

115TH CONGRESS
2D SESSION

S. 3461

AN ACT

To amend the PROTECT Act to expand the national AMBER Alert system to territories of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “AMBER Alert Nation-
3 wide Act of 2018”.

4 **SEC. 2. COOPERATION WITH DEPARTMENT OF HOMELAND**
5 **SECURITY.**

6 Subtitle A of title III of the PROTECT Act (34
7 U.S.C. 20501 et seq.) is amended—

8 (1) in section 301—

9 (A) in subsection (b)—

10 (i) in paragraph (1), by inserting after
11 “gaps in areas of interstate travel” the fol-
12 lowing: “(including airports, maritime
13 ports, border crossing areas and check-
14 points, and ports of exit from the United
15 States)”; and

16 (ii) in paragraphs (2) and (3), by in-
17 serting “, territories of the United States,
18 and tribal governments” after “States”;
19 and

20 (B) in subsection (d), by inserting after
21 “Secretary of Transportation” the following: “,
22 the Secretary of Homeland Security,”; and

23 (2) in section 302—

24 (A) in subsection (b), in paragraphs (2),
25 (3), and (4) by inserting “, territorial, tribal,”
26 after “State”; and

1 (B) in subsection (c)—

2 (i) in paragraph (1), by inserting after
3 “Secretary of Transportation” the fol-
4 lowing: “, the Secretary of Homeland Se-
5 curity,”; and

6 (ii) in paragraph (2), by inserting “,
7 territorial, tribal,” after “State”.

8 **SEC. 3. AMBER ALERTS ALONG MAJOR TRANSPORTATION**
9 **ROUTES.**

10 (a) IN GENERAL.—Section 303 of the PROTECT
11 Act (34 U.S.C. 20503) is amended—

12 (1) in the section heading, by inserting after
13 “**ALONG HIGHWAYS**” the following: “**AND MAJOR**
14 **TRANSPORTATION ROUTES**”;

15 (2) in subsection (a)—

16 (A) by inserting after “Secretary of Trans-
17 portation” the following: “(referred to in this
18 section as the ‘Secretary’)”; and

19 (B) by inserting after “along highways”
20 the following: “and at airports, maritime ports,
21 border crossing areas and checkpoints, and
22 ports of exit from the United States”;

23 (3) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) by striking “other motorist infor-
2 mation systems to notify motorists” and
3 inserting “other information systems to no-
4 tify motorists, aircraft passengers, ship
5 passengers, and travelers”; and

6 (ii) by inserting after “necessary to
7 notify motorists” the following: “, aircraft
8 passengers, ship passengers, and trav-
9 elers”;

10 (B) in paragraph (2)—

11 (i) in subparagraph (A), by striking
12 “other motorist information systems to no-
13 tify motorists” and inserting “other infor-
14 mation systems to notify motorists, air-
15 craft passengers, ship passengers, and
16 travelers”;

17 (ii) in subparagraph (D), by inserting
18 after “support the notification of motor-
19 ists” the following: “, aircraft passengers,
20 ship passengers, and travelers”;

21 (iii) in subparagraph (E), by inserting
22 after “motorists”, each place it appears,
23 the following: “, aircraft passengers, ship
24 passengers, and travelers”;

1 (iv) in subparagraph (F), by inserting
2 after “motorists” the following: “, aircraft
3 passengers, ship passengers, and trav-
4 elers”; and

5 (v) in subparagraph (G), by inserting
6 after “motorists” the following: “, aircraft
7 passengers, ship passengers, and trav-
8 elers”;

9 (4) in subsection (c), by striking “other motor-
10 ist information systems to notify motorists”, each
11 place it appears, and inserting “other information
12 systems to notify motorists, aircraft passengers, ship
13 passengers, and travelers”;

14 (5) by amending subsection (d) to read as fol-
15 lows:

16 “(d) FEDERAL SHARE.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), the Federal share of the cost of any ac-
19 tivities funded by a grant under this section may not
20 exceed 80 percent.

