) online enticement of children for sexual acts. The CyberTipline also takes reports of misleading domain names and unsolicited obscene materials sent to children, which are referred to the Department of Justice's Child Exploitation and Obscenity Section (CEOS) in the Criminal Division (see **Appendix E** for information about CEOS).

From 1998 through December 2007, the CyberTipline received 546,614 reports of child sexual exploitation, of which nearly 479,300 were child pornography.[29] About 38% of the child pornography reports were confirmed. The number of substantiated reports has generally increased each year, due likely to heightened public awareness about child exploitation and better reporting by Internet providers. NCMEC staff attribute the spike in substantiated reports from 2003 to 2004 to increased reporting by Yahoo! Inc., which had not consistently reported online incidents in previous years.[30]

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[27] (...continued)
who were sexually exploited and the number of children at risk of sexual exploitation via the Internet and commercial sexual exploitation (see **Appendix A** for information about these studies).

[28] NCMEC's role as administrator of the CyberTipline was authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21).

[29] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*, Submitted to the U.S. Department of Justice, January 23, 2008. (Hereafter referred to as NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.)

[30] This information was provided to the Congressional Research Service by NCMEC in March 2007.

Description and Funding of the Missing and Exploited Children's Program

Overview

The Missing and Exploited Children's (MEC) program is the centerpiece of federal efforts to prevent the abduction and exploitation of children and to recover those children who do go missing.[31] The program was created by the Missing Children's Assistance Act of 1984 in response to increasing concern about the abduction and sexual exploitation of children in the late 1970s and early 1980s.[32] 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.[33]

Testimony at congressional hearings about missing children further reinforced the perception of a missing children's 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. Senator Mitch McConnell, then chairman of the Kentucky Task Force on Exploited and Missing Children, said that the nexus between exploited and missing children was evident by the fact that nearly 10% of 844 missing children in one Kentucky county were sexually exploited.[34] Hearings on the act also underscored the need for the federal government to coordinate efforts to locate missing children and prosecute their abductors. McConnell testified:

> Communities such as mine and states such as Kentucky are attempting to do all that they can to assist missing children and better protect all children from exploitation and abuse. There is a point, however, beyond which we cannot go and where our resources cannot reach. [A national missing children program] picks up where our work leaves off and will go a long way toward plugging the holes and gaps in the system.

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[31] Other federal efforts around missing and exploited children focus on prosecution and punishment, some of which are listed in **Appendix B**.

[32] The Missing Children's Assistance Act of 1982 (P.L. 97-292) was the first piece of legislation related to missing children. The legislation added one new section to existing law (at the time) that directed the Attorney General to keep records on missing children in the National Crime Information Center's (FBI) Missing Persons File and to disseminate those records to state and local agencies. That law neither created new federal jurisdiction over missing children's programs nor required federal law enforcement officials to coordinate missing children efforts.

[33] Martin L. Forst and Martha-Elin Blomquist, *Missing Children* (New York: Lexington Books, 1991), pp. 56-66.

[34] Testimony of Mitch McConnell, in U.S. Congress, Senate Committee on the Judiciary, Subcommittee on Juvenile Justice, *Missing Children's Assistance Act* hearing, 98th Congress, 2nd sess., February 7, 1984 (Washington: GPO, 1984).

The Missing Children's Assistance Act was passed shortly thereafter to address concerns about coordination by directing the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator to lead federal efforts to recover missing children through the MEC program. The legislation established a national resource center and clearinghouse designed to provide technical assistance to state and local governments and law enforcement agencies, as well as disseminate information about the national incidence of missing children. Further, the OJJDP Administrator was directed to establish a toll-free telephone line to report information about missing children.

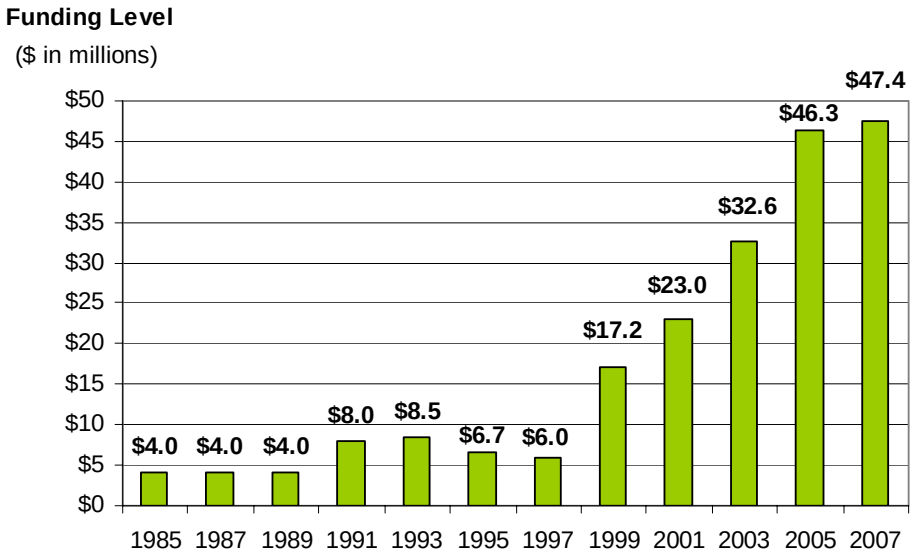
The Missing Children's Assistance Act has been amended six times since 1984. Major amendments include (1) requiring OJJDP to disseminate information about free or low-cost legal, restaurant, lodging, and transportation services to families of missing children (P.L. 100-690); (2) formalizing NCMEC's role as the nation's clearinghouse for missing and exploited children and authorizing separate funding levels for NCMEC (P.L. 106-71); and (3) formalizing NCMEC's role in overseeing activities to track reports of online child sexual exploitation (P.L. 108-21). **Appendix C** provides a description of the original act and its amendments. Note that the act has authorized OJJDP to establish grants and contracts for research and demonstration projects but OJJDP has not provided funding through the MEC program for this purpose.[35] NISMART-1 and NISMART-2 were funded through a separate account.

Administration and Funding. The Child Protection Division in the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (under the Office of Justice Programs) oversees the Missing and Exploited Children's Program, in conjunction with NCMEC, which has served as the national resource center and clearinghouse since 1984.

The Missing and Exploited Children's Program was first funded at $4 million in FY1985 and has steadily received funding increases in all subsequent years beginning in 1991, except FY1994 through FY1997. Funding more than doubled in FY1998, from $6 million in FY1997 to $12.3 million in FY1998, due to the implementation of the Internet Crimes Against Children (ICAC) Task Force program, which works to combat child sexual exploitation via the Internet (see below for further discussion). Another funding peak, from FY2004 to FY2005, was the result of increased funds for NCMEC. **Figure 2** shows the funding levels for the program for selected years from FY1985 to FY2007.

[35] This information was provided to the Congressional Research Service by the U.S. Department of Justice, Office of Justice Programs in May 2007.

Figure 2. Funding for the Missing and Exploited Children's Program, Select Years from FY1985 to FY2007



Source: Congressional Research Service presentation of data provided by the U.S. Department of Justice, Office of Justice Programs, May 2007.

Note: Funding is not adjusted for inflation.

On the basis of recent funding levels, major components of the program are NCMEC, the ICAC Task Force program, Jimmy Ryce Law Enforcement Training Center (housed in NCMEC), training and technical assistance for the AMBER Alert program, and the MEC program office that administers the program in OJJDP's Child Protection Division. The most recent reauthorization of the Missing Children's Assistance Act, in 2003 (P.L. 104-235), authorized funding for NCMEC at $20 million annually for FY2004 through FY2008 and such sums as necessary for other components of the MEC for these same years. **Table 1** shows the funding levels for each of the components from FY2003 to FY2008. (The Department of Justice has not yet made component-level data available for FY2008.)

Table 1. Missing and Exploited Children's Program Funding by Component, FY2003 to FY2008

($ in millions)

Program Component	FY2003	FY2004	FY2005	FY2006	FY2007[a]	FY2008[c]
NCMEC (includes CyberTipline)	$12.4	$14.8	$23.6	$23.7	$26.5[b]	Not available
ICAC Task Force	12.4	12.4	13.3	14.3	14.3	Not available
AMBER Alert Training and Technical Assistance	2.5	4.0	4.9	4.9	5.0	Not available
Jimmy Ryce Center (housed in NCMEC)	3.0	3.0	3.0	3.0	Not specified[b]	Not available
MEC Program Office	2.3	1.5	1.5	1.5	1.7	Not available
MEC Program Total Funding	$32.6	$35.7	$46.3	$47.4	$47.5	$50.0

Source: Congressional Research Service based on information provided by the U.S. Department of Justice, Office of Justice Programs, May 2007 and U.S. House, Committee on Appropriations, Joint Explanatory Statement to Accompany FY2008 Consolidated Appropriations Amendment to H.R. 2764 (P.L. 110-161), Division B, available at [http://www.gpoaccess.gov/congress/house/appropriations/08conappro.html].

a. Three continuing resolutions (CR) for FY2007 temporarily extended the Missing and Exploited Children's Program at the FY2006 annual rate. A fourth CR (H.J.Res. 20) signed into law (P.L. 110-5) ultimately provided funding for the entirety of FY2007. This appropriations measure provided $47.4 million, the same funding level the program received in FY2006.
b. Funding for the Jimmy Ryce Center is included in the NCMEC allocation.
c. Component-level funding is not yet available from the Department of Justice.

The remainder of this report discusses the major components of the MEC program (note that the Jimmy Ryce Law Enforcement Training Center, housed at NCMEC, is included in the section on NCMEC), and potential reauthorization issues.

National Center for Missing and Exploited Children

NCMEC is a primary component of the Missing and Exploited Children's Program and employs nearly 300 employees at its Alexandria, Virginia headquarters and regional offices in California, Florida, Kansas, New York, and South Carolina. These regional offices provide case management and technical support in their geographic areas. An Austin, Texas office is expected to open in spring 2008.[36]

NCMEC provides activities and services concerning (1) missing children, including those abducted to or from the United States; (2) exploited children; (3) training and technical assistance; (4) families of missing children; and (5) partnerships with state clearinghouses, the private sector, and children's organizations. (Note that some missing children and exploited children programs are not mutually exclusive and that this report does not provide an exhaustive discussion of all services provided by NCMEC.) These activities and services are detailed below.[37]

In addition to funding through the Missing and Exploited Children's Program, NCMEC is also funded through contributions[38] and the U.S. Secret Service (USSS) in the Department of Homeland Security. Pursuant to the Violent Crime 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. For FY2008, Congress appropriated $8.4 million to the USSS for a grant for activities related to investigations of missing children, which was subsequently granted to NCMEC.[39]

Missing Children's Services

Call Center. NCMEC's Call Center receives calls on its 24-hour, national and international toll-free hotline (1-800-THE-LOST) primarily from parents and law enforcement officials. From October 1984 to December 2007, the Center received

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[36] This information was provided to the Congressional Research Service by NCMEC in February 2008.

[37] Unless otherwise noted, the description of these services is based on a site visit to NCMEC and interviews and correspondence with NCMEC staff from March 2007 to May 2007. A primary source of data is National Center for Missing and Exploited Children, *Quarterly Progress Report, October to December 2006*.

[38] In FY2006, NCMEC received nearly $7.8 million in contributions, nearly $2.7 million from special events, approximately $531,000 from interest income, and nearly $180,000 from other sources. This information was provided to the Congressional Research Service by NCMEC in August 2007.

[39] U.S. House, Committee on Appropriations, Joint Explanatory Statement to Accompany FY2008 Consolidated Appropriations Amendment to H.R. 2764 (P.L. 110-161), Division D; available at [http://www.gpoaccess.gov/congress/house/appropriations/08conappro.html].

2,257,527 calls.[40] Calls for services involving missing-children cases ("case" labels are based on one or more children and do not represent a single incident), leads or sightings of missing children, requests for information and assistance, and (since 1987) reports of child exploitation through the Child Pornography Tipline, are routed to the Call Center.[41] Call Center staff assist law enforcement and other professionals in cases of missing and exploited children and transfer call data regarding runaway children to the National Runaway Switchboard (1-800-RUNAWAY). 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 partners with American Airlines, Continental Airlines, Amtrak, and Greyhound to transport families.

NCMEC is the only non-profit, non-law enforcement entity to have access to the FBI's National Crime Information Center's (NCIC) Missing Person File, which is reviewed by Call Center staff for records of missing children reported by local and state law enforcement agencies and updates of these records.[42] The Crime Control Act of 1990 (P.L. 101-647) requires law enforcement agencies that enter cases into the NCIC database to work with NCMEC to receive information and technical support. 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 for adult missing person cases because some missing children, upon reaching the age of majority, are reentered into NCIC as missing adults.

Case Management. Each missing child case is entered into NCMEC's nationwide database, a central clearinghouse for law enforcement, 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.

From 1990 to December 2007, case managers handled 114,679 cases (i.e., individual children), of which approximately 110,490 were resolved (including

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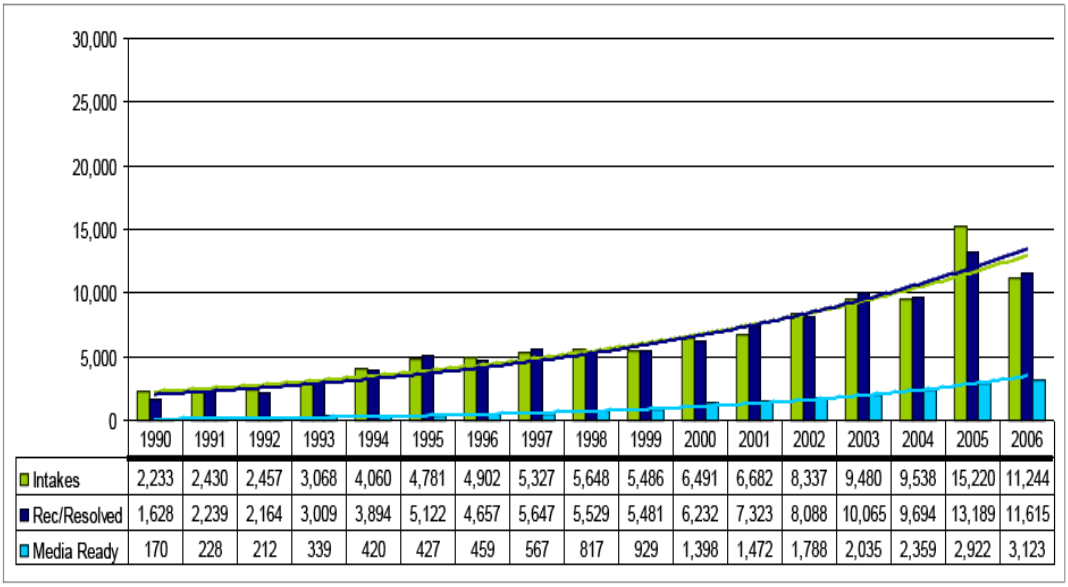
[40] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[41] Calls on the Child Pornography Tipline are taken on behalf of the U.S. Department of Homeland Security's Immigration and Customs Enforcement; U.S. Postal Inspection Service; Federal Bureau of Investigation; and U.S. Secret Service, and include victims of pornography, prostitution, sex rings, and sex tourism. This reflects activity since June 1987.

