

In the Senate of the United States,

December 6, 2018.

Resolved, That the bill from the House of Representatives (H.R. 5075) entitled “An Act to encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Ashanti Alert Act of*
3 *2018”.*

4 ***SEC. 2. ESTABLISHMENT OF ASHANTI ALERT COMMUNICA-***
5 ***TIONS NETWORK.***

6 *Kristen’s Act (Public Law 106–468; 114 Stat. 2027)*
7 *is amended—*

8 *(1) by inserting before section 2 (34 U.S.C.*
9 *40504) the following:*

“TITLE I—GRANTS”;

(2) by redesignating sections 2 (34 U.S.C. 40504) and 3 (34 U.S.C. 40504 note) as sections 101 and 102, respectively;

(3) in section 101(b), as so redesignated, by striking “this Act” and inserting “this title”;

(4) in section 102, as so redesignated, by striking “this Act” and inserting “this title”; and

(5) by adding at the end the following:

**“TITLE II—ASHANTI ALERT
COMMUNICATIONS NETWORK**

“SEC. 201. DEFINITIONS.

“In this title:

“(1) AMBER ALERT COMMUNICATIONS NETWORK.—The term ‘AMBER Alert communications network’ means the AMBER Alert communications network established under subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.).

“(2) ASHANTI ALERT.—The term ‘Ashanti Alert’ means an alert issued through the Ashanti Alert communications network, related to a missing adult.

“(3) ASHANTI ALERT COMMUNICATIONS NETWORK.—The term ‘Ashanti Alert communications network’ means the national communications network es-

1 *tablished by the Attorney General under section*
 2 *202(a).*

3 “(4) *ASHANTI ALERT COORDINATOR OF THE DE-*
 4 *PARTMENT OF JUSTICE; COORDINATOR.—The term*
 5 *‘Ashanti Alert Coordinator of the Department of Jus-*
 6 *tice’ or ‘Coordinator’ means the employee designated*
 7 *by the Attorney General to act as the national coordi-*
 8 *nator of the Ashanti Alert communications network*
 9 *under section 203(a).*

10 “(5) *ASHANTI ALERT PLAN.—The term ‘Ashanti*
 11 *Alert plan’ means a local element of the Ashanti Alert*
 12 *communications network.*

13 “(6) *INDIAN TRIBE.—The term ‘Indian Tribe’*
 14 *means a federally recognized Indian Tribe or a Na-*
 15 *tive village, Regional Corporation, or Village Cor-*
 16 *poration (as those terms are defined in section 3 of*
 17 *the Alaska Native Claims Settlement Act (43 U.S.C.*
 18 *1602)).*

19 “(7) *MISSING ADULT.—The term ‘missing adult’*
 20 *means an individual who—*

21 “(A) *is older than the age for which an*
 22 *alert may be issued through the AMBER Alert*
 23 *communications network in the State or terri-*
 24 *tory of an Indian Tribe in which the individual*
 25 *is identified as a missing individual;*

1 “(B) is identified by a law enforcement
2 agency as a missing individual; and

3 “(C) meets the requirements to be des-
4 ignated as a missing adult, as determined by the
5 State in which, or the Indian Tribe in the terri-
6 tory of which, the individual is identified as a
7 missing individual.

8 “(8) STATE.—The term ‘State’ means each of the
9 50 States, the District of Columbia, the Common-
10 wealth of Puerto Rico, the United States Virgin Is-
11 lands, Guam, American Samoa, and the Common-
12 wealth of the Northern Mariana Islands.

13 **“SEC. 202. ASHANTI ALERT COMMUNICATIONS NETWORK.**

14 “(a) IN GENERAL.—The Attorney General shall, sub-
15 ject to the availability of appropriations, establish a na-
16 tional communications network within the Office of Justice
17 Programs of the Department of Justice to provide assistance
18 to regional and local search efforts for missing adults
19 through the initiation, facilitation, and promotion of local
20 elements of the network, in coordination with States, Indian
21 Tribes, units of local government, law enforcement agencies,
22 and other concerned entities with expertise in providing
23 services to adults.

