

115TH CONGRESS
2D SESSION

S. 3714

To encourage, enhance, and integrate Ashanti Alert plans throughout the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2018

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

A BILL

To encourage, enhance, and integrate Ashanti Alert plans throughout 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 “Ashanti Alert Act of
5 2018”.

6 **SEC. 2. ESTABLISHMENT OF ASHANTI ALERT COMMUNICA-**
7 **TIONS NETWORK.**

8 Kristen’s Act (Public Law 106–468; 114 Stat. 2027)
9 is amended—

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

3 **“TITLE I—GRANTS”;**

4 (2) by redesignating sections 2 (34 U.S.C.
5 40504) and 3 (34 U.S.C. 40504 note) as sections
6 101 and 102, respectively;

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

9 (4) in section 102, as so redesignated, by strik-
10 ing “this Act” and inserting “this title”; and

11 (5) by adding at the end the following:

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

14 **“SEC. 201. DEFINITIONS.**

15 “In this title:

16 “(1) AMBER ALERT COMMUNICATIONS NET-
17 WORK.—The term ‘AMBER Alert communications
18 network’ means the AMBER Alert communications
19 network established under subtitle A of title III of
20 the PROTECT Act (34 U.S.C. 20501 et seq.).

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

1 “(3) ASHANTI ALERT COMMUNICATIONS NET-
2 WORK.—The term ‘Ashanti Alert communications
3 network’ means the national communications net-
4 work established by the Attorney General under sec-
5 tion 202(a).

6 “(4) ASHANTI ALERT COORDINATOR OF THE
7 DEPARTMENT OF JUSTICE; COORDINATOR.—The
8 term ‘Ashanti Alert Coordinator of the Department
9 of Justice’ or ‘Coordinator’ means the employee des-
10 ignated by the Attorney General to act as the na-
11 tional coordinator of the Ashanti Alert communica-
12 tions network under section 203(a).

13 “(5) ASHANTI ALERT PLAN.—The term
14 ‘Ashanti Alert plan’ means a local element of the
15 Ashanti Alert communications network.

16 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
17 means a federally recognized Indian Tribe or a Na-
18 tive village, Regional Corporation, or Village Cor-
19 poration (as those terms are defined in section 3 of
20 the Alaska Native Claims Settlement Act (43 U.S.C.
21 1602)).

22 “(7) MISSING ADULT.—The term ‘missing
23 adult’ means an individual who—

24 “(A) is older than the age for which an
25 alert may be issued through the AMBER Alert

1 communications network in the State or terri-
2 tory of an Indian Tribe in which the individual
3 is identified as a missing individual;

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

6 “(C) meets the requirements to be des-
7 ignated as a missing adult, as determined by
8 the State in which, or the Indian Tribe in the
9 territory of which, the individual is identified as
10 a missing individual.

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

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

17 “(a) IN GENERAL.—The Attorney General shall, sub-
18 ject to the availability of appropriations, establish a na-
19 tional communications network within the Office of Jus-
20 tice Programs of the Department of Justice to provide as-
21 sistance to regional and local search efforts for missing
22 adults through the initiation, facilitation, and promotion
23 of local elements of the network, in coordination with
24 States, Indian Tribes, units of local government, law en-

1 enforcement agencies, and other concerned entities with ex-
 2 pertise in providing services to adults.

3 “(b) INTEGRATION WITH EXISTING COMMUNICA-
 4 TIONS NETWORK.—In establishing the Ashanti Alert com-
 5 munications network under subsection (a), the Attorney
 6 General shall coordinate, when advisable, with missing
 7 person alert systems in existence as of the date of enact-
 8 ment of this title, such as the AMBER Alert communica-
 9 tions network and Silver Alert communications networks.

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

11 “(a) NATIONAL COORDINATOR WITHIN DEPART-
 12 MENT OF JUSTICE.—The Attorney General shall designate
 13 an employee of the Office of Justice Programs of the De-
 14 partment of Justice to act as the national coordinator of
 15 the Ashanti Alert communications network.

16 “(b) DUTIES OF THE COORDINATOR.—In acting as
 17 the national coordinator of the Ashanti Alert communica-
 18 tions network, the Coordinator shall—

19 “(1) work with States and Indian Tribes to en-
 20 courage the development of additional Ashanti Alert
 21 plans in the network;

22 “(2) establish voluntary guidelines for States
 23 and Indian Tribes to use in developing Ashanti Alert
 24 plans that will promote compatible and integrated

1 Ashanti Alert plans throughout the United States,
2 including—

3 “(A) a list of the resources necessary to es-
4 tablish an Ashanti Alert plan;

5 “(B) criteria for evaluating whether a situ-
6 ation warrants issuing an Ashanti Alert, taking
7 into consideration the need for the use of
8 Ashanti Alerts to be limited in scope because
9 the effectiveness of the Ashanti Alert commu-
10 nications network may be affected by overuse,
11 including criteria to determine—