[42] NCIC data are reported by federal, state, and local law enforcement officials. As of January 1, 2008, juveniles under age 18 accounted for nearly 52% of all missing person cases. This information was provided to the Congressional Research Service by the U.S. Department of Justice, FBI, Criminal Criminal Justice Information Services Division in January 2008. 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 (42 U.S.C. §5780). For additional information about the NCIC, see U.S. Department of Justice, Federal Bureau of Investigation (FBI), *NCIC Missing Person File*, available at [http://www.fbi.gov/hq/cjisd/missingpersons.htm].

located deceased victims).[43] Just under three quarters of the cases (82,810) involved endangered runaways, followed by victims of family abduction (25,896). **Figure 3** below summarizes the number of cases handled, cases resolved, and "media ready" cases from 1990 to 2006. Cases are certified media ready if they meet particular criteria, including that the case must have been processed through the Call Center and a police report must have been made regarding the missing child, among other criteria. In 2005, an usually high number of missing children cases were handled due to Hurricanes Katrina and Rita.

Figure 3. Missing Children Services Case Activity, 1990 to 2006



	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Intakes	2,233	2,430	2,457	3,068	4,060	4,781	4,902	5,327	5,648	5,486	6,491	6,682	8,337	9,480	9,538	15,220	11,244
Rec/Resolved	1,628	2,239	2,164	3,009	3,894	5,122	4,657	5,647	5,529	5,481	6,232	7,323	8,088	10,065	9,694	13,189	11,615
Media Ready	170	228	212	339	420	427	459	567	817	929	1,398	1,472	1,788	2,035	2,359	2,922	3,123

Source: Congressional Research Service based on graphic provided by the National Center for Missing and Exploited Children, March 2007.

Project ALERT (America's Law Enforcement Retiree Team). The Project ALERT program was established in 1992 to assist law enforcement agencies with the recovery of missing children at no cost to the agencies. Project ALERT members include 158 retired federal, state, and local law enforcement officials who have recent and relevant investigative experience and complete a 40-hour certification course.[44] From 1992 to December 2007, Project ALERT representatives were assigned about 2,400 cases.[45] Project ALERT services include witness interviews, surveillance, search and rescue coordination, 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. Team Adam, created in 2003, is a rapid, on-site response and support system that provides no-cost investigative and technical assistance to local

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[43] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[44] Ibid.

[45] Ibid.

law enforcement officers. The team is staffed by 61 retired federal, state, and local investigators chosen by a committee with representatives from the FBI and state and local law enforcement executives experienced in crimes-against-children investigations.[46] Team Adam consultants determine, through contact with the law enforcement agency and the victim's family, which additional resources or assistance would be valuable with the search for the victim, the investigation of the crime, and family crisis management. Team Adam assisted law enforcement 212 times in 42 states and aided in the recovery of 218 children from 2003 through 2005.[47] In 2007, the team handled 17 cases and helped recover 21 children.[48]

Forensic Assistance Unit. The Forensic Assistance Unit is composed of the Forensic Imaging Team, Cold Case Team, and Unidentified Human Remains Team; this unit assists in the recovery of long-term missing children and works to identify the remains of children and young adults believed to have gone missing.

Forensic Imaging Team. The Forensic Imaging Team was created in 1990 to age-progress images of missing children. The team's technicians age-progress photos of children through software programs using the most recent picture of the child. The image is stretched to approximate normal cranial and facial growth, and the stretched image is merged and blended with a photograph of an immediate biological family member.[49] The age-progressed image appears in clothing and 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, media, and posted on the NCMEC website. More than 3,400 children have been age-progressed since 1990.[50]

Age-regressed images are also created by the forensic team. These images 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. Agents in their twenties and thirties (usually) send their photograph to NCMEC, and they are made to appear as adolescents. Finally, the age-progression unit creates facial and skull reconstructions of missing children based on recovered remains. The team works with an offsite forensic anthropologist who CAT-scans the remains. Based on the digital depiction of the image and discussions with the anthropologist about the child's likely background (race, gender, age), the team creates a black-and-white digital profile (so as to not provide exact eye/hair/skin tones) of the child. The forensic team might also reference medical examiner records and newspaper

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[46] Ibid.

[47] National Center for Missing and Exploited Children, *NCMEC Annual Report 2005*, p. 17. (Hereafter referred to as National Center for Missing and Exploited Children, *Annual Report 2005*].

[48] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[49] National Center for Missing and Exploited Children, *Forensic Imaging Activities*, 2006. This description of forensic imaging activities is from an internal document made available to CRS by NCMEC in March 2007.

[50] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

clippings from the area where the child was recovered. Through December 31, 2007, 32 facial reconstruction and seven skull reconstruction cases have been identified.[51]

Cold Case Team and Unidentified Human Remains Team.[52] Analysts on these teams provide support and resources to the "cold" cases of long-term missing children and cases of unidentified human remains of victims believed to be children and young adults. They also assist law enforcement and medical examiners/coroners in cases of child homicides and identification. Since the teams were established in 2001, through 2006, analysts reviewed 5,713 cases and assisted in the recovery of 12 living children and 333 deceased children. The unit has responded to 782 calls from medical examiners/coroners and has administratively resolved (i.e., recovered missing and deceased children) 625 long-term runaway cases. NCMEC has partnered with the University of North Texas to offer parents and family members of missing children an opportunity to have their DNA samples profiled and uploaded to the FBI's Combined DNA Index System (CODIS), where once a week, the DNA of the missing child is scanned against the DNA profiles of unidentified persons. Family participation exceeds 59%.

International Missing Children's Cases[53]

Since 1995, NCMEC has worked, under a Cooperative Agreement with the State Department and OJJDP, to handle incoming international abduction cases under The Hague Convention on the Civil Aspects of International Child Abduction (the "Hague Convention").[54] Signatories to the Convention pledge to work toward the prompt return of abducted children. Of the 192 formally recognized countries in the world, however, 124 lack formal civil mechanisms in place with the U.S. to facilitate the return of a parentally abducted child.[55]

NCMEC, through its International Missing Children's Division, is responsible for processing applications seeking the return of or access to children abducted *to* the United States; however, NCMEC also coordinates cases of American children abducted abroad.[56] NCMEC is permitted to receive reports from the Immigration and

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[51] Ibid.

[52] Ibid.

[53] The International Centre for Missing and Exploited Children ("ICMEC") is a sister organization and is affiliated with NCMEC. ICMEC focuses on policy, advocacy, and training, and does not perform case work. ICMEC advocates for adoption of treaties in regards 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.

[54] T.I.A.S. No. 111670. The Department of State is designated as the U.S. Central Authority for the Hague Convention. NCMEC is permitted to serve as the representative of the State Department pursuant to 42 U.S.C. §11608.

[55] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[56] A civil lawsuit (*Rodriguez v. NCMEC et al.*) against NCMEC was filed concerning an (continued...)

Customs Enforcement (ICE) Agency of passengers and arrival and international travel destination information as they pertain to missing children cases.[57] As of December 31, 2007, the International Missing Children's Division was handling 1,658 active international family abduction cases (i.e. individual children).[58] Of the active caseload, 54% are outgoing cases involving a child missing from the United States and believed to be in a foreign country, and 46% are incoming cases involving a child missing from a foreign country and believed to be in the United States. NCMEC collaborates with law enforcement to pursue criminal warrants via the International Parental Kidnapping Crime Act (P.L. 103-173), which criminalizes removing a child from the United States "with the intent to obstruct the lawful exercise of parental rights." (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 by operation of law.[59])

NCMEC handles hundreds of prevention and abduction-in-progress matters each year. NCMEC 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 on matters relating to international abduction.

Exploited Children's Division

Pursuant to the Violent Crime and Law Enforcement Act of 1994 (P.L. 103-322), Congress mandated that the U.S. Secret Service (USSS) 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 ECU administers the Child Victim ID Program (CVIP) and CyberTipline (discussed below). The unit also analyzes data and forwards requests to appropriate NCMEC divisions and departments and monitors online services, news reports, and

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[56] (...continued)
"incoming" case to the United States from Columbia. Due to the high costs of the lawsuit, the NCMEC Board has voted that a change must be made before renewing the Cooperative Agreement that would indemnify NCMEC for legal expenses arising from being sued for carrying out that Cooperative Agreement. Arrangements have been made by NCMEC for insurance coverage. The Prevention of Child Abduction Partnership Act (P.L. 108-370) provides NCMEC with limited immunity for handling such Hague Convention cases under the agreement (42 U.S.C. §1591d).

[57] See U.S. Department of Treasury, Customs Service (now U.S. Department of Homeland Security, Immigration and Customs Enforcement), "Privacy Act of 1974, as Amended; Privacy Records: Notice of Altered System of Records," 64 *Federal Register* 14500, March 25, 1999.

[58] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[59] For further information about the International Parental Kidnapping Crime Act and the Hague Convention, see CRS Report RS21261, *International Parental Abduction Cases*, by Alison M. Smith.

other sources each day for new cases and information relative to the issues of child sexual exploitation. From 1997 through December 2007, the unit archived approximately 221,000 articles, of which more than 6,850 pertained to reports of child sexual exploitation; law enforcement agencies were contacted in 9,692 cases as a result of the reports found in the articles.[60]

In addition to the ECD, a separate unit in NCMEC — the Sex Offender Tracking Team within the Case Analysis and Support Division — works on exploited children's issues. The team tracks sexual offenders pursuant to the Adam Walsh Child Protection and Safety Act of 2006 of 2006 (P.L. 109-248), discussed below.

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, and not images that appear to be children.[61] CVIP analysts assist law enforcement officers and prosecutors with child pornography cases throughout the country using NCMEC's Child Recognition and Identification System (CRIS), a catalog that stores information about identified and unidentified sexually exploited children. Local and federal law enforcement agencies may submit seized images to assist law enforcement agencies in the rescue of children who are currently being abused. These images are reviewed by CVIP analysts who then provide the submitting agencies with information about the children. Through February 10, 2008, CRIS has processed over 12 million images and movies; CRIS contains information on 1,292 child victims who have been identified by law enforcement agencies around the world.[62]

In April 2007, NCMEC made available the Victim Identification Lab to law enforcement officers and prosecutors through a secure website 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 to read. Viable clues or suggestions are pursued by NCMEC in collaboration with local and state law enforcement.

CyberTipline. As discussed above, the CyberTipline began in March 1998 to serve 24 hours a day, seven days a week as the national clearinghouse for tips and leads about child sexual exploitation.[63] The tipline allows persons and electronic communication service providers (ESPs) to report the enticement of children for sexual acts, child sexual molestation not in the family, child pornography, sex tourism of children, and child victims of prostitution. The CyberTipline also accepts

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[60] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007.*

[61] For further information about *Ashcroft v. Free Speech Coalition* (2002), see CRS Report 95-406, *Child Pornography: Constitutional Principles and Federal Statutes*, by Henry Cohen.

[62] Information provided by NCMEC, February 2008.

[63] NCMEC's role as administrator of the CyberTipline was authorized by the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act of 2003 (P.L. 108-21).

reports of misleading domain names and unsolicited materials sent to children, which are then referred to the Department of Justice's Child Exploitation and Obscenity Section in the Criminal Division.

As of February 17, 2008, the CyberTipline received 563,765 reports, nearly 90% involving child pornography.[64] All CyberTipline reports are accessible by the FBI, Immigration and Customs Enforcement (ICE), U.S. Postal Inspection Service (USPIS) and the DOJ Child Exploitation and Obscenity Section through a secure web connection. The CyberTipline logs every report opened by each agency and each agency has the ability to indicate if they plan to take further action on a particular report.

Analysts from NCMEC's Exploited Children's Unit send verified reports to the appropriate Internet Crimes Against Children Task Forces (see below), or when appropriate, the local police agency. Federal law enforcement agents and analysts co-located at NCMEC prepare and serve subpoenas based on leads from the CyberTipline, and reported leads are referred to field offices.[65] The FBI uses CyberTipline reports to gain leads for their Innocence Lost Project on domestic child trafficking (see **Appendix E** for additional information about this initiative). All CyberTipline reports are available in "real time" in an online database for authorized users from federal law enforcement. These reports are also available via Virtual Private Network (VPN) on cases specifically referred to the Internet Crimes Against Children Task Forces. Reports may then be forwarded to the appropriate service provider. From 1998 to February 10, 2008, ECU analysts also made 4,817 requests to electronic communications service providers to remove illegal child pornography content from their servers.[66]

Electronic communication service providers are required to report all child pornography to the CyberTipline for forwarding to designated law enforcement agencies.[67] Just over 10% (375) of the approximately 3,000 ESPs have voluntarily complied with the law.[68] Federal law and federal regulations are silent on whether

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[64] Information provided by NCMEC in February 2008. Approximately 4% of the reports received were through the Child Pornography Tipline, operated through the Call Center. The CyberTipline received more than 32,000 referrals from law enforcement and hotlines operated by non-governmental organizations in 22 countries, primarily in Europe, which are counted in the overall figures.

[65] Federal law enforcement officials from four agencies (FBI - 2 Agents, 7 Analysts; US Postal Inspection Service - 1 Inspector; U.S. Marshals Service - 1 Inspector; Immigration and Customs Enforcement Agency - 1 Agent; and the State Department - 1 Foreign Service Officer) work full- or part-time at NCMEC investigating missing and exploited children cases, as they pertain to their federal jurisdiction.

[66] This information was provided to the Congressional Research Service by NCMEC in February 2008.

[67] Electronic communication providers are required to report apparent child pornography to the CyberTipline pursuant to P.L. 106-113 (Consolidated Appropriations Act of 2000).

[68] This information was provided to the Congressional Research Service by NCMEC in (continued...)

or how uniform resource locators (URLs) containing child pornography should be removed, filtered, or blocked, and NCMEC assumes that these providers take necessary steps to help ensure that the URLs are not available to the public.

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. In partnership with the U.S. Marshals Service (USMS), NCMEC's Sex Offender Tracking Team, in its Case Analysis and Support Division, serves as the central information and analysis hub and assists in efforts to apprehend non-compliant registered sex offenders. Analysts support the USMS, Federal Bureau of Investigation, state sex offender registries, and other state and local law enforcement nationwide to assist in identifying and locating non-compliant registered sex offenders.

As the Sex Offender Tracking Team develops, analysts will act as liaisons between state registries in an effort to increase communication and better track sex offenders moving between states, respond to requests to conduct searches to assist law enforcement agencies and state registries in their investigations of non-compliant and absconded sex offenders, and provide the law enforcement community with leads to locate these offenders. In addition, analysts will compare NCMEC's attempted abduction data, online predator data, and child abduction data for potential linkages with non-compliant sex offenders being sought by law enforcement, and to examine trends and patterns. This information will be used to create more effective prevention and response strategies in response to sex offenders.

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. From October 2006 to December 2007, law enforcement agencies made 426 requests for assistance in locating non-compliant offenders. The team has assisted in locating and arresting 75 offenders after NCMEC provided information to law enforcement officials about these offenders.[69]

Family Advocacy Services

NCMEC's Family Advocacy Division provides support, crisis-intervention, and technical assistance to families, law enforcement, and family-advocacy agencies. The division has assisted with 1,340 cases of missing children or sexually exploited children since its creation in 2003, through December 2007.[70] 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 a missing incident. Since Team HOPE was established in 1998,

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[68] (...continued)
February 2008.