24 “(b) INTEGRATION WITH EXISTING COMMUNICATIONS
25 NETWORK.—In establishing the Ashanti Alert communica-

1 *tions network under subsection (a), the Attorney General*
 2 *shall coordinate, when advisable, with missing person alert*
 3 *systems in existence as of the date of enactment of this title,*
 4 *such as the AMBER Alert communications network and*
 5 *Silver Alert communications networks.*

6 **“SEC. 203. ASHANTI ALERT COORDINATOR.**

7 “(a) *NATIONAL COORDINATOR WITHIN DEPARTMENT*
 8 *OF JUSTICE.*—*The Attorney General shall designate an em-*
 9 *ployee of the Office of Justice Programs of the Department*
 10 *of Justice to act as the national coordinator of the Ashanti*
 11 *Alert communications network.*

12 “(b) *DUTIES OF THE COORDINATOR.*—*In acting as the*
 13 *national coordinator of the Ashanti Alert communications*
 14 *network, the Coordinator shall—*

15 “(1) *work with States and Indian Tribes to en-*
 16 *courage the development of additional Ashanti Alert*
 17 *plans in the network;*

18 “(2) *establish voluntary guidelines for States*
 19 *and Indian Tribes to use in developing Ashanti Alert*
 20 *plans that will promote compatible and integrated*
 21 *Ashanti Alert plans throughout the United States, in-*
 22 *cluding—*

23 “(A) *a list of the resources necessary to es-*
 24 *tablish an Ashanti Alert plan;*

1 “(B) criteria for evaluating whether a situ-
2 ation warrants issuing an Ashanti Alert, taking
3 into consideration the need for the use of Ashanti
4 Alerts to be limited in scope because the effective-
5 ness of the Ashanti Alert communications net-
6 work may be affected by overuse, including cri-
7 teria to determine—

8 “(i) whether the mental capacity of an
9 adult who is missing, and the circumstances
10 of his or her disappearance, including any
11 history of domestic violence, sexual assault,
12 child abuse, or human trafficking, warrant
13 the issuance of an Ashanti Alert; and

14 “(ii) whether the individual who re-
15 ports that an adult is missing is an appro-
16 priate and credible source on which to base
17 the issuance of an Ashanti Alert;

18 “(C) a description of the appropriate uses of
19 the Ashanti Alert name to readily identify the
20 nature of search efforts for missing adults; and

21 “(D) recommendations on how to protect the
22 privacy, dignity, independence, autonomy, and
23 safety of any missing adult who may be the sub-
24 ject of an Ashanti Alert;

1 “(3) develop proposed protocols for efforts to re-
2 cover missing adults and to reduce the number of
3 adults who are reported missing, including protocols
4 for procedures that are needed from the time of initial
5 notification of a law enforcement agency that the
6 adult is missing through the time of the return of the
7 adult to family, guardian, or domicile, as appro-
8 priate, including—

9 “(A) public safety communications protocol;

10 “(B) case management protocol;

11 “(C) command center operations;

12 “(D) reunification protocol;

13 “(E) incident review, evaluation, debriefing,
14 and public information procedures; and

15 “(F) protocols for declining to issue an
16 Ashanti Alert;

17 “(4) work with States and Indian Tribes to en-
18 sure appropriate regional coordination of various ele-
19 ments of the network;

20 “(5) establish an advisory group to assist States,
21 Indian Tribes, units of local government, law enforce-
22 ment agencies, and other entities involved in the
23 Ashanti Alert communications network with initi-
24 ating, facilitating, and promoting Ashanti Alert
25 plans, which shall include—

1 “(A) to the maximum extent practicable,
2 representation from the various geographic re-
3 gions of the United States; and

4 “(B) members who are—

5 “(i) representatives of adult citizen ad-
6 vocacy groups, law enforcement agencies,
7 victim service providers (as defined in sec-
8 tion 40002(a) of the Violence Against
9 Women Act of 1994 (34 U.S.C. 12291(a)),
10 and public safety communications;

11 “(ii) broadcasters, first responders, dis-
12 patchers, and radio station personnel; and

13 “(iii) representatives of any other indi-
14 viduals or organizations that the Coordi-
15 nator determines are necessary to the suc-
16 cess of the Ashanti Alert communications
17 network; and

18 “(6) act as the nationwide point of contact for—

19 “(A) the development of the network; and

20 “(B) regional coordination of alerts for
21 missing adults through the network.

