

115TH CONGRESS
1ST SESSION

S. 2211

To establish a national endangered missing advisory communications network,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2017

Mr. MANCHIN (for himself, Mr. CASEY, Mr. CORNYN, Mr. BLUMENTHAL, Mr. TILLIS, and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a national endangered missing advisory
communications network, 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 “Skylar’s Law”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) COORDINATOR.—The term “Coordinator”
8 means the EMA Network Coordinator designated
9 under section 4(a).

1 (2) EMA NETWORK.—The term “EMA Net-
 2 work” means the national endangered missing advi-
 3 sory communications network established under sub-
 4 section (a).

5 (3) MISSING INDIVIDUAL.—The term “missing
 6 individual” refers to any individual who—

7 (A) is reported to, or identified by, a law
 8 enforcement agency as a missing person; and

9 (B) may be in danger of death or serious
 10 bodily injury.

11 (4) STATE.—The term “State” means each of
 12 the 50 States, the District of Columbia, each Indian
 13 tribe (as defined in section 4(e) of the Indian Self-
 14 Determination and Education Assistance Act (25
 15 U.S.C. 5304(e))), the Commonwealth of Puerto
 16 Rico, the United States Virgin Islands, Guam,
 17 American Samoa, and the Commonwealth of the
 18 Northern Mariana Islands.

19 **SEC. 3. NATIONAL ENDANGERED MISSING ADVISORY COM-**
 20 **MUNICATIONS NETWORK.**

21 (a) IN GENERAL.—The Attorney General shall, sub-
 22 ject to the availability of appropriations, establish a na-
 23 tional endangered missing advisory communications net-
 24 work within the Department of Justice to provide assist-
 25 ance to regional and local search efforts for missing indi-

viduals through the initiation, facilitation, and promotion of local elements of the network (known as “EMA plans”) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to families of missing individuals.

(b) COORDINATION WITH AMBER ALERT NETWORK.—In establishing the EMA Network under subsection (a), the Attorney General shall ensure that, when feasible, the EMA Network is able to operate in coordination with the AMBER Alert communications network, established under subtitle A of title III of the PROTECT Act (34 U.S.C. 20501 et seq.), to maximize the efficiency of both networks.

SEC. 4. EMA NETWORK COORDINATOR.

(a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall designate an individual of the Department of Justice to act as the national coordinator of the EMA Network. The individual so designated shall be known as the EMA Network Coordinator of the Department of Justice.

(b) DUTIES OF THE COORDINATOR.—In acting as the national coordinator of the EMA Network, the Coordinator shall—

1 (1) work with States to encourage the develop-
2 ment of additional EMA plans in the network;

3 (2) establish voluntary guidelines for States to
4 use in developing EMA plans that will promote com-
5 patible and integrated EMA plans throughout the
6 United States, including—

7 (A) a list of the resources necessary to es-
8 tablish an EMA plan;

9 (B) criteria for evaluating whether a situa-
10 tion warrants issuing an endangered missing
11 advisory, taking into consideration both the
12 need for immediate community notification and
13 the need for the use of such advisories to be
14 limited in scope because the effectiveness of the
15 EMA Network may be affected by overuse, in-
16 cluding criteria to determine—

17 (i) whether the circumstances sur-
18 rounding the disappearance of an indi-
19 vidual warrant the issuance of an endan-
20 gered missing advisory; and

21 (ii) whether the individual who reports
22 that an individual is missing is an appro-
23 priate and credible source on which to base
24 the issuance of an endangered missing ad-
25 visory;

1 (C) a description of the appropriate uses of
2 the EMA Network name to readily identify the
3 nature of search efforts for missing individuals;
4 and

5 (D) recommendations on how to protect
6 the privacy, dignity, independence, and auton-
7 omy of any missing individual who may be the
8 subject of an endangered missing advisory;

9 (3) work with States to ensure appropriate re-
10 gional coordination of various elements of the net-
11 work;

12 (4) establish an advisory group to assist States,
13 units of local government, law enforcement agencies,
14 and other entities involved in the EMA Network
15 with initiating, facilitating, and promoting EMA
16 plans, which shall include—

17 (A) to the maximum extent practicable,
18 representation from the various geographic re-
19 gions of the United States; and

20 (B) members who are—

21 (i) representatives of missing indi-
22 vidual advocacy groups, law enforcement
23 agencies, and public safety communica-
24 tions;

1 (ii) broadcasters, first responders, dis-
 2 patchers, and radio station personnel; and

3 (iii) representatives of any other indi-
 4 viduals or organizations that the Coordi-
 5 nator determines are necessary to the suc-
 6 cess of the EMA Network; and

7 (5) act as the nationwide point of contact for—

8 (A) the development of the network; and

9 (B) regional coordination of alerts for
 10 missing individuals through the network.

11 (c) COORDINATION.—

12 (1) COORDINATION WITH OTHER AGENCIES.—

13 The Coordinator shall coordinate and consult with
 14 the Secretary of Transportation, the Federal Com-
 15 munications Commission, and other appropriate of-
 16 fices of the Department of Justice in carrying out
 17 activities under this Act.

18 (2) STATE AND LOCAL COORDINATION.—The
 19 Coordinator shall consult with local broadcasters and
 20 State and local law enforcement agencies in estab-
 21 lishing minimum standards under section 5 and in
 22 carrying out other activities under this Act, as ap-
 23 propriate.

