

Suspend the Rules and Pass the Bill, H.R. 5075, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
2^D SESSION

H. R. 5075

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 20, 2018

Mr. TAYLOR (for himself, Mr. CICILLINE, Mr. RASKIN, and Mr. SMITH of Texas) introduced the following bill; which was 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. DEFINITIONS.**

7 In this Act:

1 (1) MISSING ADULT.—The term “missing
2 adult” means an individual who—

3 (A) is older than the age for which an
4 AMBER alert may be issued in the State in
5 which the individual is identified as a missing
6 person;

7 (B) is identified by a law enforcement
8 agency as a missing person; and

9 (C) meets the requirements to be des-
10 ignated as a missing adult, as determined by
11 the State in which the individual is identified as
12 a missing person.

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

18 (3) ASHANTI ALERT.—The term “Ashanti
19 Alert” means an alert issued through the Ashanti
20 Alert communications network, related to a missing
21 adult.

22 **SEC. 3. ASHANTI ALERT COMMUNICATIONS NETWORK.**

23 (a) IN GENERAL.—The Attorney General shall, sub-
24 ject to the availability of appropriations, establish a na-
25 tional communications network, to be known as the

1 Ashanti Alert communications network, within the De-
2 partment of Justice to provide assistance to regional and
3 local search efforts for missing adults through the initi-
4 ation, facilitation, and promotion of local elements of the
5 network (referred to in this Act as “Ashanti Alert plans”),
6 in coordination with States, units of local government, law
7 enforcement agencies, and other concerned entities with
8 expertise in providing services to adults.

9 (b) INTEGRATION WITH BLUE ALERT COMMUNICA-
10 TIONS NETWORK.—In establishing the Ashanti Alert com-
11 munications network under subsection (a), the Attorney
12 General shall integrate the Ashanti Alert communications
13 network into the Blue Alert communications network es-
14 tablished under the Rafael Ramos and Wenjian Liu Na-
15 tional Blue Alert Act of 2015 (34 U.S.C. 50501 et seq.),
16 to maximize the efficiency of both networks.

17 **SEC. 4. ASHANTI ALERT COORDINATOR.**

18 (a) NATIONAL COORDINATOR WITHIN DEPARTMENT
19 OF JUSTICE.—The Attorney General shall designate an
20 individual of the Department of Justice to act as the na-
21 tional coordinator of the Ashanti Alert communications
22 network. The individual so designated shall be known as
23 the Ashanti Alert Coordinator of the Department of Jus-
24 tice (referred to in this Act as the “Coordinator”).

1 (b) DUTIES OF THE COORDINATOR.—In acting as the
2 national coordinator of the Ashanti Alert communications
3 network, the Coordinator shall—

4 (1) work with States to encourage the develop-
5 ment of additional Ashanti Alert plans in the net-
6 work;

7 (2) establish voluntary guidelines for States to
8 use in developing Ashanti Alert plans that will pro-
9 mote compatible and integrated Ashanti Alert plans
10 throughout the United States, including—

11 (A) a list of the resources necessary to es-
12 tablish an Ashanti Alert plan;

13 (B) criteria for evaluating whether a situa-
14 tion warrants issuing an Ashanti Alert, taking
15 into consideration the need for the use of such
16 Alerts to be limited in scope because the effec-
17 tiveness of the Ashanti Alert communications
18 network may be affected by overuse, including
19 criteria to determine—

20 (i) whether the mental capacity of an
21 adult who is missing, and the cir-
22 cumstances of his or her disappearance,
23 warrant the issuance of an Ashanti Alert;
24 and

1 (ii) whether the individual who reports
2 that an adult is missing is an appropriate
3 and credible source on which to base the
4 issuance of an Ashanti Alert;

5 (C) a description of the appropriate uses of
6 the Ashanti Alert name to readily identify the
7 nature of search efforts for missing adults; and

8 (D) recommendations on how to protect
9 the privacy, dignity, independence, and auton-
10 omy of any missing adult who may be the sub-
11 ject of an Ashanti Alert;

12 (3) develop proposed protocols for efforts to re-
13 cover missing adults and to reduce the number of
14 adults who are reported missing, including protocols
15 for procedures that are needed from the time of ini-
16 tial notification of a law enforcement agency that
17 the adult is missing through the time of the return
18 of the adult to family, guardian, or domicile, as ap-
19 propriate, including—

