

115TH CONGRESS
2D SESSION

S. 3461

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2018

Mr. SCHATZ (for himself and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. COOPERATION WITH DEPARTMENT OF HOMELAND**
7 **SECURITY.**

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

10 (1) in section 301—

1 (A) in subsection (b)—

2 (i) in paragraph (1), by inserting after
3 “gaps in areas of interstate travel” the fol-
4 lowing: “(including airports, maritime
5 ports, border crossing areas and check-
6 points, and ports of exit from the United
7 States)”; and

8 (ii) in paragraphs (2) and (3), by in-
9 serting “, territories of the United States,
10 and tribal governments” after “States”;
11 and

12 (B) in subsection (d), by inserting after
13 “Secretary of Transportation” the following: “,
14 the Secretary of Homeland Security,”; and

15 (2) in section 302—

16 (A) in subsection (b), in paragraphs (2),
17 (3), and (4) by inserting “, territorial, tribal,”
18 after “State”; and

19 (B) in subsection (c)—

20 (i) in paragraph (1), by inserting after
21 “Secretary of Transportation” the fol-
22 lowing: “, the Secretary of Homeland Se-
23 curity,”; and

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

1 **SEC. 3. AMBER ALERTS ALONG MAJOR TRANSPORTATION**
2 **ROUTES.**

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

5 (1) in the section heading, by inserting after
6 “**ALONG HIGHWAYS**” the following: “**AND MAJOR**
7 **TRANSPORTATION ROUTES**”;

8 (2) in subsection (a)—

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

12 (B) by inserting after “along highways”
13 the following: “and at airports, maritime ports,
14 border crossing areas and checkpoints, and
15 ports of exit from the United States”;

16 (3) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking “other motorist infor-
19 mation systems to notify motorists” and
20 inserting “other information systems to no-
21 tify motorists, aircraft passengers, ship
22 passengers, and travelers”; and

23 (ii) by inserting after “necessary to
24 notify motorists” the following: “, aircraft
25 passengers, ship passengers, and trav-
26 elers”;

1 (B) in paragraph (2)—

2 (i) in subparagraph (A), by striking
3 “other motorist information systems to no-
4 tify motorists” and inserting “other infor-
5 mation systems to notify motorists, air-
6 craft passengers, ship passengers, and
7 travelers”;

8 (ii) in subparagraph (D), by inserting
9 after “support the notification of motor-
10 ists” the following: “, aircraft passengers,
11 ship passengers, and travelers”;

12 (iii) in subparagraph (E), by inserting
13 after “motorists”, each place it appears,
14 the following: “, aircraft passengers, ship
15 passengers, and travelers”;

16 (iv) in subparagraph (F), by inserting
17 after “motorists” the following: “, aircraft
18 passengers, ship passengers, and trav-
19 elers”; and

20 (v) in subparagraph (G), by inserting
21 after “motorists” the following: “, aircraft
22 passengers, ship passengers, and trav-
23 elers”;

24 (4) in subsection (c), by striking “other motor-
25 ist information systems to notify motorists”, each

1 place it appears, and inserting “other information
2 systems to notify motorists, aircraft passengers, ship
3 passengers, and travelers”;

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

6 “(d) FEDERAL SHARE.—

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

11 “(2) WAIVER.—If the Secretary determines
12 that American Samoa, Guam, the Northern Mariana
13 Islands, Puerto Rico, or the Virgin Islands of the
14 United States is unable to comply with the require-
15 ment under paragraph (1), the Secretary shall waive
16 such requirement.”;

17 (6) in subsection (g)—

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

20 (B) by striking “or Puerto Rico” and in-
21 serting “American Samoa, Guam, Puerto Rico,
22 the Northern Mariana Islands, the Virgin Is-
23 lands of the United States, and any other terri-
24 tory of the United States”; and

1 (7) in subsection (h), by striking “fiscal year
2 2004” and inserting “each of fiscal years 2018
3 through 2022”.

4 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
5 The table of contents in section 1(b) of the PROTECT
6 Act (Public Law 108–21) is amended by striking the item
7 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.”.

