

PUBLIC LAW 115-267—OCT. 11, 2018

MISSING CHILDREN'S ASSISTANCE
ACT OF 2018

Public Law 115–267
115th Congress

An Act

Oct. 11, 2018
[S. 3354]

To amend the Missing Children’s Assistance Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Missing
Children’s
Assistance Act
of 2018.
34 USC 10101
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Missing Children’s Assistance Act of 2018”.

SEC. 2. IMPROVING SUPPORT FOR MISSING AND EXPLOITED CHILDREN.

(a) FINDINGS.—Section 402 of the Missing Children’s Assistance Act (34 U.S.C. 11291) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) each year tens of thousands of children run away, or are abducted or removed, from the control of a parent having legal custody without the consent of that parent, under circumstances which immediately place the child in grave danger;”;

(2) by striking paragraphs (4), (5), and (9);

(3) by redesignating paragraphs (6), (7), (8), and (10) as paragraphs (4), (5), (6), and (7), respectively;

(4) in paragraph (4), as so redesignated, by inserting “, including child sex trafficking and sextortion” after “exploitation”;

(5) in paragraph (6), as so redesignated, by adding “and” at the end; and

(6) by amending paragraph (7), as so redesignated, to read as follows:

“(7) the Office of Juvenile Justice and Delinquency Prevention administers programs under this title, including programs that prevent and address offenses committed against vulnerable children and support missing children’s organizations, including the National Center for Missing and Exploited Children that—

“(A) serves as a nonprofit, national resource center and clearinghouse to provide assistance to victims, families, child-serving professionals, and the general public;

“(B) works with the Department of Justice, the Federal Bureau of Investigation, the United States Marshals Service, the Department of the Treasury, the Department of State, U.S. Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, other agencies, and nongovernmental organizations in the effort to find missing children and to prevent child victimization; and

“(C) coordinates with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, Puerto Rico, and international organizations to transmit images and information regarding missing and exploited children to law enforcement agencies, nongovernmental organizations, and corporate partners across the United States and around the world instantly.” Coordination.

(b) DEFINITIONS.—Section 403 of the Missing Children’s Assistance Act (34 U.S.C. 11292) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) the term ‘missing child’ means any individual less than 18 years of age whose whereabouts are unknown to such individual’s parent;”;

(2) in paragraph (2), by striking “and” at the end;

(3) in paragraph (3), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(4) the term ‘parent’ includes a legal guardian or other individual who may lawfully exercise parental rights with respect to the child.”

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children’s Assistance Act (34 U.S.C. 11293) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “telephone line” and inserting “hotline”; and

(B) in paragraph (6)(E)—

(i) by striking “telephone line” and inserting “hotline”;

(ii) by striking “(b)(1)(A) and” and inserting “(b)(1)(A),”; and

(iii) by inserting “, and the number and types of reports to the tipline established under subsection (b)(1)(K)(i)” before the semicolon at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A)—

(i) by striking “telephone line” each place it appears and inserting “hotline”; and

(ii) by striking “legal custodian” and inserting “parent”;

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking “restaurant” and inserting “food”; and

(II) by striking “and” at the end;

(ii) in clause (ii) by adding “and” at the end; and

(iii) by adding at the end the following:

“(iii) innovative and model programs, services, and legislation that benefit missing and exploited children;”;

(C) by striking subparagraphs (E), (F), (G), (L), (M), (P) and (R);

(D) by redesignating subparagraphs (H) through (K) as subparagraphs (E) through (H), respectively;

(E) by redesignating subparagraphs (N) and (O) as subparagraphs (I) and (J), respectively;

(F) by redesignating subparagraph (Q) as subparagraph (K);

(G) by redesignating subparagraphs (S) through (V) as subparagraphs (L) through (O), respectively;

(H) by amending subparagraph (E), as so redesignated, to read as follows:

“(E) provide technical assistance and training to families, law enforcement agencies, State and local governments, elements of the criminal justice system, nongovernmental agencies, local educational agencies, and the general public—

“(i) in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children;

Coordination.

“(ii) to respond to foster children missing from the State child welfare system in coordination with child welfare agencies and courts handling juvenile justice and dependency matters; and

“(iii) in the identification, location, and recovery of victims of, and children at risk for, child sex trafficking;”;

(I) by amending subparagraphs (F), (G), and (H), as so redesignated, to read as follows:

Cooperation.

“(F) provide assistance to families, law enforcement agencies, State and local governments, nongovernmental agencies, child-serving professionals, and other individuals involved in the location and recovery of missing and abducted children nationally and, in cooperation with the Department of State, internationally;

“(G) provide support and technical assistance to child-serving professionals involved in helping to recover missing and exploited children by searching public records databases to help in the identification, location, and recovery of such children, and help in the location and identification of potential abductors and offenders;

Consultation.