12 “(i) whether the mental capacity of an
13 adult who is missing, and the cir-
14 cumstances of his or her disappearance, in-
15 cluding any history of domestic violence,
16 sexual assault, child abuse, or human traf-
17 ficking, warrant the issuance of an Ashanti
18 Alert; and

19 “(ii) whether the individual who re-
20 ports that an adult is missing is an appro-
21 priate and credible source on which to base
22 the issuance of an Ashanti Alert;

23 “(C) a description of the appropriate uses
24 of the Ashanti Alert name to readily identify

1 the nature of search efforts for missing adults;
2 and

3 “(D) recommendations on how to protect
4 the privacy, dignity, independence, autonomy,
5 and safety of any missing adult who may be the
6 subject of an Ashanti Alert;

7 “(3) develop proposed protocols for efforts to
8 recover missing adults and to reduce the number of
9 adults who are reported missing, including protocols
10 for procedures that are needed from the time of ini-
11 tial notification of a law enforcement agency that
12 the adult is missing through the time of the return
13 of the adult to family, guardian, or domicile, as ap-
14 propriate, including—

15 “(A) public safety communications pro-
16 tocol;

17 “(B) case management protocol;

18 “(C) command center operations;

19 “(D) reunification protocol;

20 “(E) incident review, evaluation, debrief-
21 ing, and public information procedures; and

22 “(F) protocols for declining to issue an
23 Ashanti Alert;

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

4 “(5) establish an advisory group to assist
5 States, Indian Tribes, units of local government, law
6 enforcement agencies, and other entities involved in
7 the Ashanti Alert communications network with ini-
8 tiating, facilitating, and promoting Ashanti Alert
9 plans, which shall include—

10 “(A) to the maximum extent practicable,
11 representation from the various geographic re-
12 gions of the United States; and

13 “(B) members who are—

14 “(i) representatives of adult citizen
15 advocacy groups, law enforcement agen-
16 cies, victim service providers (as defined in
17 section 40002(a) of the Violence Against
18 Women Act of 1994 (34 U.S.C. 12291(a)),
19 and public safety communications;

20 “(ii) broadcasters, first responders,
21 dispatchers, and radio station personnel;
22 and

23 “(iii) representatives of any other in-
24 dividuals or organizations that the Coordi-
25 nator determines are necessary to the suc-

1 cess of the Ashanti Alert communications
2 network; and

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

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

6 “(B) regional coordination of alerts for
7 missing adults through the network.

8 “(c) COORDINATION.—

9 “(1) COORDINATION WITH OTHER AGENCIES.—

10 The Coordinator shall coordinate and consult with
11 the Secretary of Transportation, the Federal Com-
12 munications Commission, the Assistant Secretary for
13 Aging of the Department of Health and Human
14 Services, and other appropriate offices of the De-
15 partment of Justice, including the Office on Violence
16 Against Women, in carrying out activities under this
17 title.

18 “(2) STATE, TRIBAL, AND LOCAL COORDINA-
19 TION.—The Coordinator shall consult with local
20 broadcasters and State, Tribal, and local law en-
21 forcement agencies in establishing minimum stand-
22 ards under section 204 and in carrying out other ac-
23 tivities under this title, as appropriate.

24 “(d) ANNUAL REPORTS.—

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

5 “(A) the activities of the Coordinator; and

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

10 “(2) CONTENTS.—Each report under para-
11 graph (1) shall include—

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

14 “(B) a list of each State or Indian Tribe
15 that is in the process of establishing an Ashanti
16 Alert plan;

17 “(C) for each State or Indian Tribe that
18 has established an Ashanti Alert plan, to the
19 extent the data is available—

20 “(i) the number of Ashanti Alerts
21 issued;

22 “(ii) the number of missing adults lo-
23 cated successfully;

24 “(iii) the average period of time be-
25 tween the issuance of an Ashanti Alert and

1 the location of the missing adult for whom
2 the Alert was issued;

3 “(iv) the State or Tribal agency or
4 authority issuing Ashanti Alerts, and the
5 process by which Ashanti Alerts are dis-
6 seminated;

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

9 “(vi) the criteria used by the State or
10 Indian Tribe to determine whether to issue
11 an Ashanti Alert; and

12 “(vii) the extent to which missing
13 adults for whom Ashanti Alerts were
14 issued crossed State lines or territorial bor-
15 ders of an Indian Tribe;

16 “(D) actions States and Indian Tribes
17 have taken to protect the privacy and dignity of
18 the missing adults for whom Ashanti Alerts are
19 issued;

20 “(E) ways that States and Indian Tribes
21 have facilitated and improved communication
22 about missing adults between families, care-
23 givers, law enforcement officials, and other au-
24 thorities; and

1 “(F) any other information the Coordi-
2 nator determines to be appropriate.