[69] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[70] Ibid.

through December 2007, it has assisted the families of missing victims in 19,493 cases.[71]

The Family Advocacy Division also collaborates with the 37 American and Canadian missing children advocacy groups that collectively form the Association of Missing and Exploited Children's Organizations (AMECO), by providing technical assistance (such as training sessions on working with law enforcement and identifying the needs of victims) and hosting site visits to NCMEC. AMECO is funded through discretionary MEC program funds.

Training and Technical Assistance

NCMEC trainers provide on- and off-site 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 provides nationally accredited training about infant security for healthcare professionals (nursing and security) in partnership with Mead-Johnson Nutritionals, a baby food company. Since 1987 through December 2007, NCMEC has trained 63,419 hospital personnel about infant security.[72]

Jimmy Ryce Law Enforcement Training Center. The Jimmy Ryce Law Enforcement Training Center (housed at NCMEC since 1988 and later named for nine-year-old Jimmy Ryce who was abducted and killed in Florida in 1995) was created to provide training courses for law enforcement officials and prosecutors. Course topics include assistance in creating local law enforcement strategies to recover missing children and in protecting children online. From 1997 through 2006, over 3,000 law enforcement executives, 3,100 unit commanders, 3,300 investigators, and 1,600 prosecutors have been trained at the center in courses for chief executive officers and protecting children online.[73] NCMEC also conducts training at the Missouri Law Enforcement Training Center and Polisseni Law Enforcement Training Center.

Partnerships

Work with Federal Agencies. As discussed above, 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.

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[71] Ibid.

[72] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

[73] This information was provided to the Congressional Research Service by NCMEC in March 2007.

Work with State Clearinghouses. Each state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Canada have devoted resources to missing and exploited children's activities through clearinghouses located within law enforcement agencies.[74] 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.

Public-Private Partnerships. NCMEC coordinates public and private programs seeking to locate, recover, or reunite missing children with their legal custodians; identify ways to expand and enhance current programs; and help promote the development, advancement, and sponsorship of NCMEC programs. NCMEC staff members create partnerships and maintain relationships with non-profit and corporate partners to create a network for NCMEC programs.[75]

Background Screening Pilot Program. The PROTECT Act created a pilot program to screen employees and volunteers at three children organizations: Boys & Girls Clubs of America, the National Mentor Partnerships, and National Council of Youth.[76] For FY2003 and FY2004, the act tasked NCMEC with making determinations about the quality of the applicant on the basis of their criminal background history. The act's reauthorization (P.L. 109-162) extended the program through FY2008. In FY2005, NCMEC screened 6,907 records processed for two of the organizations (the third declined to participate), of which 145 (2%) received a "red light," meaning the applicant had a conviction for a criterion offense (any felony or misdemeanor offense not included on the list of non-serious offenses published periodically by the FBI), or the applicant was on a sex offender registry.[77] Another 4% of applicants were rated a "yellow light," meaning that they were arrested for a criterion offense, but case results were not available. NCMEC has not received appropriations for this pilot program through the Missing and Exploited Children's Program. From 2003 to 2006, the cost of the program was $1.5 million.

On March 13, 2008, Senator Biden and Representative Schiff introduced the Child Protection Improvements Act of 2008 (S. 2756/H.R. 5606) that would authorize a background screening program of volunteers and employees of youth-serving entities, including a business or organization that provides care, care placement, supervision, instruction, and other activities on behalf of children. The

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[74] Louisiana houses its state clearinghouse within the Department of Social Services.

[75] A list of community supporters and corporate sponsors is available online at [http://www.missingkids.com/missingkids/servlet/PageServlet?LanguageCountry=en_US&PageId=2296]. Note that NCMEC is currently processing background checks for the American Camping Association (up to 1,000 applicants), the National Mentoring Partnership, and five local chapters of the Boys & Girls Club. Information provided by NCMEC, August 2007.

[76] 42 U.S.C. §5119(a).

[77] This information was provided to the Congressional Research Service by NCMEC in August 2007.

program would be conducted by an applicant processing center established by the Justice Department, either within the federal government or through an agreement with a non-profit entity. Further, the bill would also authorize a fitness determination program, to be administered by NCMEC, that would make determinations about whether the criminal history record information conducted under the background screening program would render the volunteer or employee unfit to interact with children. The proposed legislation would authorize $5 million for FY2008 for the Attorney General to establish the applicant process center, establish and carry out the fitness determination program, and pursue technologies and procedures to streamline and automate processes to increase savings; and $1 million to NCMEC in each of FY2009 through FY2013 to conduct the fitness determination program and to ensure that fees for non-profit organizations are as low as possible. The bill would limit the liability of NCMEC and other entities involved in the background check process and would provide protections to the individual who undergoes a background chuck. It also specifies the time frame that each entity would be required to report information to another entity involved in the background check process.

Financial Coalition Against Child Pornography. In 2006, NCMEC and the International Centre for Missing and Exploited Children joined with 29 international financial institutions and Internet industry leaders to combat commercial online child pornography. The purpose of the coalition is to prevent the purchase and sale of child pornography over the Internet and to engage in prevention efforts. More than 4,417 reports of commercial child pornography were received, reviewed, and disseminated to federal and local law enforcement from March 2006 to December 2007.[78]

Community Outreach. NCMEC works with community partners to prevent incidents of missing and exploited children. The "Hand in Hand with Children: Guiding and Protecting" campaign is a statewide initiative to educate families about keeping children safer. NCMEC's External Affairs Division (EAD) staff work with mayors and state officials to hold child safety events to stress the importance of child protection measures. EAD is also responsible for other community outreach activities. The division uses staff and volunteers from around the country to attend school meetings and conferences about child safety. EAD manages the Campaign Against Sexual Exploitation (CASE) to engage large urban communities in protecting children from becoming victims of sexual exploitation.

NetSmartz Workshop is an online resource guide (www.NetSmartz.org) for children ages 5 to 17, parents, law enforcement, and educators to keep children safer online and empower children to make safer decisions about their Internet use. The website includes English- and Spanish-language brochures on the program and resources, such as Blog Beware, to alert children and their parents of the possible dangers of social networking sites. NetSmartz staff members also train educators and law enforcement about the resources available through NetSmartz.

Finally, the Minority Outreach Program provides information to minority communities to make them aware that minority children are overrepresented among

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[78] NCMEC, *NCMEC Quarterly Progress Report: October 1-December 31, 2007*.

the missing children population. The goals of the program are to educate families about measures to help keep children safer from individuals who seek to harm children, to help families respond in the event a child becomes missing, and to assist families with recognizing symptoms in suspected cases of sexual exploitation.

Internet Crimes Against Children (ICAC) Task Force

The Internet Crimes Against Children (ICAC) Task Force program was first funded in 1998 (Justice Appropriations Act, P.L. 105-119) to provide federal support for state and local law enforcement agencies to combat online enticement of children and the proliferation of pornography.[79] The purpose of the program is to develop multi-agency and multi-jurisdictional task forces that include, but are not limited to, representatives from federal, state, and local law enforcement, prosecution, victim services, and child protective services.[80]

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, 46 regional task forces have been created, with more than 1,000 affiliated organizations (most of which are city and county law enforcement agencies).[81] All states have a regional task force or belong to a task force in a neighboring state.[82] The task forces receive leads from CyberTipline analysts at NCMEC and concerned citizens or develop leads through proactive investigations and undercover operations. In FY2006, ICAC task forces identified 1,121 child victims in pornographic images, investigated 5,416 cases of Internet traveler/child enticement, and made over 2,000 arrests of individuals who sexually exploit children.[83] ICAC task forces are currently assisting the Justice Department with implementing Project Safe Childhood, an initiative to increase prosecution of child exploitation cases, in each U.S. Attorney's Office. (See discussion in **Appendix E**).

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[79] The ICAC Task Force program does not appear to be formally authorized under law. However, under P.L. 109-248, Congress authorized the creation of additional ICAC task forces and the enhancement of existing task forces through the Project Safe Childhood program (see **Appendix E** for additional information about Project Safe Childhood). Further, Congress has allocated funding for the ICAC Task Force program in each year since FY1998 through FY2008 through the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Acts.

[80] Michael Medaris and Cathy Girouard, *Protecting Children in Cyberspace: The ICAC Task Force Program*, U.S. Department of Justice, January 2002, p. 3. The report is available at [http://www.ncjrs.gov/pdffiles1/ojjdp/191213.pdf]. (Hereafter referred to as Medaris and Girouard, *Protecting Our Children in Cyberspace*.)

[81] U.S. Department of Justice, Office of Justice Programs, *2008 Performance Budget*, p. 70. The document is available at [http://www.usdoj.gov/jmd/2008justification/pdf/40_ojp.pdf1].

[82] U.S. Department of Justice, Office of Justice Programs, "Department Of Justice Announces Internet Crimes Against Children Task Forces In All 50 States," press release, October 15, 2007; at [http://www.usdoj.gov/opa/pr/2007/October/07_ojp_061.html].

[83] U.S. Department of Justice, Office of Justice Programs, *2007 Performance Budget*, p. 76.

ICAC Task Force members receive training and technical assistance at courses through Fox Valley Technical College (FVTC) of Appleton, Wisconsin. Since 1998, FVTC, in partnership with NCMEC and OJJDP, has also trained law enforcement officials, state and local government agencies, child protection staff, and others on responding to missing and exploited children's cases. (Funding for FVTC is currently provided through the AMBER Alert Program's Training and Technical Assistance component, discussed below. Funding for this component was subject to a competitive bidding process and the bid was awarded to FVTC.)

AMBER Alert Program

AMBER (America's Missing: Broadcast Emergency Response) Alert systems are state administered. The Missing and Exploited Children's Program supports these programs by providing training and technical assistance to law enforcement personnel and AMBER Alert administrators.[84] 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.[85] Soon after, jurisdictions in Texas and other states began to create regional alert programs.

Program Administration. The PROTECT Act (P.L. 108-21) authorized the Attorney General to create a national AMBER Alert program to eliminate gaps among state, local, and interstate AMBER Alert networks. The act 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 of abducted children throughout the AMBER Alert network; (3) create voluntary standards for the issuance of alerts, including minimum standards that addressed the special needs of the child (such as health care needs) and limit the alerts to a geographical 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 such a plan; and (5) consult with the FBI and cooperate with the Federal Communications Commission in implementing the program.

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[84] 42 U.S.C. §§5791-5791d.

[85] For further discussion about the distribution of the alerts, see CRS Report RS21453, *AMBER Alert Program Technology*, by Linda K. Moore.

In 2003, the DOJ AMBER Alert coordinator was appointed and 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) system. A new AMBER Alert "flag" was created within NCIC for abducted children for whom an alert has been issued. The Department submitted a report to Congress in July 2005 that provided an overview of its strategy to facilitate a national AMBER Alert plan and the criteria developed to issue an alert.[86]

To date, all states, the District of Columbia, and Puerto Rico have developed plans, in addition to 28 regional plans and 40 local plans.[87]

Funding. DOJ's Office of Justice Programs first provided funding for local and state AMBER Alert programs in 2002, with $10 million in discretionary funding. Authority to federally fund these programs, through the Departments of Justice and Transportation, was formalized under the PROTECT Act (P.L. 108-21). The Department of Justice is authorized to provide grants to states, on a geographically equitable basis as possible, to develop and enhance their AMBER Alert communications plans. In FY2004, $4 million was appropriated for this purpose. However, the grant program was not implemented and the decision was made that funds were most efficiently spent delivering consistent, comprehensive training and technical assistance for the AMBER Alert program.[88] Since FY2004, the AMBER Alert program has received between $2.5 million and $5 million each fiscal year for training and technical assistance (see below for information about training and technical assistance services).

The PROTECT Act also authorized (and Congress subsequently appropriated) $20 million through the Department of Transportation (DOT) for states to develop and enhance communications systems along highways for alerts and other information for the recovery of abducted children. States are eligible to receive funding (up to $400,000 each, from the one-time appropriation of $20 million) — to be used for the *implementation* of a communications program that employs changeable message signs or other motorist information systems — if DOT

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[86] U.S. Department of Justice, Office of Justice Programs, *Report to the Congress on AMBER Alert*, July 2005, p. 7; available at [http://www.amberalert.gov/newsroom/pdfs/05_amber_report.pdf]. (Hereafter referred to as U.S. Department of Justice, *Report to Congress on AMBER Alert*).

[87] Based on information provided by NCMEC, April 2007. A compilation of state laws authorizing state, regional, and local AMBER Alert systems is available at [http://www.AMBER-net.org/AMBERstatutes.htm].

[88] This information was provided to the Congressional Research Service by the U.S. Department of Justice, Office of Justice Programs in May 2007.

determines that the state has already developed the program.[89] To date, 35 states have received funding. The federal share of the cost of these activities is not to exceed 80%, and federal funds are available until expended.[90]

AMBER Alert Training and Technical Assistance. Every five years OJJDP issues a competitive solicitation seeking bids to provide technical training for law enforcement around techniques to recover missing and exploited children. Funding for this bid was last awarded in 2005, through AMBER Alert program funding. Fox Valley Technical College was awarded the bid and provides training and technical assistance for seven courses:

- Child Abduction Response Team (CART): The Child Abduction Response Team (CART) training program was established to provide additional support in recovering missing and abducted children. CART deployments can be used for all missing children abduction cases, including those that meet the AMBER Alert criteria. They can also be used for other missing children cases, such as to recover runaway children who are believed to be in danger.

- Basic Forensic Response to Missing and Abducted Children: This training is designed to enhance the forensic skills of law enforcement professionals involved in missing and abducted children cases. Topics covered include evidence security, crime scene identification, and electronic evidence, among others.

- Investigative Strategies for Missing and Abducted Children (ISMAC): ISMAC training is designed for experienced investigative professionals. Course topics involve human trafficking, resource sharing, cold cases, and computer forensics.

- Leadership for Missing and Abducted Children: This course provides training for law enforcement managers and executives who are capable of making policy-level decisions that affect administration and implementation of AMBER Alert plans.

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[89] 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 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. This information was provided to CRS by DOT, Federal Highway Administration staff. in May 2007.

[90] This information was provided to CRS by DOT, Federal Highway Administration staff, in May 2007.

- AMBER and the Media: Media training is designed to assist law enforcement's work with the media during missing or abducted children's cases.

- Prosecutors' Strategies: This course is intended for local, state, and federal prosecutors who handle child abduction cases.

- AMBER Alert Scenario-Based Training at Newsplex: Newsplex is a state-of-the art scenario-based training that gives participants unique hands-on experience dealing with evolving incidents or unusual events, such as AMBER Alerts.