“(H) provide forensic and direct on-site technical assistance and consultation to families, law enforcement agencies, child-serving professionals, and nongovernmental organizations in child abduction and exploitation cases, including facial reconstruction of skeletal remains and similar techniques to assist in the identification of unidentified deceased children;”;

(J) by amending subparagraph (I), as so redesignated, to read as follows:

“(I) provide training, technical assistance, and information to nongovernmental organizations relating to non-compliant sex offenders and to law enforcement agencies in identifying and locating such individuals;”;

(K) by amending subparagraph (K), as so redesignated, to read as follows:

“(K) work with families, law enforcement agencies, electronic service providers, electronic payment service providers, technology companies, nongovernmental organizations, and others on methods to reduce the existence and distribution of online images and videos of sexually exploited children—

“(i) by operating a tipline to—

“(I) provide to individuals and electronic service providers an effective means of reporting internet-related and other instances of child sexual exploitation in the areas of—

“(aa) possession, manufacture, and distribution of child pornography;

“(bb) online enticement of children for sexual acts;

“(cc) child sex trafficking;

“(dd) sex tourism involving children;

“(ee) extra-familial child sexual molestation;

“(ff) unsolicited obscene material sent to a child;

“(gg) misleading domain names; and

“(hh) misleading words or digital images on the internet; and

“(II) make reports received through the tipline available to the appropriate law enforcement agency for its review and potential investigation;

“(ii) by operating a child victim identification program to assist law enforcement agencies in identifying victims of child pornography and other sexual crimes to support the recovery of children from sexually exploitative situations; and

“(iii) by utilizing emerging technologies to provide additional outreach and educational materials to parents and families;” and

(L) by amending subparagraphs (L) and (M), as so redesignated, to read as follows:

“(L) develop and disseminate programs and information to families, child-serving professionals, law enforcement agencies, State and local governments, nongovernmental organizations, schools, local educational agencies, child-serving organizations, and the general public on—

“(i) the prevention of child abduction and sexual exploitation;

“(ii) internet safety, including tips for social media and cyberbullying; and

“(iii) sexting and sextortion;

“(M) provide technical assistance and training to local educational agencies, schools, State and local law enforcement agencies, individuals, and other nongovernmental organizations that assist with finding missing and abducted children in identifying and recovering such children;”.

(d) GRANTS.—Section 405 of the Missing Children’s Assistance Act (34 U.S.C. 11294) is amended—

(1) in subsection (a)—

(A) in paragraph (7), by striking “(as defined in section 403(1)(A))”; and

(B) in paragraph (8)—

(i) by striking “legal custodians” and inserting “parents”; and

(ii) by striking “custodians” and inserting “parents”; and

(2) in subsection (b)(1)(A), by striking “legal custodians” and inserting “parents”.

(e) **REPORTING.**—The Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.) is amended—

(1) by redesignating sections 407 and 408 as sections 408 and 409, respectively; and

(2) by inserting after section 406 (34 U.S.C. 11295) the following:

34 USC 11295a.

“SEC. 407. REPORTING.

Public information.

“(a) REQUIRED REPORTING.—As a condition of receiving funds under section 404(b), the grant recipient shall, based solely on reports received by the grantee and not involving any data collection by the grantee other than those reports, annually provide to the Administrator and make available to the general public, as appropriate—

“(1) the number of children nationwide who are reported to the grantee as missing;

“(2) the number of children nationwide who are reported to the grantee as victims of non-family abductions;

“(3) the number of children nationwide who are reported to the grantee as victims of family abductions; and

“(4) the number of missing children recovered nationwide whose recovery was reported to the grantee.

“(b) INCIDENCE OF ATTEMPTED CHILD ABDUCTIONS.—As a condition of receiving funds under section 404(b), the grant recipient shall—

“(1) track the incidence of attempted child abductions in order to identify links and patterns;

“(2) provide such information to law enforcement agencies; and

Public information.

“(3) make such information available to the general public, as appropriate.”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS; AUDIT REQUIREMENT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 409(a) of the Missing Children’s Assistance Act, as so redesignated by section 2, is amended by striking “2018” and inserting “2023”.

(b) **AUDIT REQUIREMENT.**—Section 408(1) of the Missing Children’s Assistance Act, as so redesignated by section 2, is amended by striking “2018” and inserting “2023”.

34 USC 11291 note.

SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) **EFFECTIVE DATE.**—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 shall apply with respect to fiscal years that begin after September 30, 2018.

Approved October 11, 2018.

LEGISLATIVE HISTORY—S. 3354:

CONGRESSIONAL RECORD, Vol. 164 (2018):

Sept. 27, considered and passed Senate.

Sept. 28, considered and passed House.