24 (d) ANNUAL REPORTS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, and annually
3 thereafter, the Coordinator shall submit to Congress
4 a report on the activities of the Coordinator and the
5 effectiveness and status of the EMA plans of each
6 State that has established or is in the process of es-
7 tablishing EMA plans.

8 (2) CONTENTS.—Each report submitted under
9 paragraph (2) shall include—

10 (A) a list of States that have established
11 EMA plans;

12 (B) a list of States that are in the process
13 of establishing EMA plans;

14 (C) for each State that has established
15 EMA plans, to the extent the data is avail-
16 able—

17 (i) the number of endangered missing
18 advisories issued;

19 (ii) the number of individuals located
20 successfully;

21 (iii) the average period of time be-
22 tween the issuance of an endangered miss-
23 ing advisory and the location of the indi-
24 vidual for whom such advisory was issued;

1 (iv) the State agency or authority
2 issuing endangered missing advisories, and
3 the process by which endangered missing
4 advisories are disseminated;

5 (v) the cost of establishing and oper-
6 ating such EMA plans;

7 (vi) the criteria used by the State to
8 determine whether to issue an endangered
9 missing advisory; and

10 (vii) the extent to which missing indi-
11 viduals for whom endangered missing
12 advisories were issued crossed State lines;

13 (D) actions States have taken to protect
14 the privacy and dignity of the individuals for
15 whom endangered missing advisories are issued;

16 (E) ways that States have facilitated and
17 improved communication about missing individ-
18 uals between families, caregivers, law enforce-
19 ment officials, and other authorities; and

20 (F) any other information the Coordinator
21 determines to be appropriate.

1 **SEC. 5. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
2 **SEMINATION OF ALERTS THROUGH EMA NET-**
3 **WORK.**

4 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—

5 Subject to subsection (b), the Coordinator shall establish
6 minimum standards for—

7 (1) the issuance of alerts through the EMA
8 Network; and

9 (2) the extent of the dissemination of alerts
10 issued through the EMA Network.

11 (b) LIMITATIONS.—

12 (1) VOLUNTARY PARTICIPATION.—The min-
13 imum standards established under subsection (a) of
14 this section, and any other guidelines and programs
15 established under section 4, shall be adoptable on a
16 voluntary basis only.

17 (2) DISSEMINATION OF INFORMATION.—The
18 minimum standards shall, to the maximum extent
19 practicable (as determined by the Coordinator in
20 consultation with State and local law enforcement
21 agencies), provide that appropriate information re-
22 lating to the special needs of a missing individual
23 (including health care needs) are disseminated to the
24 appropriate law enforcement, public health, and
25 other public officials.

1 (3) GEOGRAPHIC AREAS.—The minimum stand-
2 ards shall, to the maximum extent practicable (as
3 determined by the Coordinator in consultation with
4 State and local law enforcement agencies), provide
5 that the dissemination of an alert through the EMA
6 Network be limited to the geographic areas which
7 the missing individual could reasonably reach, con-
8 sidering the missing individual’s circumstances and
9 physical and mental condition, the modes of trans-
10 portation available to the missing individual, and the
11 circumstances of the disappearance.

12 (4) AGE REQUIREMENTS.—The minimum
13 standards shall not include any specific age require-
14 ment for an individual to be classified as a missing
15 individual for purposes of the EMA Network.

16 (5) PRIVACY AND CIVIL LIBERTIES PROTEC-
17 TIONS.—The minimum standards shall—

18 (A) ensure that alerts issued through the
19 EMA Network comply with all applicable Fed-
20 eral, State, and local privacy laws and regula-
21 tions; and

22 (B) include standards that specifically pro-
23 vide for the protection of the civil liberties and
24 sensitive medical information of missing individ-
25 uals.

1 (6) STATE AND LOCAL VOLUNTARY COORDINA-
2 TION.—In carrying out the activities under sub-
3 section (a), the Coordinator may not interfere with
4 the current system of voluntary coordination be-
5 tween local broadcasters and State and local law en-
6 forcement agencies for purposes of the EMA Net-
7 work.

8 **SEC. 6. TRAINING AND OTHER RESOURCES.**

9 The Coordinator shall make available to States, units
10 of local government, law enforcement agencies, and other
11 concerned entities that are involved in initiating, facili-
12 tating, or promoting EMA plans, including broadcasters,
13 first responders, dispatchers, public safety communica-
14 tions personnel, and radio station personnel—

15 (1) training and educational programs related
16 to the EMA Network and the capabilities, limita-
17 tions, and anticipated behaviors of missing individ-
18 uals, which shall be updated regularly to encourage
19 the use of new tools, technologies, and resources in
20 EMA plans; and

21 (2) informational materials, including bro-
22 chures, videos, posters, and web sites to support and
23 supplement such training and educational programs.

1 **SEC. 7. USE OF AMOUNTS PREVIOUSLY APPROPRIATED.**

2 This Act shall be carried out using amounts appro-
3 priated to the Department of Justice to carry out the
4 Missing and Exploited Children Program, including
5 amounts appropriated to carry out the Missing Children's
6 Assistance Act (34 U.S.C. 11291 et seq.), the PROTECT
7 Act (Public Law 108–21; 117 Stat. 650), and the Victims
8 of Child Abuse Act of 1990 (34 U.S.C. 20301 et seq.).
9 No additional amounts are authorized to be appropriated
10 to carry out this Act.

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