NCMEC's Role in AMBER Alert Program. At the request of the Department of Justice, NCMEC serves as the national clearinghouse for AMBER Alert information and employs a full-time AMBER Alert law enforcement liaison. NCMEC verifies AMBER Alerts and disseminates information about an abduction to authorized secondary distributors that can target messages to their customers in a specific geographic region. (Only law enforcement can initiate and release AMBER Alerts for primary distribution.) In May 2005, DOJ and NCMEC partnered with CTIA-The Wireless Association to encourage customers to sign up to receive wireless AMBER Alerts on their cell phones.[91]

Reauthorization Legislation

Appropriations for the MEC program are scheduled to expire at the end of FY2008.[92] On May 24, 2007, Representative Lampson introduced Protecting Our Children First Act of 2007 (H.R. 2517) to reauthorize the Missing and Exploited Children's Program through FY2013.[93] The bill was referred to the Education and Labor Committee, and on December 5, 2007, the House voted to approve the bill under suspension of the rules. The bill proposes to codify many of the activities and services already provided through the National Center for Missing and Exploited Children (NCMEC), the federally funded national resource center and clearinghouse on missing and exploited children's issues. The legislation would increase the authorization of appropriations from $20 million to $40 million for FY2008 and such sums as necessary for FY2009 through FY2013, for the Administrator of the Office of Juvenile Justice and Delinquency Prevention (the office that administers the program) to fund NCMEC's activities. Over that same period, the MEC program would continue to receive such sums as necessary. H.R. 2517 was received in the Senate and referred to the Judiciary Committee on December 5, 2007. On July 19, 2007, Senator Leahy introduced similar legislation, Protect Our Children First Act of 2007 (S. 1829), which was also referred to the Senate Judiciary Committee. The

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[91] U.S. Department of Justice, *Report to Congress on AMBER Alert*, p. 7.

[92] Note that the MEC program has previously been reauthorized with the Runaway and Homeless Youth program.

[93] In addition to the MEC program reauthorization legislation, other bills have been introduced in the 110th Congress concerning missing and exploited children. See above.

legislation would continue to authorize an annual appropriation of $20 million for NCMEC activities and such sums as necessary for the MEC program from FY2008 to FY2013. However, the Senate Judiciary Committee ultimately took up H.R. 2517 without amendments and passed the bill under unanimous consent on May 20, 2008. The full Senate passed the bill, also under unanimous consent, that same day.

H.R. 2517 would add new findings to the Missing Children's Assistance Act, including that (1) in many cases, parents and local law enforcement lack the resources and expertise to mount expanded search efforts for missing children; (2) children may be separated from their parents or legal guardians as the result of natural disasters; (3) a growing number of children are the victims of child sexual exploitation, increasingly involving the use of new technologies to access the Internet; (4) sex offenders pose a threat to children; (5) OJJDP administers programs under the Missing Children's Assistance Act, and (6) a key component of these programs is NCMEC. The bills also include other purposes that exist under current law.

H.R. 2517 would also reauthorize funding for many of the activities already carried out by NCMEC *and* currently codified in law. Specifically, the act provides that the OJJDP Administrator make a grant to NCMEC to

- coordinate the operation of the national 24-hour, toll-free telephone line with the operation of the national runaway hotline, authorized under the Runaway and Homeless Youth Act;
- operate the official national resource center and information clearinghouse for missing and exploited children;
- provide to state and local governments, to public and private nonprofit agencies, and to individuals information about free or low-cost legal and other resources for missing children and their families, as well as federal programs for these children and families;
- provide technical assistance and training to law enforcement agencies and other entities in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and
- provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

Further, the bill would *authorize funding to modify certain NCMEC activities that are specified under current law*:

- Missing Children's hotline: H.R. 2517 proposes that NCMEC funding is to be used to operate a national 24-hour, toll-free telephone line by which individuals may report information regarding the location of a missing child and request information on the procedures necessary to reunite a missing child with his or her legal custodian. This language would delete reference to a missing children's hotline to report or request information for a missing child age 13 years or younger. According to NCMEC, in practice, the

organization provides services and support to recover any missing child under age 18 (and to youth ages 18 to 21 on a limited basis).[94]

- CyberTipline: Both bills authorize NCMEC to use funding to track child sexual exploitation categories that are not specified in current law and to transmit these reports to the appropriate law enforcement entities. These categories include (1) possession, manufacture, and distribution of child pornography (distribution is currently specified in law); (2) online enticement of children for sexual acts (currently specified in law); (3) child prostitution (currently specified in law); (4) sex tourism involving children; (5) extrafamilial child sexual molestation; (6) unsolicited obscene material sent to a child; (7) misleading domain names; and (8) misleading words or digital images on the Internet.

Finally, the legislation would *authorize funding for activities that are not currently specified in law, but are carried out by NCMEC*. These activities include

- Engage in data collection efforts for information on missing children and characteristics of missing episodes. H.R. 2517 would permit NCMEC to report to OJJDP missing children data, but not to engage in data collection other than receiving reports about missing children. The bill does not specify whether data are to be collected and/or reported on the number of children who are sexually exploited.

- Provide guidance to state and local governments, and public and private nonprofit agencies (at their request), on how to facilitate the lawful use of school records and birth certificates to identify and locate missing children. NCMEC currently provides this service, primarily with school records.

- Provide analytical support and technical assistance to law enforcement agencies by searching public records databases in locating and recovering missing and exploited children and helping to locate and identify abductors. NCMEC currently provides this service, primarily with school records.

- Provide direct on-site support to local law enforcement with child abduction and exploitation cases. NCMEC currently provides this service through Team Adam and Project ALERT, described above.

- Help to identify deceased missing children through facial reconstruction of skeletal remains and similar techniques. NCMEC currently carries out these services through the Forensic Assistance Unit, described above.

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[94] This information was provided to The Congressional Research Service by NCMEC in June 2007.

- Track the incidence of attempted child abductions in order to identify links and patterns, and provide such information to law enforcement agencies. NCMEC currently collects data on child abductions.

- Provide training and technical assistance to law enforcement agencies in identifying and locating non-compliant sex offenders. These activities are currently carried out by the Sex Offender Tracking Team, described above.

- Facilitate the deployment of the National Emergency Child Locator Center to assist in recruiting missing children with their families during periods of national disaster. NCMEC had developed the center with support from the Department of Homeland Security/Federal Emergency Management Agency (FEMA). See below for additional information.

- Work with law enforcement, Internet service providers, electronic payment service providers, and others on methods to reduce the distribution on the Internet of images and videos of sexually exploited children. NCMEC is working with a Technology Coalition, comprised of six major Internet companies, to interdict child pornography images.

- Operate a child victim identification program in order to assist the efforts of law enforcement agencies. NCMEC's Child Victim Identification Program, described above, provides this service.

- Develop and disseminate programs and information to the general public, schools, and other entities about the prevention of child abduction, sexual exploitation, and/or Internet safety. Currently, NCMEC provides this training through its community outreach efforts, described above.

Issues

Issues that are relevant to the program and its reauthorization include a Department of Justice proposal to consolidate the program with juvenile justice programs under a discretionary block grant; the potential need for more comprehensive data on missing and sexually exploited children; and the creation of the National Emergency Child Missing Locator Center at NCMEC that will provide assistance to jurisdictions experiencing disasters. Related issues include children missing from foster care and missing adults.

Block Grant Proposed Under FY2009 Budget

The Administration's FY2009 proposal to create a block grant for the Missing and Exploited Children's Program and other juvenile justice programs does not

provide a specific funding request for the MEC program. According to the OJP budget justifications, the proposed budget would consolidate grants now authorized under the Missing Children's Assistance Act, Juvenile Justice and Delinquency Prevention Act, Victims of Child Abuse Act, and other acts into a "single flexible grant program," and OJP would use the funds to make competitive discretionary grants to assist state and local governments in addressing multiple child safety and juvenile justice needs.[95] Advocates have raised concerns that a block grant could reduce federal leadership and oversight over the programs, as well as decrease in appropriations in the future.[96] Advocates also question whether child exploitation activities and juvenile justice programs should be combined into a single funding stream, given their distinct missions.[97]

Data Collection

H.R. 2517 would permit NCMEC to engage in distinctive data collection activities. As discussed above, H.R. 2517 would permit NCMEC to report to DOJ the number of missing children but not to engage in data collection other than receiving reports about missing children.

OJJDP has funded two data collection waves since the Missing Children's Assistance Act passed in 1984. The most recent wave, NISMART-2, conducted in 1999 (discussed above), lacks statistics about the number of exploited children, except in the case of nonfamily abductions and runaways (however, the survey did not distinguish between the share of children who ran away because of sexual abuse from those who experienced physical abuse, and it did not report the share of children who experienced both forms of abuse). Further, due to the limited number of nonfamily abductions each year, the estimates of caretaker missing and reported missing cases are imprecise.[98] Limited data for all types of missing episodes also precluded NISMART-2 from drawing conclusions about episode types by region.

In 2007, NCMEC studied the feasibility of counting missing and exploited children in a way that provides more detailed and current region-specific data. However, because NCMEC cannot use federal funds to conduct studies of victims, the organization has determined that it will continue to use NISMART-2 data to explain victimization data for cases not reported to law enforcement. The organization also plans to work with the Association of State Uniform Crime Reporting Programs (ASUCRP) and the FBI to improve the use of the National Crime Information Center (NCIC), Uniform Crime Reports (UCR), and the National Incident Based Reporting System (NIBRS) to collect information on cases of missing

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[95] U.S. Department of Justice, *FY2009 Performance Budget*, Office of Justice Programs, pp. 103-104.

[96] John Kelly, "Are Justice Funds Up for Grabs? Bush Plan to Overhaul OJJDP Grants Draws Ire." *Youth Today*, March 2007, p. 1.

[97] Ibid.

[98] Finkelhor, Hammer, Sedlak, *Nonfamily Abducted Children*, p. 7. See discussion of NISMART-2 earlier in this report for explanation of "caretaker missing" and "reported missing" cases.

and exploited children.[99] Together, these entities will (1) develop a plan to change the categories in the NCIC Missing Person File to more closely relate to definitions used by NCMEC; (2) improve quality control for NCIC for entries of missing children; and (3) provide training and technical assistance to law enforcement agencies on how to accurately report missing and exploited children cases in the UCR and NIBRS. NCMEC plans to use improved information from the three data sources to educate the public and inform policymakers about cases of missing and exploited children.

National Emergency Child Locator Center

H.R. 2517 would allow MEC funds to be used to operate the National Emergency Child Locator Center (NECLC). The bill adds to the purpose of the MEC program to also help those children who children go missing because of natural disasters such as hurricanes and floods.

During the evacuations of Hurricanes Katrina and Rita in 2005, thousands of children were separated from their parents and sent to different emergency shelters. NCMEC was asked by DOJ to lead federal and local efforts to recover missing children. As part of its response, NCMEC created a special Katrina/Rita hotline and mobilized Team Adam personnel to locate and reunite all missing and dislocated children (over 5,000) with their families.[100] Recognizing the need for formalized coordination efforts in disasters or emergencies, Congress passed legislation (P.L. 109-295) requiring FEMA to establish the National Emergency Child Locator Center (NECLC) within NCMEC. The law also required that the FEMA Administrator establish procedures so that all relevant information about displaced children will be made immediately available to NCMEC.

In early calendar year 2007, NCMEC developed a Disaster Response Plan (DRP) describing how NCMEC intends to respond to disasters through the NECLC.[101] The plan details the response to a continuum of disaster types.[102] For example, NCMEC would operate its hotline 24 hours a day, seven days a week to respond to questions from law enforcement and other emergency officials for a Level 1 disaster (a local man-made or natural disaster, such as a fire). A Level 4 disaster (a catastrophic event declared by the President, such as Hurricane Katrina) would warrant NCMEC deploying 60 Team Adam staff in the field to shelters established in a multi-state region. Also in early calendar year 2007, NCMEC submitted a

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[99] This information was provided to The Congressional Research Service by NCMEC in February 2008.

[100] National Center for Missing and Exploited Children, *Annual Report 2005*, pp. 5-7.

[101] NCMEC and DHS/FEMA have not yet entered into an interagency agreement formally establishing the NECLC. NCMEC has entered into an agreement with DHS/FEMA, DOJ, U.S. Department of Health and Human Services, and the Red Cross to provide missing adult referrals to and support the activities of the National Emergency Family Registry and Locator System (NEFRLS), created under P.L. 109-295. NEFRLS will be operated by DHS/FEMA to help reunify families separated after a disaster.

[102] This information was provided to The Congressional Research Service by NCMEC in April of 2007.

preliminary estimate to DHS/FEMA for the cost of expanding its operations in the event of a disaster or if its main office in Alexandria becomes inoperable due to a local or regional disaster. The cost estimate seeks funding for deployed staff, long-term technological infrastructure (such as outsourcing calls during peak periods), and expanding operations at its field offices in California and Florida to serve as backup call centers and support staff during disasters. NCMEC estimates that $4.2 million is needed for start-up costs and $1.2 million is needed for ongoing costs.[103] According to NCMEC, the organization is making progress in securing an off-site facility to handle large-scale activations such as Hurricane Katrina. NCMEC has not received federal funding for the NECLC in FY2007 or FY2008, although the organization is working to secure private financial support for NECLC operations.[104]

The NECLC was activated in October 2007 upon notification by FEMA in response to the California wildfires. The organization established a special toll-free number and made the number available to FEMA and media outlets for publication.[105] NCMEC's Team Adam Consultants who reside in the San Diego area were placed on standby for possible deployment to the affected areas. Case managers in NCMEC's California branch managed the calls received about the wildfires. Only three calls were made — primarily due to loss of telephone contact — and none were of an emergency nature. NCMEC staff maintained contact with FEMA throughout the activation period. The deployment of the NECLC for the wildfires entailed no expenses outside of the organization's normal operating expenses.

Child Welfare Disaster Planning. The NECLC does not appear to address children missing from foster care due to a disaster, though the federal government has recently issued guidelines regarding how state child welfare systems should respond to disasters.

During the Gulf Coast hurricanes, thousands of children in foster care were forced to evacuate their homes. Almost 2,000 of Louisiana's 5,000 foster children were displaced by the hurricanes, and nearly one out of five displaced foster children left the state.[106] The state's child welfare system had difficulty tracking the children during and after the hurricanes. Foster parents knew to call the child welfare agency, but social workers' phones were not operational for weeks following Hurricane Katrina. Louisiana officials experienced difficulty contacting the children because case information was not in a central database and more than 300 current records were destroyed. At the time, there were no federal requirements to develop child welfare disaster plans, and only 20 states and D.C. had a written plan (Louisiana and Mississippi were among the states that lacked a plan).[107] Of those plans, 19

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[103] Ibid, May of 2007.

[104] Ibid, February of 2008.

[105] Ibid.

[106] U.S. Government Accountability Office, *Lessons Learned for Protecting and Educating Children after the Gulf Coast Hurricanes*, GAO-06-680R, May 2006, p. 3.

[107] U.S. Government Accountability Office, *Child Welfare: Federal Action Needed to Ensure States Have Plans to Safeguard Children in the Child Welfare System Displaced by* (continued...)

addressed preserving child welfare records, 13 addressed identifying children who might be dispersed, and 10 addressed coordination with other states.