3 **“SEC. 204. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
4 **SEMINATION OF ALERTS THROUGH ASHANTI**
5 **ALERT COMMUNICATIONS NETWORK.**

6 “(a) ESTABLISHMENT OF MINIMUM STANDARDS.—
7 Subject to subsection (b), the Coordinator shall establish
8 minimum standards for—

9 “(1) the issuance of alerts through the Ashanti
10 Alert communications network; and

11 “(2) the extent of the dissemination of alerts
12 issued through the Ashanti Alert communications
13 network.

14 “(b) LIMITATIONS.—

15 “(1) DISSEMINATION OF INFORMATION.—The
16 minimum standards established under subsection (a)
17 shall, to the maximum extent practicable (as deter-
18 mined by the Coordinator in consultation with State,
19 Tribal, and local law enforcement agencies), provide
20 for the dissemination of appropriate information re-
21 lating to the special needs of a missing adult (in-
22 cluding health care needs) to the appropriate law en-
23 forcement, public health, and other public officials.

24 “(2) GEOGRAPHIC AREAS.—The minimum
25 standards established under subsection (a) shall, to

1 the maximum extent practicable (as determined by
2 the Coordinator in consultation with State, Tribal,
3 and local law enforcement agencies), provide that
4 the dissemination of an alert through the Ashanti
5 Alert communications network shall be limited to the
6 geographic areas that the missing adult could rea-
7 sonably reach, considering—

8 “(A) the circumstances and physical and
9 mental condition of the missing adult;

10 “(B) the modes of transportation available
11 to the missing adult; and

12 “(C) the circumstances of the disappear-
13 ance.

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

18 “(A) suffers from a proven mental or phys-
19 ical disability, as documented by a source deter-
20 mined credible by an appropriate law enforce-
21 ment agency; or

22 “(B) be missing under circumstances that
23 indicate, as determined by an appropriate law
24 enforcement agency—

1 “(i) that the physical safety of the
2 missing adult may be endangered; or

3 “(ii) that the disappearance of the
4 missing adult may not have been vol-
5 untary, including an abduction or kidnap-
6 ping.

7 “(4) SAFETY, PRIVACY, AND CIVIL LIBERTIES
8 PROTECTIONS.—The minimum standards established
9 under subsection (a) shall—

10 “(A) ensure that alerts issued through the
11 Ashanti Alert communications network comply
12 with all applicable Federal, State, Tribal, and
13 local privacy laws and regulations;

14 “(B) include standards that specifically
15 provide for the protection of the civil liberties
16 and sensitive medical information of missing
17 adults; and

18 “(C) include standards requiring, as appro-
19 priate, a review of relevant court records, prior
20 contacts with law enforcement, and other infor-
21 mation relevant to the missing adult or the in-
22 dividual reporting, in order to provide protec-
23 tions against domestic violence.

24 “(5) STATE, TRIBAL, AND LOCAL VOLUNTARY
25 COORDINATION.—In establishing minimum stand-

1 ards under subsection (a), the Coordinator may not
2 interfere with the system of voluntary coordination
3 between local broadcasters and State, Tribal, and
4 local law enforcement agencies for purposes of re-
5 gional and local search efforts for missing adults
6 that was in effect on the day before the date of en-
7 actment of this title.

8 **“SEC. 205. VOLUNTARY PARTICIPATION.**

9 “‘The minimum standards established under section
10 204(a), and any other guidelines and programs established
11 under section 203, shall be adoptable on a voluntary basis
12 only.

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

14 “‘The Coordinator shall make available to States, In-
15 dian Tribes, units of local government, law enforcement
16 agencies, and other concerned entities that are involved
17 in initiating, facilitating, or promoting Ashanti Alert
18 plans, including broadcasters, first responders, dis-
19 patchers, public safety communications personnel, and
20 radio station personnel—

21 “(1) training and educational programs related
22 to the Ashanti Alert communications network and
23 the capabilities, limitations, and anticipated behav-
24 iors of missing adults, which the Coordinator shall
25 update regularly to encourage the use of new tools,

1 technologies, and resources in Ashanti Alert plans;
2 and

3 “(2) informational materials, including bro-
4 chures, videos, posters, and websites to support and
5 supplement the training and educational programs
6 described in paragraph (1).

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

8 “There is authorized to be appropriated to the Attor-
9 ney General \$3,000,000 to carry out the Ashanti Alert
10 communications network as authorized under this title for
11 each of fiscal years 2019 through 2022.”.

12 **SEC. 3. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
13 **ANCE.**

14 Section 609Y(a) of the Justice Assistance Act of
15 1984 (34 U.S.C. 50112(a)) is amended by striking “Sep-
16 tember 30, 2021” and inserting “September 30, 2022”.

○