22 “(c) COORDINATION.—

23 “(1) COORDINATION WITH OTHER AGENCIES.—

24 The Coordinator shall coordinate and consult with the
25 Secretary of Transportation, the Federal Communica-

tions Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, and other appropriate offices of the Department of Justice, including the Office on Violence Against Women, in carrying out activities under this title.

“(2) STATE, TRIBAL, AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State, Tribal, and local law enforcement agencies in establishing minimum standards under section 204 and in carrying out other activities under this title, as appropriate.

“(d) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Coordinator shall submit to Congress a report on—

“(A) the activities of the Coordinator; and

“(B) the effectiveness and status of the Ashanti Alert plan of each State or Indian Tribe that has established or is in the process of establishing such a plan.

“(2) CONTENTS.—Each report under paragraph (1) shall include—

“(A) a list of each State or Indian Tribe that has established an Ashanti Alert plan;

1 “(B) a list of each State or Indian Tribe
2 that is in the process of establishing an Ashanti
3 Alert plan;

4 “(C) for each State or Indian Tribe that
5 has established an Ashanti Alert plan, to the ex-
6 tent the data is available—

7 “(i) the number of Ashanti Alerts
8 issued;

9 “(ii) the number of missing adults lo-
10 cated successfully;

11 “(iii) the average period of time be-
12 tween the issuance of an Ashanti Alert and
13 the location of the missing adult for whom
14 the Alert was issued;

15 “(iv) the State or Tribal agency or au-
16 thority issuing Ashanti Alerts, and the
17 process by which Ashanti Alerts are dis-
18 seminated;

19 “(v) the cost of establishing and oper-
20 ating the Ashanti Alert plan;

21 “(vi) the criteria used by the State or
22 Indian Tribe to determine whether to issue
23 an Ashanti Alert; and

24 “(vii) the extent to which missing
25 adults for whom Ashanti Alerts were issued

1 *crossed State lines or territorial borders of*
2 *an Indian Tribe;*

3 *“(D) actions States and Indian Tribes have*
4 *taken to protect the privacy and dignity of the*
5 *missing adults for whom Ashanti Alerts are*
6 *issued;*

7 *“(E) ways that States and Indian Tribes*
8 *have facilitated and improved communication*
9 *about missing adults between families, care-*
10 *givers, law enforcement officials, and other au-*
11 *thorities; and*

12 *“(F) any other information the Coordinator*
13 *determines to be appropriate.*

14 **“SEC. 204. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
15 **SEMINATION OF ALERTS THROUGH ASHANTI**
16 **ALERT COMMUNICATIONS NETWORK.**

17 *“(a) ESTABLISHMENT OF MINIMUM STANDARDS.—*
18 *Subject to subsection (b), the Coordinator shall establish*
19 *minimum standards for—*

20 *“(1) the issuance of alerts through the Ashanti*
21 *Alert communications network; and*

22 *“(2) the extent of the dissemination of alerts*
23 *issued through the Ashanti Alert communications net-*
24 *work.*

25 *“(b) LIMITATIONS.—*

1 “(1) *DISSEMINATION OF INFORMATION.*—*The*
2 *minimum standards established under subsection (a)*
3 *shall, to the maximum extent practicable (as deter-*
4 *mined by the Coordinator in consultation with State,*
5 *Tribal, and local law enforcement agencies), provide*
6 *for the dissemination of appropriate information re-*
7 *lating to the special needs of a missing adult (includ-*
8 *ing health care needs) to the appropriate law enforce-*
9 *ment, public health, and other public officials.*

10 “(2) *GEOGRAPHIC AREAS.*—*The minimum*
11 *standards established under subsection (a) shall, to*
12 *the maximum extent practicable (as determined by*
13 *the Coordinator in consultation with State, Tribal,*
14 *and local law enforcement agencies), provide that the*
15 *dissemination of an alert through the Ashanti Alert*
16 *communications network shall be limited to the geo-*
17 *graphic areas that the missing adult could reasonably*
18 *reach, considering—*