In August 2006, Congress passed P.L. 109-288 to amend the Child Welfare Services program (Title IV-B, Subpart 1 of the Social Security Act), requiring that states develop procedures, no later than September 29, 2007, to respond to and maintain child welfare services in the wake of a disaster. The act specified that HHS establish criteria for how state child welfare systems would respond. These criteria include (1) identify, locate, and continue services for children under the care or supervision of the state and who are displaced or adversely affected by the disaster; (2) respond appropriately to new child welfare cases in areas adversely affected by a disaster and provide services in those cases; (3) remain in communication with caseworkers and other essential child welfare personnel displaced because of a disaster; (4) preserve essential program records; and (5) coordinate services and share information with other states.[108] In February 2007, HHS issued guidelines requiring states to submit, in their child welfare plan,[109] procedures describing how the state would respond to a disaster based on the five criteria above, before the end of FY2007.[110] HHS has also updated its 1995 guide to assist child welfare agencies develop disaster relief plans.[111]

Children Missing From Foster Care

The Missing Children's Assistance Act does not include provisions for children missing from foster care; however, media attention to the case of Rilya Wilson, a six-year-old foster child missing from the Florida child welfare system and presumed to have been murdered, has raised concerns about Florida and other states'[112] ability to track children in the foster care system and ensure their safety while under the custody of the child welfare agency.

A child is considered missing from foster care if s/he is not in the physical custody of the child welfare agency or the institution or person with whom the child has been placed, due to (1) the child leaving voluntarily without permission (i.e.,

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[107] (...continued)
Disasters, GAO-06-944, July 2006, p. 2.

[108] 42 U.S.C. §622(b)(16).

[109] To receive federal funding, state child welfare agencies must submit annually its procedures for carrying out the federal Child Welfare Services program.

[110] U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Annual Progress and Services Report*, February 28, 2007, available online at [http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/pi/2007/pi0705.pdf].

[111] Mary O'Brien, Sarah Webster, and Angela Herrick, *Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies*, University of Southern Maine, Edmund S. Muskie School of Public Service, February 2007, available online at [http://muskie.usm.maine.edu/helpkids/rcpdfs/copingwithdisasters.pdf].

[112] Megan O'Matz and Sally Krestin, "States Share DCF's Woes; Caseworkers Elsewhere Often Unable to Find Missing Children," *Sun-Sentinel*, September 15, 2002, p. 1A.

runaways); (2) the family or nonfamily member removing the child, either voluntarily or involuntarily, without permission (i.e., abductions); or (3) a lack of oversight by the child welfare agency.[113] The majority of children known to be missing from foster care are runaways. According to the U.S. Department of Health and Human Services, on the last day of FY2005, approximately 11,000 (2%) of the 513,000 children in foster care had run away, and another 4,400 had exited the system as runaways.[114] However, these figures do not convey the total number of children who go missing.[115] Kids can go missing for a variety of reasons, including abduction or benign circumstances, such as misunderstandings about a schedule.

No federal laws specifically address the issue of children missing from foster care. However, Titles IV-B and IV-E of the Social Security Act require state child welfare agencies to monitor and provide for the safety and well-being of children in out-of-home foster care.[116] Under Section 471 (Title IV-E), states are eligible for federal foster care maintenance payments if, among other requirements, they develop a case plan (as defined under Section 475, which also applies to Title IV-B) for each child that details the type of home or institution in which the child is placed. The case plan must discuss the safety and appropriateness of the placement and a plan for assuring that the child receives safe and proper care.

States must also develop a system (as defined under Section 475) to review, no less than every six months, the status of the child's case plan. Also, under Section 471, states must check child abuse and neglect registries (including federal crime databases) for criminal information about prospective and current foster parents. Finally, under Section 424 (Title IV-B), states must ensure that children in foster care are visited by their caseworkers on a monthly basis and that the majority of the visits occur in the child's residence. Section 424 sets forth a penalty structure for violating these and other requirements.

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[113] Caren Kaplan, *Children Missing from Care*, Child Welfare League of America, 2004. The report is available at [http://www.cwla.org/programs/fostercare/childmiss.htm]. (Hereafter referred to as Kaplan, *Children Missing from Care*.)

[114] U.S. Department of Health and Human Services, Administration for Children and Families, *The AFCARS Report #13, September 2005.* The report is available at [http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#afcars]. For additional information about the runaway children population, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics, Programs, and Emerging Issues*, by Adrienne L. Fernandes.

[115] Some states and counties have calculated the number of missing foster children under their care, based on jurisdiction-specific definitions. After the Rilya Wilson incident, Florida determined that 393 children were missing from care, of whom 339 (86.3%) had run away and 31 (7.9%) were parentally abducted. A small share (4.8%) of children were endangered, meaning that they were missing under circumstances that put them in physical danger, such as a predatory abduction or kidnapping.

[116] Titles IV-B and IV-E and related sections of the Social Security Act are compiled at [http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/safe2003.htm]. See also 42 U.S.C. §§620-629i, 670-679b.

In response to the Rilya Wilson case, the Child Welfare League (CWLA), a child advocacy organization, in partnership with NCMEC, created the Children Missing from Care Project in 2004. Drawing on the expertise of policymakers, child welfare advocates, and law enforcement officials, the CWLA and NCMEC developed best practices guidelines around missing foster children.[117] The guidelines provide a framework for collaboration between the law enforcement agency and the child welfare agency. They recommend that the two share a uniform definition of missing children (based on the three criteria outlined above) and a clear delineation of shared and distinct roles. Child welfare agencies and law enforcement officials are encouraged to receive cross-training and to create an integrated local information system about children.

The guidelines provide guidance to child welfare agencies to prevent missing-from-care episodes, including quality supervision; training stakeholders about risk factors for running away; and frequent contacts between case workers and children, caregivers, and birth families. To respond effectively to missing episodes, the guidelines recommend that child welfare agencies provide accurate and up-to-date records with information about the child and a management information system to track information related to missing episodes.

Proposed legislation would require states to create procedures for reducing missing-from-care incidents and to recover those children who do go missing. The Place to Call Home Act (H.R. 3409) and Reconnecting Youth to Prevent Homelessness Act of 2007 (H.R. 4208/S. 2560) propose amending Section 471 of the Social Security Act to require states to include in their foster care and adoption assistance plans a description of their written policies and procedures designed to reduce the incidence of children missing or running away from foster care and to locate and return these children to foster care placements.

Missing Adults

Approximately 20% of the cases reported annually to the NCIC's Missing Person File includes individuals age 18 and older.[118] NCMEC provides services for missing young adults ages 18 to 20, pursuant to Suzanne's Law, which was passed as part of the PROTECT Act.[119] This law amended the Missing Children's Assistance Act by requiring law enforcement agencies to enter individuals under the age of 21 into the NCIC. (No corresponding amendments to the Missing Children's Assistance Act have been made to reflect that NCMEC is authorized to accept cases of missing children ages 18 to 20.) NCMEC processes young adult cases differently

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[117] Child Welfare League of America, *CWLA Best Practice Guidelines: Children Missing From Care*, 2005 and National Center for Missing and Exploited Children, *Children Missing From Care: The Law enforcement Response*, 2005. The NCMEC publication is available at [http://www.missingkids.com/missingkids/servlet/ResourceServlet?LanguageCountry=en_US&PageId=2234].

[118] *NCIC Missing Person File.*

[119] Suzanne's Law was passed as part of the PROTECT Act (P.L. 108-21). It raised the age of missing children reported to the FBI's National Crime Information Center from age 17 to age 20. 42 U.S.C. §5779(a).

than cases for missing children. NCMEC will accept a young adult case only if it is reported by a law enforcement officer (and not by parents, spouses, partners, or others) because NCMEC relies on the officer to verify that the young adult is missing due to foul play or other reasons that would cause concern about the individual's whereabouts (e.g., diminished mental capacity). Once children reach the age of majority, they may have legitimate reasons for becoming missing, such as seeking protection from a domestic abuser.

Some states maintain databases of missing adults (age 18 and older) and assist local law enforcement with missing adult cases, and federal law authorizes funding for missing adult activities. In 2000, Congress passed Kristen's Act (P.L. 106-468),[120] named for 19-year-old Kristen Modafferi, missing since 1997. The legislation authorized $1 million in funding from FY2001 to FY2004 and permitted the Attorney General to make grants to assist law enforcement agencies in locating missing adults; maintain a database for tracking adults believed by law enforcement to be endangered due to age, diminished mental capacity, and possible foul play; maintain statistical information on missing adults; provide resources and referrals to the families of missing adults; and establish and maintain a national clearinghouse for missing adults. The National Center for Missing Adults (NCMA), a non-profit organization in Phoenix, Arizona, received funding under P.L. 106-468. The organization maintains a database of missing adults believed to be endangered and coordinates missing adult activities among law enforcement agencies, families, and the media.[121]

Despite the passage of Kristen's Act, there does not appear to be a national strategy to recover missing adults. Creating such a strategy might be limited by the legal right for adults to go missing, such as to escape a domestic spouse or partner, and the potential difficulty of verifying that an adult is missing for such a reason. NCMA has reported that it may be forced to close due to financial constraints of serving families of adults who went missing during Hurricanes Katrina and Rita.[122] Legislation to reauthorize Kristen's Law in 2005 (H.R. 2103) was not reported out of committee. Pending legislation (H.R. 423) would provide $4 million in annual funding from FY2008 to FY2018 for grants to locate missing adults.

As previously, discussed, the Audrey Nerenberg Act (H.R. 271) proposes to change the definition of "missing child" under the Missing Children's Assistance Act, as amended, to include individuals determined to have a mental capacity of less than 18 years of age. (The definition of "mental capacity of less than 18 years of age" is not defined, nor is an age range provided in the act.) There is currently no federal mandate to recover missing adults who function cognitively as children. This legislation would effectively require NCMEC to work to recover any missing adults deemed eligible under the act. In response to this possibility, NCMEC has said that the additional workload would not likely be unmanageable, but that the organization would prefer to take on missing adults cases on a pilot basis initially to properly

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[120] 42 U.S.C. §14665.

[121] For additional information, see [http://www.theyaremissed.org/ncma/].

[122] Ibid.

assess the issues and problems that may arise, such as varying state law definitions of diminished capacity. According to NCMEC, "We would only take diminished capacity cases if requested to do so by a law enforcement agency. And given that these are cases of missing adults, who are not like children whose disappearance is presumed to be involuntary, we would likely need limited civil and criminal liability to prevent costly and burdensome lawsuits."[123]

[123] This information was provided to The Congressional Research Service by NCMEC in October 2007.

Appendix A: Demographics of Missing and Exploited Children

This appendix provides additional information about demographics of missing and exploited children, including definitions of missing children, characteristics of missing children episodes, the number of children sexually abused or at risk of sexual exploitation, and the effects of missing and exploitation incidents on victims and their families.

Definitions of Missing Children

NISMART-2 classified missing children under five categories. **Figure A1** defines these five categories.

Figure A1. Categories of Missing Children

Non-family Abduction: A non-family member takes a child (without lawful authority or parental permission) by physical force or threat of bodily harm or keeps a child by force in an isolated location for at least an hour; or when a child 14 years or younger (or who is mentally incompetent) is taken (without lawful authority or parental permission), detained, or voluntarily accompanies a nonfamily perpetrator who conceals the child's whereabouts, asks for ransom, or plans to keep the child permanently. A type of non-family abduction, known as a **stereotypical kidnapping** involves detaining the child overnight, transporting him or her at least 50 miles, and holding the child for ransom with the intent of keeping the child permanently or of killing the child.

Family Abduction: A member of a child's family or someone acting on behalf of a family member, violates a custody order, decree, or other legal custodial rights, by taking or failing to return the child and conceals or transports the child out of state with the intent of preventing contact or depriving the caretaker of custodial rights indefinitely or permanently. There must be evidence that a child 15 years or older (unless mentally incompetent) was taken or detained by physical force or was threatened with bodily harm.

Runaway/Thrownaway: A runaway is a child who either leaves home and stays away overnight without parental permission; is 14 years or younger (or older if mentally incompetent) who leaves home, chooses not to return and stays away overnight; or is 15 years or older who leaves home, chooses not to return and stays away two nights. A thrownaway child is one who is asked or told to leave the home by a parent or other adult in the household who has not made adequate alternative care arrangements for the child, and the child is away from home overnight; or a child who leaves home, but is prevented from returning by a parent or other household adult who has not arranged adequate alternative care for the child who is away from home overnight.

Missing Involuntary, Lost, or Injured: A child's whereabouts are unknown to the caretaker, which causes the caretaker to become alarmed for at least one hour while trying to locate the child under one of two conditions: (1) the child is trying to get home and contacts the caretaker, but is unable to do so because the child is either lost, stranded, or injured; or (2) the child is too young to know how to return home or contact the caretaker.

Missing Benign Explanation: A child's whereabouts are unknown to the caretaker, which causes the caretaker to (1) be alarmed, (2) try to find the child, and (3) call the police about the situation for any reason, as long as the child was not lost, injured, abducted, victimized, or considered to be a runaway or thrownaway.

Source: Congressional Research Service presentation of definitions in Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 4.

Incidents of Missing and Non-Missing Children

Some children in NISMART-2 were not counted as missing (i.e., "non-missing" children) because their short-term or long-term missing incident failed to alarm their caretakers and/or prompt their caretakers to report them as missing. Such cases included runaway or thrownaway children who went to the home of a relative or friend, causing their caretakers little or no concern; children held by family members in known locations, such as the home of an ex-spouse; and children abducted by nonfamily but released before anyone noticed their absence. **Table A1** includes a combined total number of missing and non-missing children within each category. Note that estimates of non-missing children cannot be totaled across categories.

Table A1. Missing and Non-Missing Children

Missing Category	Missing	Non-Missing
Nonfamily abduction	33,000	25,200
Family abduction	117,200	86,700
Runaway/thrownaway	628,900	1,054,000
Missing involuntarily, lost, or injured[a]	198,300	0
Missing benign explanation[a]	374,700	0
Total	**1,352,100**	

Source: Congressional Research Service presentation of data from Andrea J. Sedlak et al., *National Estimates of Missing Children: An Overview*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 10.

a. By definition, all children with these episodes are known to be missing.

Characteristics of Missing Children

Runaway and Thrownaway Children. The majority of runaway and thrownaway children in the NISMART-2 study were between the ages of 15 and 17 (68% of all cases), followed by children ages 12 and 14.[124] An equal number of boys and girls experienced runaway or thrownaway incidents. White children made up the largest share of runaways (57%), followed by black children (17%) and Hispanic children (15%). Over half of all children left home for one to six days, and 30% traveled approximately one to 10 miles. An additional 31% traveled more than10 to 50 miles. Nearly all (99%) runaway and thrownaway children were returned to their homes. Based on 17 indicators of harm or potential risk measured in NISMART-2, 71% of the surveyed children were placed at risk for harm when they were away from home.[125] The survey found that 17% of runaway children used hard drugs and 18%

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[124] Hammer, Finkelhor, and Sedlak, *Runaway/Thrownaway Children*.

[125] Jan Moore, *Unaccompanied and Homeless Children Review of Literature (1995-2005)*, National Center for Homeless Education, 2005, p. 6, available online from the Center at

(continued...)

were in the company of someone known to be abusing drugs when they were away from home. Other risk factors included spending time in a place where criminal activity was known to occur (12%), involvement with a violent person (7%), and physical assault or attempted physical assault by another person (4%).