8 **SEC. 4. AMBER ALERT COMMUNICATION PLANS IN THE**
9 **TERRITORIES.**

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

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

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

16 “(c) **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 50 percent.

21 “(2) **WAIVER.**—If the Attorney General deter-
22 mines that American Samoa, Guam, the Northern
23 Mariana Islands, Puerto Rico, the Virgin Islands of
24 the United States, or an Indian tribe is unable to

1 comply with the requirement under paragraph (1),
2 the Attorney General shall waive such require-
3 ment.”; and

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

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

8 (a) **IN GENERAL.**—Not later than 5 years after the
9 date of the enactment of this Act, the Comptroller General
10 shall conduct a study assessing—

11 (1) the implementation of the amendments
12 made by this Act;

13 (2) any challenges related to integrating the
14 territories of the United States into the AMBER
15 Alert system;

16 (3) the readiness, educational, technological,
17 and training needs of territorial law enforcement
18 agencies in responding to cases involving missing,
19 abducted, or exploited children; and

20 (4) any other related matters the Attorney Gen-
21 eral or the Secretary of Transportation determines
22 appropriate.

23 (b) **REPORT REQUIRED.**—The Comptroller General
24 shall submit a report on the findings of the study required
25 under subsection (a) to—

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

3 (2) the Committee on Environment and Public
4 Works of the Senate;

5 (3) the Committee on Transportation and In-
6 frastructure of the House of Representatives; and

7 (4) each of the delegates or resident commis-
8 sioner to the House of Representatives from Amer-
9 ican Samoa, Guam, the Northern Mariana Islands,
10 Puerto Rico, and the Virgin Islands of the United
11 States.

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

15 (d) OBTAINING OFFICIAL DATA.—

16 (1) IN GENERAL.—The Comptroller General
17 may secure information necessary to conduct the
18 study under subsection (a) directly from any Federal
19 agency and from any territorial government receiv-
20 ing grant funding under the PROTECT Act. Upon
21 request of the Comptroller General, the head of a
22 Federal agency or territorial government shall fur-
23 nish the requested information to the Comptroller
24 General.

1 (2) AGENCY RECORDS.—Notwithstanding para-
2 graph (1), nothing in this subsection shall require a
3 Federal agency or any territorial government to
4 produce records subject to a common law evidentiary
5 privilege. Records and information shared with the
6 Comptroller General shall continue to be subject to
7 withholding under sections 552 and 552a of title 5,
8 United States Code. The Comptroller General is ob-
9 ligated to give the information the same level of con-
10 fidentiality and protection required of the Federal
11 agency or territorial government. The Comptroller
12 General may be requested to sign a nondisclosure or
13 other agreement as a condition of gaining access to
14 sensitive or proprietary data to which the Comp-
15 troller General is entitled.

16 (3) PRIVACY OF PERSONAL INFORMATION.—
17 The Comptroller General, and any Federal agency
18 and any territorial government that provides infor-
19 mation to the Comptroller General, shall take such
20 actions as are necessary to ensure the protection of
21 the personal information of a minor.

22 **SEC. 6. FUNDING FROM UNOBLIGATED BALANCES.**

23 Of the remaining, unobligated balance of funds made
24 available to the Secretary of Transportation under the
25 heading “Federal-Aid Highways—Miscellaneous Highway

1 and Highway Safety Programs” under division F of the
2 Consolidated Appropriations Act, 2004 (Public Law 108–
3 199; 118 Stat. 289), for the purposes described in section
4 303(h) of the PROTECT Act (34 U.S.C. 20503(h)) and
5 the remaining, de-obligated balance of such funds re-
6 turned to the Secretary by a State—

7 (1) \$1,500,000, and obligation authority associ-
8 ated with such funds, shall be transferred to the At-
9 torney General for grants to territories of the United
10 States under section 304 of that Act (34 U.S.C.
11 20504), provided that, upon transfer, such obliga-
12 tion authority shall be available until used; and

13 (2) any remaining unobligated balances shall be
14 available to the Secretary of Transportation for
15 grants to territories of the United States under sec-
16 tion 303 of that Act.

○