21 “(2) WAIVER.—If the Secretary determines
22 that American Samoa, Guam, the Northern Mariana
23 Islands, Puerto Rico, or the Virgin Islands of the
24 United States is unable to comply with the require-

1 ment under paragraph (1), the Secretary shall waive
2 such requirement.”;

3 (6) in subsection (g)—

4 (A) by striking “In this section” and in-
5 serting “In this subtitle”; and

6 (B) by striking “or Puerto Rico” and in-
7 serting “American Samoa, Guam, Puerto Rico,
8 the Northern Mariana Islands, the Virgin Is-
9 lands of the United States, and any other terri-
10 tory of the United States”; and

11 (7) in subsection (h), by striking “fiscal year
12 2004” and inserting “each of fiscal years 2018
13 through 2022”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—

15 The table of contents in section 1(b) of the PROTECT
16 Act (Public Law 108–21) is amended by striking the item
17 relating to section 303 and inserting the following:

“Sec. 303. Grant program for notification and communications systems along
highways and major transportation routes for recovery of ab-
ducted children.”.

18 **SEC. 4. AMBER ALERT COMMUNICATION PLANS IN THE**
19 **TERRITORIES.**

20 Section 304 of the PROTECT Act (34 U.S.C. 20504)
21 is amended—

22 (1) in subsection (b)(4), by inserting after
23 “with” the following: “a territorial government or”;

1 (2) by amending subsection (c) to read as fol-
2 lows:

3 “(c) FEDERAL SHARE.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any ac-
6 tivities funded by a grant under this section may not
7 exceed 50 percent.

8 “(2) WAIVER.—If the Attorney General deter-
9 mines that American Samoa, Guam, the Northern
10 Mariana Islands, Puerto Rico, the Virgin Islands of
11 the United States, or an Indian tribe is unable to
12 comply with the requirement under paragraph (1),
13 the Attorney General shall waive such require-
14 ment.”; and

15 (3) in subsection (d), by inserting before the pe-
16 riod at the end the following: “, including territories
17 of the United States”.

18 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

19 (a) IN GENERAL.—Not later than 5 years after the
20 date of the enactment of this Act, the Comptroller General
21 shall conduct a study assessing—

22 (1) the implementation of the amendments
23 made by this Act;

1 (2) any challenges related to integrating the
2 territories of the United States into the AMBER
3 Alert system;

4 (3) the readiness, educational, technological,
5 and training needs of territorial law enforcement
6 agencies in responding to cases involving missing,
7 abducted, or exploited children; and

8 (4) any other related matters the Attorney Gen-
9 eral or the Secretary of Transportation determines
10 appropriate.

11 (b) REPORT REQUIRED.—The Comptroller General
12 shall submit a report on the findings of the study required
13 under subsection (a) to—

14 (1) the Committees on the Judiciary of the Sen-
15 ate and the House of Representatives;

16 (2) the Committee on Environment and Public
17 Works of the Senate;

18 (3) the Committee on Transportation and In-
19 frastructure of the House of Representatives; and

20 (4) each of the delegates or resident commis-
21 sioner to the House of Representatives from Amer-
22 ican Samoa, Guam, the Northern Mariana Islands,
23 Puerto Rico, and the Virgin Islands of the United
24 States.

1 (c) PUBLIC AVAILABILITY.—The Comptroller Gen-
2 eral shall make the report required under subsection (b)
3 available on a public Government website.

4 (d) OBTAINING OFFICIAL DATA.—

5 (1) IN GENERAL.—The Comptroller General
6 may secure information necessary to conduct the
7 study under subsection (a) directly from any Federal
8 agency and from any territorial government receiv-
9 ing grant funding under the PROTECT Act. Upon
10 request of the Comptroller General, the head of a
11 Federal agency or territorial government shall fur-
12 nish the requested information to the Comptroller
13 General.

14 (2) AGENCY RECORDS.—Notwithstanding para-
15 graph (1), nothing in this subsection shall require a
16 Federal agency or any territorial government to
17 produce records subject to a common law evidentiary
18 privilege. Records and information shared with the
19 Comptroller General shall continue to be subject to
20 withholding under sections 552 and 552a of title 5,
21 United States Code. The Comptroller General is ob-
22 ligated to give the information the same level of con-
23 fidentiality and protection required of the Federal
24 agency or territorial government. The Comptroller
25 General may be requested to sign a nondisclosure or

1 other agreement as a condition of gaining access to
2 sensitive or proprietary data to which the Comp-
3 troller General is entitled.

4 (3) PRIVACY OF PERSONAL INFORMATION.—
5 The Comptroller General, and any Federal agency
6 and any territorial government that provides infor-
7 mation to the Comptroller General, shall take such
8 actions as are necessary to ensure the protection of
9 the personal information of a minor.

Passed the Senate December 13, 2018.

Attest:

Secretary.

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