In other studies of runaways and thrownaways, children most often cite family conflict as the major reason for leaving home or being forced to leave home.[126] A child's relationship with a step-parent, sexual activity, sexual orientation, pregnancy, school problems, and alcohol and drug use are strong predictors of family discord. Over 20% of children in NISMART-2 reported being physically or sexually abused at home in the prior year or feared abuse upon returning home.

Children Missing Involuntarily or for Benign Reasons. Children can become missing involuntarily as a result of being lost or sustaining an injury that prevents them from returning home or to their caretaker, such as a broken leg or a fall that renders them unconscious. Benign circumstances such as miscommunication among family members can also cause a child to be considered missing by their caretakers. NISMART-2 found that most children missing involuntarily or for benign reasons were white, male, and older. They disappeared most frequently in wooded areas or parks and were most often gone for one hour to six hours (77% of all cases). In most cases, their caretakers knew they were missing because they disappeared from their supervision (39%) or failed to return home (29%).

Nonfamily Abductions. The experiences of children abducted by strangers, slight acquaintances, or others (i.e., friends, babysitters) often involved detention in an isolated place through the use of physical force or threat of bodily harm. More serious abduction cases — known as stereotypical kidnappings — may also include detaining the child overnight and transporting him/her outside of his/her community, with the intent to keep the child permanently or kill the child. Extensive media coverage about stereotypical kidnapping cases may contribute to the belief that these missing children incidents are common. However, such cases are rare; about 115 (90 of whom were caretaker/reported missing) of the estimated 58,200 victims of nonfamily abductions in 1999 experienced a stereotypical kidnapping.[127]

With the caveat that NISMART-2 data on nonfamily abductions are not entirely reliable because some estimates are based on too few sample cases, the most frequent victims of both broadly defined nonfamily abductions and stereotypical nonfamily

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[125] (...continued)
[http://www.cde.state.co.us/cdeprevention/download/pdf/Homeless%20Youth%20Review%20of%20Literature.pdf].

[126] For additional information, see CRS Report RL33785, *Runaway and Homeless Youth: Demographics, Programs, and Emerging Issues*, by Adrienne Fernandes.

[127] David Finkelhor, Heather Hammer, and Andrea J. Sedlak, *Nonfamily Abducted Children: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, p. 6. Available at [http://www.ncjrs.gov/pdffiles1/ojjdp/196467.pdf].

abductions were teenage girls ages 12 to 14.[128] Approximately 60% of all victims, male and female, were abducted by male acquaintances or strangers. Streets (32% of all cases), parks or wooded areas (25%), and other public places (14%) were places from which children were typically abducted, and children who were moved, were taken into vehicles (45%) or to the perpetrator's home (28%). In nearly half of all broadly defined and stereotypical kidnapping incidents, the perpetrator sexually assaulted the child, and in a third of the cases, the perpetrator physically assaulted the child. Less than one percent of children missing due to a nonfamily abduction failed to return home alive.

Family Abductions. Approximately 63% of children abducted by family members were with the abductor under lawful circumstances directly prior to the incident.[129] In these cases, disputes between family members about custodial rights and privileges may have triggered the abduction. Perpetrators most often were the child's father (53% of all cases), followed by the mother (25%) and other relatives.[130] Most children were abducted from their own home or someone else's home, and nearly all the episodes did not involve the use of threat or force. Children age 11 and under and children not living with both parents appeared to be the most likely victims of parental abduction. Almost half of children abducted by family members were returned to the primary caretaker in one week or less, and the majority were returned within one month.

International Family Abductions. NISMART-2 does not track the number of international family abductions; however, a 1998 survey of nearly 100 left-behind parents by the American Bar Association Center on Children and the Law, in collaboration with three missing children's organizations, provides some insight into the characteristics of international abductions by family members.[131] Nearly half of

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[128] Estimates of nonfamily abductions are based on the combination of data collected in the NISMART-2 Household Surveys and the Law Enforcement Study. The Household Surveys, in which adults and children were interviewed by phone, provide data on broadly defined nonfamily abductions. These surveys are limited because they may have undercounted children who experienced episodes but were living in households without telephones or were not living in households during the study period. Children who were reported as victims in both the adult and children interviews were counted only once in the unified estimate. The Law Enforcement Study yielded data on stereotypical kidnappings.

[129] Estimates for family abductions are based on data collected in the NISMART-2 Household Surveys. Respondents to family abduction questions were (1) mainly female caretakers of children and (2) generally was the aggrieved caretaker who provided all of the information regarding custodial rights to determine whether a family abduction had occurred. NISMART-2 researchers did not attempt to verify respondent statements.

[130] Heather Hammer, David Finkelhor, and Andrea J. Sedlak, *Children Abducted by Family Members: National Estimates and Characteristics*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, October 2002, at [http://www.ncjrs.gov/pdffiles1/ojjdp/196466.pdf].

[131] Janet Chiancone, Linda Girdner, and Patricia Hoff, *Issues in Resolving Cases of International Child Abduction by Parents*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 2001. The report is available at (continued...)

the abductions occurred during a court-ordered visitation by the abducting parent and child. Gender of the child did not appear to be a factor in the abduction, but abducted children tended to be young, with a median age of five years old. In approximately 70% of the cases, the responding parents reported that the child had been located, and 25% said they always knew their child's precise location. About 40% of the parents reported that their child had been recovered by the time of the survey. In half of the cases in which the child was recovered, the separation lasted one year, compared to five years for half the cases in which the child was not recovered.

Missing Incident Effects on Victims and Their Families

Although few children are killed during a missing incident, their perpetrators may abuse them sexually or physically. Children abducted by nonfamily members are most vulnerable to abuse while away from the care of their families. According to NISMART-2, approximately half of all broadly defined and stereotypical abductions involved sexually assault, and one-third involved physical abuse.[132] Children involved in family abductions also experience trauma. A study coordinated by NCMEC of 371 searching parents, nearly half of whom had recovered their children, found that in many cases, home life prior to the abduction was chaotic.[133] Domestic violence was present in more than half of all relationships, and abductions were threatened in advance of the actual event in almost half of the cases.

Children abducted by family members may also face challenges after they have been recovered. In a longitudinal study of 32 recovered children who had been kidnapped by one of their parents and hidden for an average of 2.7 years, over a quarter of left-behind parents perceived that their children were prone to self destructive behaviors and nearly half reported that their children had more physical ailments than their peers.[134] According to these parents, approximately three-quarters of their children had received mental health services after the incident.

Parents also experience trauma during and after the missing child incident. When parents learn that their child is missing, they may feel overwhelmed by organizing efforts to recover their child.[135] Within the first two days of the incident,

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[131] (...continued)
[http://www.ncjrs.gov/pdffiles1/ojjdp/190105.pdf]. (Hereafter U.S. Department of Justice, *International Child Abduction by Parents*.)

[132] Finkelhor, Hammer, Sedlak, *Nonfamily Abducted Children*, p. 10.

[133] National Center for Missing and Exploited Children, *Family Abduction: Prevention and Response*, 5th ed., March 2002, available at [http://www.ncmec.org/en_US/publications/NC75.pdf].

[134] Geoffrey L. Greif, "A Parental Report on the Long-Term Consequences for Children of Abduction by the Other Parent," *Child Psychiatry and Human Development*, vol. 21, no. 1, Fall 2000, p. 66.

[135] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *When Your Child is Missing: A Family Survival Guide*, October 2002. The report is availableat at [http://ojjdp.ncjrs.org/pubs/childismissing/contents.html]. (Hereafter referred to as U.S.
(continued...)

they often must alert the police and missing children agencies, organize volunteers, and speak with the media. Left-behind parents of children abducted by family members may not receive adequate support from local law enforcement officials. In 2001, the U.S. Department of Justice reported that the majority of law enforcement agencies and prosecutors' offices lacked written policies and procedures governing the processing of parental abduction cases, do not train staff in how to respond to theses cases, and do not have specific programs to address the crime.[136]

Left-behind parents in international family abduction cases experience even greater obstacles to finding and recovering the child. The American Bar Association Center on Children and the Law survey found that most of the left-behind parents did not have sufficient funds to search for their child and experienced difficulties with foreign laws and officials, U.S. law, costs of recovering children abducted abroad, U.S. judges' inexperience with foreign abduction law, and inadequate response by law enforcement agencies.[137] The Hague Convention on the Civil Aspects of International Child Abduction obligates countries who have signed the convention to bring proceedings in the party country to which the child was abducted or in which the child is detained. Left-behind parents of children abducted to non-Hague Convention countries face additional challenges in navigating those legal systems to recover their children.[138]

Incidents of Child Sexual Abuse and Child Sexual Exploitation

As discussed above, the true number of sexual exploitation incidents, whether or not they accompany missing children cases, is not known because the abuse often goes undetected. Nonetheless, some studies are available to provide insight into the prevalence of sexual exploitation.

Sexual Abuse Among Children in the Child Welfare System. Incidents of child abuse — including sexual abuse — and neglect by a caretaker that are reported to the state child welfare system may lead to the removal of a child from his or her home. Two studies track the share of children each year who enter foster care as a result of sexual abuse by their caretaker or family member. The National Child Abuse and Neglect Data System (NCANDS), administered by the U.S. Department of Health and Human Services, provides case-level data on all children under age 18 who received an investigation or assessment by a state child protective services agency. NCANDS is not a nationally representative sample because states are not required to report data, though the majority of states have provided data since the first NCANDS report was issued for CY2000 (beginning in 2002, NCANDS

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[135] (...continued)
Department of Justice, *When Your Child is Missing*.)

[136] Kathi L. Grasso et al., *The Criminal Justice System's Response to Parental Abduction*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 2001, p. 7, at [http://www.ncjrs.gov/pdffiles1/ojjdp/186160.pdf].

[137] Ibid, pp. 6-8.

[138] U.S. Department of Justice, "International Child Abduction by Parents," pp. 2-3.

began to collect data on a federal fiscal year basis). Sexual abuse is defined differently across states, but generally includes acts of rape, sexual assault, indecent exposure, as well as facilitating prostitution and creating and distributing pornography.[139] The FY2005 NCANDS report estimated that 9.3% of children, or 83,810, in the child welfare system were victims of sexual abuse during that year.[140]

Using NCANDS data from 1990 to 2000, researchers have found a decline in the number of sexual abuse cases, from an estimated 150,000 cases to 89,500 cases.[141] Researchers have concluded that multiple factors likely contributed to the downward trend, and that one of those factors was probably a true decline in the occurrence of sexual abuse.[142] A true decline in the number of sexual abuse cases is substantiated by a decrease of 56% from 1993 to 2000 in self-reported measures of sexual assault and sexual abuse by children ages 12 to 17 in the National Crime Victimization Survey, conducted annually by the Census Bureau.[143] This decline was due primarily to the decrease in the number of offenses committed by a family member or acquaintance.

Another analysis of children in the child welfare system provides nationally representative data of the characteristics and functioning of children, including rates of sexual victimization. Known as the National Survey of Child and Adolescent Well-Being (NSCAW), the study found in its first wave of data collection (from October 1999 to December 2000) that 11% of children were sexually abused.[144] Sexual abuse was defined along a continuum, which included fondling/molestation (without genital contact) or other less severe types (e.g., exposure to sex or pornography), masturbation, digital penetration of sexual organs, oral copulation (of adult or child), and intercourse. Molestation accounted for just over one-half (55%)

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[139] U.S. Department of Health and Human Services, *Definitions of Child Abuse and Neglect*.

[140] U.S. Department of Health and Human Services, Administration for Children and Families, *Child Maltreatment 2005*, April 2007. The report is available at [http://www.acf.hhs.gov/programs/cb/pubs/cm05/].

[141] David Finkelhor and Lisa M. Jones, *Explanation for the Decline in Child Sexual Abuse Cases*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, January 2004. The report is available at [http://www.ncjrs.gov/pdffiles1/ojjdp/199298.pdf].

[142] Other factors may include decline in the number of self-reports of sexual abuse by victims; decline in related social problems; greater decline in the most readily preventable cases of sexual abuse; and increase in the incarceration of offenders. For further discussion see, Ibid, p. 8.

[143] Ibid, pp. 8-9.

[144] U.S. Department of Health and Human Services, Administration for Children and Families, *National Survey of Child and Adolescent Well-Being (NSCAW): CPS Sample Component Wave 1 Data Analysis Report*, April 2005. The report is available at [http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/]. NSCAW provides information about the characteristics of children and families who came into contact with the child welfare system through an investigation by child protective services. The sample includes children whose cases were closed after the investigation, and who remained at home; those who remained at home, but had a case opened to child welfare services, and those who were removed from their homes as a result of the investigation.

of all cases, followed by intercourse (11.4%), digital penetration of sexual organs (11.4%), oral copulation (9.4%), and masturbation (5.2%).

Online Victimization of Children. A true estimate of the number of children sexually exploited over the Internet is unknown. Over 21,000 reports of online child enticement and over 4,000 reports of obscene material sent to a child were recorded by the CyberTipline through December 2006. The Youth Internet Safety Survey conducted in March to June 2005 by the University of New Hampshire's Crimes Against Children Research Center (commissioned by NCMEC and supported by OJJDP) found that children using the Internet are vulnerable to unwanted sexual solicitation, unwanted exposure to sexual material, and harassment (these categories do not necessarily reflect incidents of child sexual exploitation).[145]

The share of children exposed to sexual material and solicited online was greater in 2005 than in the previous survey conducted in August 1999 to February 2000. Despite increased use of filtering, blocking, and monitoring software in households of children Internet users, in 2005, more than one-third of children Internet users (34%) saw sexual material online they did not want to see in the past year compared to one-quarter (25%) of children surveyed in 1999 and 2000. Online harassment also increased to 9%, from 6%. However, a smaller share of children (13%) received sexual solicitations compared to children in the previous survey (19%).

Commercial Sexual Exploitation. The commercial sexual exploitation of children refers to acts of prostitution, pornography, sex trafficking, and sex rings for financial gain.[146] No studies appear to exist that provide the national prevalence and incidence of commercially exploited children. Estimates have been made, however, of the number of children in groups classified as "high-risk" for commercial sexual exploitation. These groups include sexually exploited children not living in their own homes (i.e., runaway, thrownaway, and homeless children); sexually exploited children living in their own homes; other groups of sexually exploited children, including female gang members who have become victims as a result of their gang

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[145] Janice Wolak, Kimberly Mitchell, and David Finkelhor, *Online Victimization of Children: Five Years Later*, National Center for Missing and Exploited Children, 2006. The report is available at [http://www.unh.edu/ccrc/pdf/CV138.pdf]. *Unwanted sexual solicitation* is defined by the study as a request to engage in sexual acts or sexual activities or give personal sexual information that were unwanted, or whether unwanted or not, were made by an adult; *unwanted exposure to sexual materials* refers to a child being exposed to pictures of nude people or people having sex, when conducting online searches, surfing the web, or using e-mail and instant messaging; and *harassment* refers to threats or other offensive behavior (not sexual solicitation) sent online to the child or posted online about the child for others to see.