19 “(A) *the circumstances and physical and*
20 *mental condition of the missing adult;*

21 “(B) *the modes of transportation available*
22 *to the missing adult; and*

23 “(C) *the circumstances of the disappear-*
24 *ance.*

1 “(3) *OTHER REQUIREMENTS.—The minimum*
 2 *standards established under subsection (a) shall re-*
 3 *quire that, in order for an Ashanti Alert to be issued*
 4 *for a missing adult, the missing adult—*

5 “(A) *suffers from a proven mental or phys-*
 6 *ical disability, as documented by a source deter-*
 7 *mined credible by an appropriate law enforce-*
 8 *ment agency; or*

9 “(B) *be missing under circumstances that*
 10 *indicate, as determined by an appropriate law*
 11 *enforcement agency—*

12 “(i) *that the physical safety of the*
 13 *missing adult may be endangered; or*

14 “(ii) *that the disappearance of the*
 15 *missing adult may not have been voluntary,*
 16 *including an abduction or kidnapping.*

17 “(4) *SAFETY, PRIVACY, AND CIVIL LIBERTIES*
 18 *PROTECTIONS.—The minimum standards established*
 19 *under subsection (a) shall—*

20 “(A) *ensure that alerts issued through the*
 21 *Ashanti Alert communications network comply*
 22 *with all applicable Federal, State, Tribal, and*
 23 *local privacy laws and regulations;*

24 “(B) *include standards that specifically*
 25 *provide for the protection of the civil liberties*

1 *and sensitive medical information of missing*
2 *adults; and*

3 “(C) include standards requiring, as appro-
4 *priate, a review of relevant court records, prior*
5 *contacts with law enforcement, and other infor-*
6 *mation relevant to the missing adult or the indi-*
7 *vidual reporting, in order to provide protections*
8 *against domestic violence.*

9 “(5) *STATE, TRIBAL, AND LOCAL VOLUNTARY CO-*
10 *ORDINATION.—In establishing minimum standards*
11 *under subsection (a), the Coordinator may not inter-*
12 *fere with the system of voluntary coordination be-*
13 *tween local broadcasters and State, Tribal, and local*
14 *law enforcement agencies for purposes of regional and*
15 *local search efforts for missing adults that was in ef-*
16 *fect on the day before the date of enactment of this*
17 *title.*

18 **“SEC. 205. VOLUNTARY PARTICIPATION.**

19 *“The minimum standards established under section*
20 *204(a), and any other guidelines and programs established*
21 *under section 203, shall be adoptable on a voluntary basis*
22 *only.*

23 **“SEC. 206. TRAINING AND EDUCATIONAL PROGRAMS.**

24 *“The Coordinator shall make available to States, In-*
25 *dian Tribes, units of local government, law enforcement*

1 agencies, and other concerned entities that are involved in
2 initiating, facilitating, or promoting Ashanti Alert plans,
3 including broadcasters, first responders, dispatchers, public
4 safety communications personnel, and radio station per-
5 sonnel—

6 “(1) training and educational programs related
7 to the Ashanti Alert communications network and the
8 capabilities, limitations, and anticipated behaviors of
9 missing adults, which the Coordinator shall update
10 regularly to encourage the use of new tools, tech-
11 nologies, and resources in Ashanti Alert plans; and

12 “(2) informational materials, including bro-
13 chures, videos, posters, and websites to support and
14 supplement the training and educational programs
15 described in paragraph (1).

16 **“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

17 “There is authorized to be appropriated to the Attor-
18 ney General \$3,000,000 to carry out the Ashanti Alert com-
19 munications network as authorized under this title for each
20 of fiscal years 2019 through 2022.”.

1 **SEC. 3. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
2 **ANCE.**

3 *Section 609Y(a) of the Justice Assistance Act of 1984*
4 *(34 U.S.C. 50112(a)) is amended by striking “September*
5 *30, 2021” and inserting “September 30, 2022”.*

Attest:

Secretary.

115TH CONGRESS
2^D SESSION

H.R. 5075

AMENDMENT