[146] The United States is viewed as a primary source of child-sex tourists abroad. In a sample of information about foreign child-sex tourists in Southeast Asia, tourists from the United States were the largest group. See Eva J. Klain, *Prostitution of Children and Child-Sex Tourism: An Analysis of Domestic and International Responses*, National Center for Missing and Exploited Children, April 1999; available at [http://www.icmec.org/missingkids/servlet/ResourceServlet?LanguageCountry=en_X1&PageId=2704]. (Hereafter referred to as Eva J. Klain, *Prostitution of Children and Child Sex Tourism*).

membership and transgender street children; and U.S. children and children traveling abroad and in the United States for sexual purposes.[147]

Causes and Effects of Child Sexual Exploitation

Child sexual exploitation can first occur in the child's home.[148] Physical or sexual abuse by family members may lead to children running away or being "thrownaway." While away from home, children may experience further exploitation. An estimated 9.5% of children in shelters and 27.5% of children living on the street engage in "survival sex" to provide for their subsistence needs.[149] While money is often cited as the primary reason for engaging in prostitution, children and adolescents also report their involvement was an escape from family problems or the result of a romantic relationship.[150]

Child sexual exploitation can also begin outside of the family. Sexual exploitation originating outside the home can be precipitated by other factors — the presence of large numbers of unattached and transient males in a community such as military personnel and truckers; female gang membership; and active recruitment into prostitution by pimps. Solo sex rings involve a single adult who often knows the child and parent and has ready access to the child.[151] After gaining access to the child, the adult engages in illicit sexual activities and manipulates and coerces the victim into keeping the abuse secret. Sex-ring activities include behaviors that occur with a combination of psychological pressure and physical force, with acts of sexual seduction to rape. Among multiple-adult sex rings, child pornography and sexual activities may be exchanged between adults with or without financial transactions.

The effects of child sexual exploitation are both immediate and long-term. When sexual abuse is not disclosed and the abuse continues, the child encapsulates the trauma, disrupting the development of other areas of the child's life.[152] The trauma is reinforced when the offender demands silence and secrecy about the abuse and the child sets up defenses to disguise the abuse. Studies of victims indicate that children experience a range of long-term physical and emotional problems — headaches, sleeping disorders, eating disorders, and feelings of anxiety, fear, depression, guilt, and shame that are sometime diagnosed as post-traumatic stress

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[147] For methodology of estimates of groups of children, see Richard J. Estes and Neil Alan Weiner, *The Commercial Sexual Exploitation of Children in the U.S., Canada, and Mexico, Executive Summary of the U.S. National Summary,* September 2001. The report is available at [http://www.sp2.upenn.edu/~restes/CSEC_Files/Exec_Sum_020220.pdf]. (Hereafter referred to as Estes and Weiner, *The Commercial Sexual Exploitation of Children*.)

[148] Ann Wolbert Burgess and Christine A. Grant, *Children Traumatized in Sex Rings*, National Center for Missing and Exploited Children, 1988, p. 3. (Hereafter referred to as Burgess and Grant, *Children Traumatized in Sex Rings*.)

[149] J.M. Greene et al., *Prevalence and Correlates of Survival Sex Among Runaway and Homeless Youth*, American Journal of Public Health, vol. 89, no. 9, pp. 1406-1409.

[150] Eva J. Klain, *Prostitution of Children and Child Sex Tourism*, p. 35.

[151] Burgess and Grant, *Children Traumatized in Sex Rings*, p. 7.

[152] Ibid, pp. 21-25.

disorder (PTSD).[153] Victims are vulnerable to acting out in school by fighting and skipping class or experiencing sexual problems such as heightened sexual activity and preoccupation with sex and nudity. Children involved in prostitution may become pregnant and later engage in adult prostitution.

[153] John E.B. Myers, *Child Protection in America: Past, Present, and Future*. Oxford: Oxford University Press, 2006, pp 104-105.

Appendix B: Federal Criminal Code Provisions Governing Child Sexual Exploitation

Section	Prohibition(s)
18 U.S.C. §1470	Transferring obscene material to another individual under age 16, or attempts to do so, using the mail or any facility or means of interstate or foreign commerce
18 U.S.C. §1591	Recruiting, enticing, harboring, transporting, providing, or obtaining by any means, a minor, or benefitting financially or by receiving anything of value by doing so, knowing that force, fraud, or coercion will be used for that minor to engage in a commercial sex act
18 U.S.C. §2241(c)	Engaging in a sexual act with a child under age 12 or engaging a child ages 12 to 16 by using force or threat, or by other means,[154] or attempting to do so
18 U.S.C. §2243	Engaging in a sexual act with a child ages 12 to 16 who is at least four years younger than the perpetrator
18 U.S.C. §2244	Engaging in or causing sexual contact with another person if it would violate 18 U.S.C. §§§2241, 2242, 2243
18 U.S.C. §2250	Failing to register or update a registration as required by the Sex Offender Registration and Notification Act where that person has either been convicted of certain sexual offenses in federal court or travels in interstate or foreign commerce, or resides in, Indian country
18 U.S.C. §2251(a)	Employing, using, or enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct
18 U.S.C. §2251(b)	Parent or guardian permitting a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct
18 U.S.C. §2251(c)	Employing, using, or enticing a minor to engage in sexually explicit conduct outside the United States to produce a visual depiction of that conduct for the purpose of transporting it to the United States

[154] Other means refers to rendering another person unconscious and thereby engaging in a sexual act with that other person; administering to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the person's ability to appraise or control conduct or engaging in a sexual act with that person.

Section	Prohibition(s)
18 U.S.C. §2251(d)	Advertising to receive, trade, buy, or distribute a visual depiction of a minor engaging in sexually explicit conduct or participating in any act of sexually explicit conduct with a minor for the purpose of producing a visual depiction of the conduct
18 U.S.C. §2251A(a)	Parent or guardian selling or transferring custody of a minor knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct, or offering to do so
18 U.S.C. §2251A(b)	Purchasing or obtaining custody of a minor knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct, or offering to do so
18 U.S.C. §2252(a)(1)	Transporting a visual depiction of a minor engaging in sexually explicit conduct
18 U.S.C. §2252(a)(2)	Receiving or distributing a visual depiction of a minor engaging in sexually explicit conduct
18 U.S.C. §2252(a)(3)	Selling, or possessing with intent to sell, a visual depiction of a minor engaging in sexually explicit conduct
18 U.S.C. §2252(a)(4)	Possessing a visual depiction of a minor engaging in sexually explicit conduct
18 U.S.C. §2252A(a)(1)	Transporting child pornography[155]
18 U.S.C. §2252A(a)(2)	Receiving or distributing child pornography
18U.S.C.§2252A(a)(3)	Reproducing child pornography for distribution, or advertising material as an obscene visual depiction of a minor engaging in sexually explicit conduct
18U.S.C.§2252A(a)(4)	Selling or possessing with the intent to sell, child pornography
18 U.S.C. §2252A(a)(5)	Possessing child pornography
18 U.S.C. §2252A(a)(6)	Distributing child pornography to a minor for purposes of persuading a minor to engage in illegal activity
18 U.S.C. §2252B(b)	Using a misleading domain name on the Internet with the intent to deceive a minor into viewing material that is harmful to minors[156] on the Internet

[155] Child pornography, as defined at 18 U.S.C. §2256(8) is "not only a visual depiction of a minor engaging in sexually explicit conduct, but also a visual depiction that is indistinguishable from that of a minor engaging in sexually explicit conduct as well as a visual depiction that has been created, adopted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct."

[156] "Harmful to minors," defined in 18 U.S.C. §2252B refers to "any communication, consisting of nudity, sex, or excretion, that taken as a whole and with reference to its context

(continued...)

Section	Prohibition(s)
18 U.S.C. §2260(a)	Employing or using a minor to engage in sexually explicit conduct outside the United States for purposes of producing a visual depiction of that conduct to be transported into the United States, or the transportation of a minor with the intent to create such a visual depiction
18 U.S.C. §2260(b)	Receiving, transporting, or distributing a visual depiction of a minor outside the United States intending that it be imported into the United States
18 U.S.C. §2421	Transporting any individual across state lines or abroad, with the intent that such individual engage in prostitution, or in any sexual activity
18 U.S.C. §2422(a)	Persuading, inducing, enticing, or coercing any person to travel to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense
18 U.S.C. §2422(b)	Persuading, inducing, enticing, or coercing any person under age 18 to travel to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense
18 U.S.C. §2423(a)	Transporting a person under 18 with intent that the person engage in prostitution or any sexual activity for which any person can be charged with a criminal offense
18 U.S.C. §2423(b)	Traveling in or into the United States or traveling abroad to engage in any illicit sexual conduct[157] with another person
18 U.S.C. §2423(c)	Traveling abroad to engage in sexual conduct with another person
18 U.S.C. §2425B	Transmitting information about a person under 16 with the intent to entice, encourage, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense

Source: Compiled by the Congressional Research Service.

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[156] (...continued)
predominately appeals to prurient interest of minors; is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable materials for minors; and lacks serious literary, artistic, political, or scientific values for minors."

[157] "Illicit sexual conduct," defined in 18 U.S.C. §2423(f) refers to a sexual act with a person under age 18 that would be in violation of federal sex abuse statutes if it occurred within the special maritime and territorial jurisdiction of the United States, or any commercial sex act with a person under age 18.

Appendix C: The Missing Children's Act of 1984 and Amendments to the Act

Year (Public Law)	Legislative Creation and Amendments to the Missing Children's Assistance Act
1984 (P.L. 98-473)	— Defines *missing child* 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; — Directs OJJDP Administrator to a. facilitate effective coordination among all federally funded programs relating to missing children, b. 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, c. 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, d. 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 e. prepare an annual comprehensive plan for facilitating cooperation and coordination among all agencies and organizations with responsibilities related to missing children; — Authorizes 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 — Provides funding authorization at $10 million for FY1985 and such sums as necessary for FY1986 through FY1988.

Year (Public Law)	Legislative Creation and Amendments to the Missing Children's Assistance Act
1988 (P.L. 100-690)	— Removes the requirement that the OJJDP Administrator analyze, compile, publish, and disseminate an annual summary of recently completed research concerning missing and exploited children; — Requires 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 cooperation and 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; — Requires 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; — Requires 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; — Provides funding authorization at such sums as necessary for FY1989 through FY1992.
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 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)	— 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; — Provides funding authorization at such sums as necessary for FY1997 through FY2001.

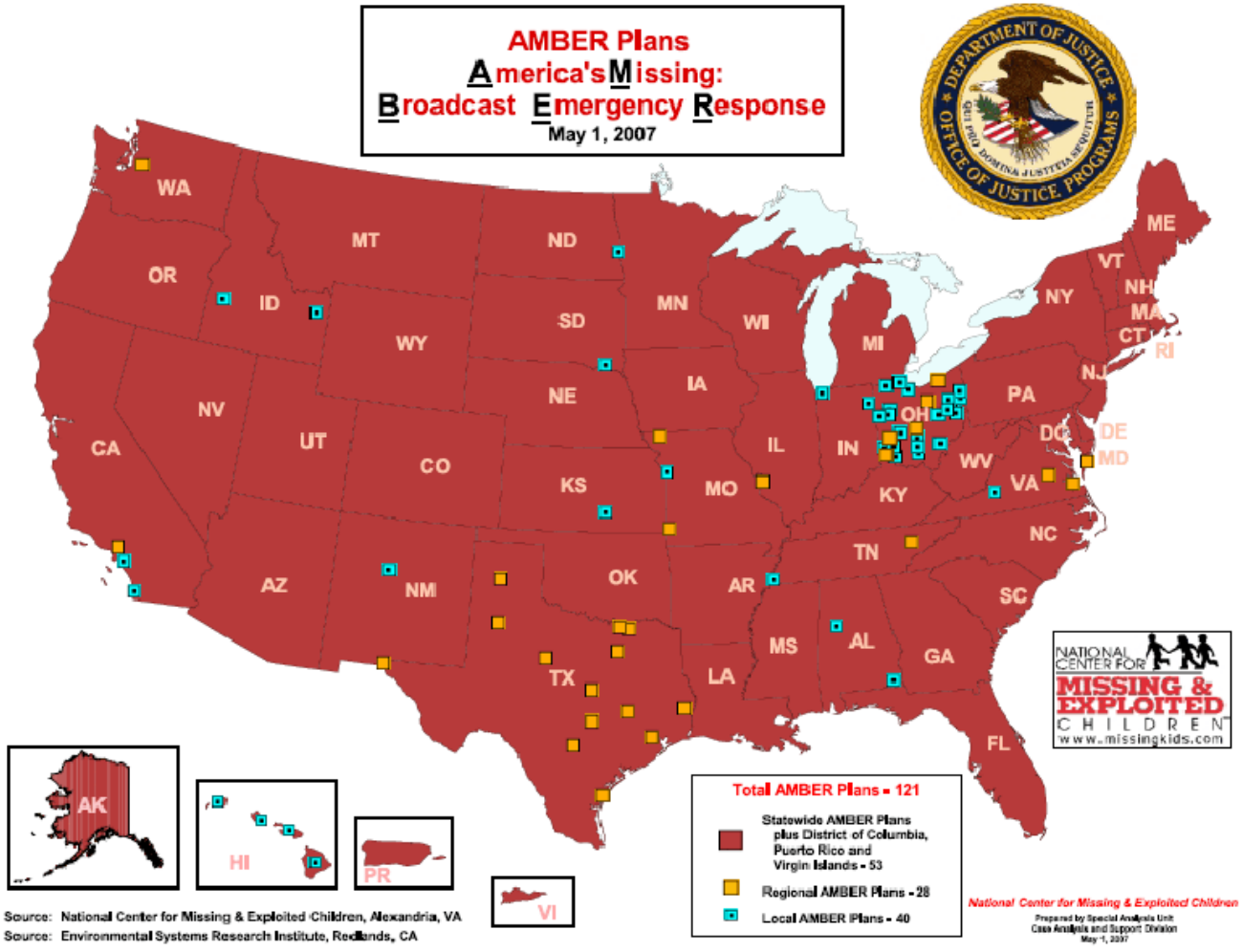
Year (Public Law)	Legislative Creation and Amendments to the Missing Children's Assistance Act
1998 (P.L. 105-314)	Deletes the language to establish a task force composed of law enforcement officers from pertinent federal agencies to work with the National Center for Missing and Exploited Children.
1999 (P.L. 106-71)	— Provides an annual grant to the National Center for Missing and Exploited Children to carry out the activities originally designated to the OJJDP Administrator, including the following: a. operate the national 24-hour, toll-free telephone line, b. coordinate the operation of the telephone line with the operation of the Runaway and Homeless Children Program's national communications system, and c. operate the official national resource center and information clearinghouse for missing and exploited children, among other responsibilities; — 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 — Provides funding authorization for the National Center for Missing and Exploited Children at $10 million for FY2000 through FY2003 and such sums as necessary for the Missing Children's Assistance Act program for these same years.
2003 (P.L. 108-21)	— Provides funding authorization for the National Center for Missing and Exploited Children at $20 million for FY2004 through FY2005; and — Provides that the National Center for Missing and Exploited Children 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.
2003 (P.L. 108-96)	Provides funding authorization for the National Center for Missing and Exploited Children 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 *missing child* to any individual less than 18 years of age whose whereabouts are unknown to such individual's legal guardian.

Source: Compiled by the Congressional Research Service.

Note: This compilation includes only legislation amending the Missing and Exploited Children's Program at §5771 et seq.

Appendix D: Map of Statewide, Regional, and Local AMBER Alert Plans

Figure A2. AMBER Alert Plans



Source: National Center for Missing and Exploited Children.

Appendix E: Other Federal Activities for Missing Children and Child Sexual Exploitation

The Departments of Justice, Homeland Security, and State, and the U.S. Postal Service, among other federal agencies, investigate and prosecute sexual crimes against children and pursue missing children cases. Some of their exploited and missing children activities are discussed below. This discussion is not exhaustive of all federal activities around missing children and child sexual exploitation.

Department of Justice[158]

Child Exploitation and Obscenity Section (Criminal Division). The Child Exploitation and Obscenity Section (CEOS) within the Justice Department's Criminal Division is a separate entity from the Child Protection Division within OJJDP. In coordination with the U.S. Attorneys Offices, CEOS prosecutes violations of federal law related to producing, distributing, receiving, or possessing child pornography; transporting women or children interstate for such purposes of engaging in criminal sexual activity; traveling interstate or internationally to sexually abuse children; and international parental kidnapping.[159] CEOS trains and advises federal prosecutors and law enforcement personnel on child victim witness issues, and develops and refines proposals for prosecution policies, legislation, government practices, and agency regulations concerning child sexual exploitation and illegal transport of children. In 2003, the High Technology Investigative Unit was created within the section to understand and analyze new technology used to facilitate child exploitation crimes. This unit works closely with U.S. Attorneys Offices through the Project Safe Childhood initiative, discussed below.

In collaboration with the FBI and NCMEC, CEOS launched the Innocence Lost National Initiative in 2003 to combat domestic child trafficking through multi-disciplinary task forces in areas with the highest incidence of child prostitution.[160] As of December 2006, the project opened 273 investigations and secured 135 convictions under state and federal law.

Project Safe Childhood (U.S. Attorney's Office). Project Safe Childhood (PSC) is an initiative that was created in March 2006 in response to the growing number of prosecuted crimes against children via the Internet and the production and distribution of more shocking, graphic images involving increasingly

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[158] The President's Budget has reported that the FBI (as a whole) made the following numbers of convictions and pre-trial diversions for child exploitation cases: 472 in FY2000; 540 in FY2001; 646 in FY2002; and 733 in FY2003. It also reported that the FBI assisted in the recovery of the following numbers of missing children: 92 in FY2002; 91 in FY2001; 106 in FY2002; and 205 in FY2003. See Office of Management and Budget, *Budget of the United States Government*. These statistics were not reported for FY2004 through FY2007.

[159] U.S. Department of Justice, Child Exploitation and Obscenity Section (CEOS), *CEOS Mission*, available at [http://www.usdoj.gov/criminal/ceos/mission.html].

[160] U.S. Department of Justice, Criminal Division, *FY2008 Budget*, p. 7. The document is available at [http://www.usdoj.gov/jmd/2008justification/pdf/14_crm.pdf].

younger children and infants.[161] The goals of the program are to investigate and prosecute individuals who exploit children and to identify and rescue victims. The initiative is led by the U.S. Attorney's Office, and within each judicial district, an attorney is appointed to serve as the PSC coordinator for the district. The coordinator builds partnerships with stakeholders in the district including — regional or state ICACs, federal law enforcement agencies with a local presence (the FBI, the U.S. Postal Inspection Service, Immigration and Customs Enforcement, U.S. Marshals), NCMEC, Internet safety programs, local law enforcement, and public and private organizations, such as parent groups and school administrators.

Each U.S. Attorney's Office must complete a strategic plan to implement the PSC initiative in each district within 90 days after the PSC coordinator is designated. The strategic plan should include background information to help frame the district's present capacity to address child exploitation issues, and to summarize the early results of partnership-building efforts. The plan must address the ways in which the district's partners will coordinate and utilize their resources to fulfill the goals of the initiative, and respond to leads from NCMEC, including the Child Victim Identification program, FBI Innocent Images Unit, and CEOS.[162] The plan must also develop a mechanism to ensure that targets of a particular law enforcement agency are known to the PSC partners in order to avoid duplication of efforts.

Finally, the PSC partnership is to coordinate local public awareness and education campaigns in the community.[163] This may be through identifying PSC partners currently conducting awareness and outreach programs.

Innocent Images National Initiative (FBI). The Innocent Images National Initiative (IINI), created in 1993, is coordinated through the FBI's Cyber Crimes Program. The IINI's mission has four parts: to reduce the vulnerability of children to acts of sexual exploitation and abuse which are facilitated through the use of computers; to identify and rescue witting and unwitting child victims; to investigate and prosecute sexual predators who use the Internet and other online services to sexually exploit children for personal or financial gain; and to strengthen the capabilities of federal, state, local, and international law enforcement through training programs and investigative assistance.[164] FBI agents conduct undercover operations in the FBI's field offices, in cooperation with ICAC Task Force and other federal agencies, and abroad through the FBI Legal Attaché Program in collaboration with foreign law enforcement. These agents investigate all areas of the Internet and

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[161] U.S. Department of Justice, *Project Safe Childhood*, May 2006, p. 10. The information is available at [http://www.projectsafechildhood.gov/guide.htm]. See also 42 U.S.C. §16942.

[162] Ibid, p. 25.

[163] The FY2007 solicitation for Project Safe Childhood seeks community partners to increase awareness about the program and to provide training and education around Internet safety. The solicitation is available at [http://www.ojjdp.ncjrs.gov/grants/solicitations/FY 2007/PSCPrograms.pdf].

[164] U.S. Department of Justice, Federal Bureau of Investigation, *Innocent Images National Initiative*. The information is available at [http://www.fbi.gov/publications/innocent.htm].

online services, such as websites that post child pornography, online groups and organizations, file services, and peer-to-peer file-sharing programs, among others. FBI agents and task force officers go online undercover using fictitious screen names and engage in real-time chat or e-mail conversations with subjects to obtain evidence of criminal activity. Investigation of specific online locations can be initiated through several pathways, including a referral from a law enforcement agency or a complaint from an online service provider. A case management system enables the IINI to track subjects and correlate transactions (of distributing or receiving child pornography and/or making payments for child pornography) that do not readily appear to be connected.

Crimes Against Children Unit (FBI). The Crimes Against Children Unit (CACU) was established in 1997 within the Criminal Investigation Division's Violent Crime and Major Offenders Section and focuses on crimes against children.[165] The CACU is staffed by supervisory special agents and support professionals who address all crimes under the FBI's jurisdiction that involve the victimization of children, manage and provide oversight to field offices of investigations of crimes against children, and coordinate training on crimes against children throughout the law enforcement community. A supervisory special agent with CACU is detailed full-time to the National Center for Missing and Exploited Children to coordinate the FBI's response to child abductions, parental kidnapping, child pornography, and other crimes involving the sexual exploitation of children. Each FBI field office has at least two special agents designated as Crimes Against Children Coordinators. These coordinators use all available FBI investigative and other resources to investigate crimes against children and coordinate their investigations with other law enforcement agencies and prosecutors. Further, they utilize CAC resource teams, which consist of law enforcement personnel, social service providers, and other professionals, to investigate and prosecute incidents that cross legal and geographical jurisdictional boundaries.

The FBI's National Center for the Analysis of Violent Crime (NCAVC), located at the FBI Academy in Quantico, Virginia, works to resolve child abductions and murders. NCAVC provides operational assistance to FBI field offices and other law enforcement agencies involved in violent crime investigations, applying expertise in cases involving missing and exploited children. Upon being notified that a child has been abducted, FBI field offices and the NCAVC coordinate an immediate response that involves special agents joining other law enforcement to conduct a comprehensive community investigation. Evidence Response Teams may also conduct the forensic investigation of the abduction site and a Rapid Start Team may immediately be deployed to coordinate and track investigate leads.

Sex Offender Control and Apprehension Initiative (Office of Justice Programs). The Administration has proposed a Sex Offender Control and Apprehension Initiative as part of its proposed Office of Justice Programs Child

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[165] This information was provided to the Congressional Research Service by the U.S. Department of Justice, Federal Bureau of Investigation in April 2008.

Safety and Juvenile Justice discretionary grant program for FY2008.[166] The initiative is intended to meet some of the goals of the Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248), which includes provisions related to preventing and punishing sex offenders and those who victimize children.[167] The initiative is intended to assist state, local, and tribal governments conduct investigations and fugitive apprehension efforts related to sex offenders; develop and enforce laws related to sex offender registries; and control and hold sex offenders accountable (through the use of electronic monitoring and civil commitment); and enhance the ability of state and local law enforcement to control and investigate sex offenders through training and assistance. (Note that the Office of Justice Programs administers and funds the National Sex Offender Public Registry that requires sex offenders to register information about their sex crimes and crimes against children, pursuant to the Jacob Wetterling Crimes Against Children Act and Sexually Violent Offender Registration Act, as amended by the Adam Walsh Child Protection and Safety Act of 2006.)

Department of Homeland Security

Cyber Crime Center Child Exploitation Section (Immigration and Customs Enforcement). The Immigrant and Customs Enforcement (ICE) Agency houses the Cyber Crime Center's Child Exploitation Section (CES). The CES investigates the transnational production and distribution of child exploitation images and individuals who travel abroad for the purpose of engaging in sex with minors. CES analysts and agents collect evidence and track the activities of individuals and organized groups who exploit children through the use of websites, chat rooms, newsgroups, and peer-to-peer trading.[168] The section also conducts clandestine operations throughout the world to identify and apprehend abusers. CES has coordinated federal efforts to apprehend individuals and organizations that victimize children. Operation Predator is perhaps among the most well known project designed to meet this goal. The project was created in July 2003 to identify, investigate, arrest, and deport (in the case of foreign perpetrators) child sex predators. To date, Operation Predator has resulted in the arrest of more than 9,500 individuals throughout the United States.[169]

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[166] U.S. Department of Justice, Office of Justice Programs, *FY2008 Performance Budget*, p. 70; available at [http://www.usdoj.gov/jmd/2008justification/pdf/40_ojp.pdf].

[167] For further information about the legislation, see CRS Report RL33967, *Adam Walsh Child Protection and Safety Act of 2006: A Legal Analysis*, by Charles Doyle and CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

[168] For further information about the Child Exploitation Center, see [http://www.ice.gov/partners/investigations/services/cyberbranch.htm].

[169] U.S. Department of Homeland Security, U.S. Immigration and Customs Enforcement, "Two Springfield Men Receive Significant Prison Sentences for Trading Child Porn," press release, March 6, 2007; available at [http://www.ice.gov/pi/news/newsreleases/articles/070306springfield.htm].

Forensic Services (United States Secret Service). As discussed above, Congress mandated that the United States Secret Service provide forensic and technical assistance in matters involving missing and exploited children. Secret Service forensic analysts assist NCMEC and federal, state, and local law enforcement agencies with a number of services to identify and track individuals who sexually exploit children. These services include identification of finger prints using the most up-to-date chemical and physical methods; forensic automation to identify fingerprints, handwriting, counterfeit identity documents, and financial documents when other investigative leads have been exhausted; polygraph services; analysis of and testimony regarding questioned documents; and forensic photography and other audio and image enhancements.[170]

U.S. Postal Service

U.S. Postal Inspection Service. The U.S. Postal Inspection Service (USPIS) is the law enforcement, crime prevention, and security arm of the U.S. Postal Service. Pursuant to federal law making it a crime to mail obscene matter and transmit obscene material over the Internet — including child pornography — the Postal Inspection Service is authorized to investigate such mailings and transmittals. In FY2006, postal inspectors arrested 250 suspects and identified 58 child molestors who mailed or received child pornography in the mail.[171]

The USPIS participates in the Deliver Me Home program that distributes missing children flyers to targeted zip codes to alert communities and seek information that may help locate a missing or exploited child. Deliver Me Home was created in 1994 in partnership with NCMEC and the Postal Service.

Department of State

Office of Children's Issues. The U.S. Department of State's Office of Children's Issues was established in 1994 to assist parents whose children are the victims of international parental child abduction.[172] As the U.S. Central Authority for the Hague Convention on the Civil Aspects of International Child Abduction ("Hague Convention"), the Office of Children's Issues helps parents file and pursue applications for their child's return or for access to their child, through the foreign Central Authority, or where feasible, directly to a foreign court.[173] (NCMEC serves as the representative of the State Department on matters relating to the Hague Convention.) State Department employees may also attempt to locate and visit the

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[170] For additional information about the U.S. Secret Service's forensic services, see [http://www.secretservice.gov/forensics.shtml].

[171] U.S. Postal Service, U.S. Postal Inspection Service, *2006 Annual Report of Investigations*, January 2007, pp. 36-37; available at [http://www.usps.com/postalinspectors/06FY%20PI%20Annual%20Report.pdf].

[172] For additional information about the Office of Children's Issues, see [http://travel.state.gov/family/abduction/abduction_580.html].

[173] The Hague Convention calls on Central Authorities to facilitate parental access, but does not provide for specific procedures or remedies.

abducted child and monitor judicial proceedings overseas. The State Department works with the Justice Department and Interpol through the Interagency Working Group to coordinate strategies for resolving cases of abduction and wrongful retention. The group convenes each month to discuss initiatives and to facilitate communications between agencies.

Treasury Department

Internal Revenue Service. The Internal Revenue Service's (IRS) Picture Them Home program publicizes photographs of missing children in agency instructions and publications. From January 2001 through July 2006, the IRS publicized approximately 2,500 pictures of missing children.[174] NCMEC has received 587 leads related to 289 children whose photographs have appeared in IRS instructions and publications.

[174] U.S. Department of Treasury, Inspector General for Tax Administration, "The Internal Revenue Service Provides Valuable Assistance in Locating Missing Children," Press Release, February 20, 2007; available at [http://www.treas.gov/tigta/auditreports/2007 reports/200740029_oa_highlights.html].

Appendix F: CRS Reports on Missing and Exploited Children and Related Topics

AMBER Alert

CRS Report RS21453, *AMBER Alert Program Technology*, by Linda K. Moore.

Exploitation

CRS Report RL32800, *Sex Offender Registration and Community Notification Law: Recent Legislation and Issues*, by Garrine P. Laney.

CRS Report 98-67, *Internet: An Overview of Key Technology Policy Issues Affecting Its Growth and Usage*, coordinated by Lennard G. Kruger, John D. Moteff, Angele A. Gilroy, Jeffrey W. Seifert, Patricia Moloney Figliola, and Rita Tehan.

CRS Report 98-670, *Obscenity, Child Pornography, and Indecency: Recent Developments and Pending Issues*, by Henry Cohen.

CRS Report RL33967, *Adam Walsh Child Protection and Safety Act of 2006: A Legal Analysis*, by Charles Doyle.

Related Issues

CRS Report RL33785, *Runaway and Homeless Youth: Demographics, Programs, and Emerging Issues*, by Adrienne L. Fernandes.

CRS Report RL34483, *Reauthorization Legislation and Issues in the 110th Congress*, by Adrienne L. Fernandes.

CRS Report RL34317, *Trafficking in Persons: U.S. Policy and Issues for Congress*, by Clare Ribando Seelke and Alison Siskin.

CRS Report RL33896, *Unaccompanied Alien Children: Policies and Issues*, by Chad C. Haddal.