20 (A) public safety communications protocol;

21 (B) case management protocol;

22 (C) command center operations;

23 (D) reunification protocol; and

24 (E) incident review, evaluation, debriefing,

25 and public information procedures;

1 (4) work with States to ensure appropriate re-
2 gional coordination of various elements of the net-
3 work;

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

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

12 (B) members who are—

13 (i) representatives of adult citizen ad-
14 vocacy groups, law enforcement agencies,
15 and public safety communications;

16 (ii) broadcasters, first responders, dis-
17 patchers, and radio station personnel; and

18 (iii) representatives of any other indi-
19 viduals or organizations that the Coordi-
20 nator determines are necessary to the suc-
21 cess of the Ashanti Alert communications
22 network; and

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

24 (A) the development of the network; and

1 (B) regional coordination of alerts for
2 missing adults through the network.

3 (c) COORDINATION.—

4 (1) COORDINATION WITH OTHER AGENCIES.—

5 The Coordinator shall coordinate and consult with
6 the Secretary of Transportation, the Federal Com-
7 munications Commission, the Assistant Secretary for
8 Aging of the Department of Health and Human
9 Services, and other appropriate offices of the De-
10 partment of Justice in carrying out activities under
11 this Act.

12 (2) STATE AND LOCAL COORDINATION.—The
13 Coordinator shall consult with local broadcasters and
14 State and local law enforcement agencies in estab-
15 lishing minimum standards under section 5 and in
16 carrying out other activities under this Act, as ap-
17 propriate.

18 (d) ANNUAL REPORTS.—Not later than one year
19 after the date of enactment of this Act, and annually
20 thereafter, the Coordinator shall submit to Congress a re-
21 port on the activities of the Coordinator and the effective-
22 ness and status of the Ashanti Alert plans of each State
23 that has established or is in the process of establishing
24 such a plan. Each such report shall include—

1 (1) a list of States that have established
2 Ashanti Alert plans;

3 (2) a list of States that are in the process of
4 establishing Ashanti Alert plans;

5 (3) for each State that has established such a
6 plan, to the extent the data is available—

7 (A) the number of Ashanti Alerts issued;

8 (B) the number of individuals located suc-
9 cessfully;

10 (C) the average period of time between the
11 issuance of an Ashanti Alert and the location of
12 the individual for whom such Alert was issued;

13 (D) the State agency or authority issuing
14 Ashanti Alerts, and the process by which
15 Ashanti Alerts are disseminated;

16 (E) the cost of establishing and operating
17 such a plan;

18 (F) the criteria used by the State to deter-
19 mine whether to issue an Ashanti Alert; and

20 (G) the extent to which missing individuals
21 for whom Ashanti Alerts were issued crossed
22 State lines;

23 (4) actions States have taken to protect the pri-
24 vacy and dignity of the individuals for whom Ashanti
25 Alerts are issued;

1 (5) ways that States have facilitated and im-
2 proved communication about missing individuals be-
3 tween families, caregivers, law enforcement officials,
4 and other authorities; and

5 (6) any other information the Coordinator de-
6 termines to be appropriate.

7 **SEC. 5. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
8 **SEMINATION OF ALERTS THROUGH ASHANTI**
9 **ALERT COMMUNICATIONS NETWORK.**

10 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—
11 Subject to subsection (b), the Coordinator shall establish
12 minimum standards for—

13 (1) the issuance of alerts through the Ashanti
14 Alert communications network; and

15 (2) the extent of the dissemination of alerts
16 issued through the network.

17 (b) LIMITATIONS.—

18 (1) VOLUNTARY PARTICIPATION.—The min-
19 imum standards established under subsection (a) of
20 this section, and any other guidelines and programs
21 established under section 4, shall be adoptable on a
22 voluntary basis only.

23 (2) DISSEMINATION OF INFORMATION.—The
24 minimum standards shall, to the maximum extent
25 practicable (as determined by the Coordinator in

1 consultation with State and local law enforcement
2 agencies), provide that appropriate information re-
3 lating to the special needs of a missing adult (in-
4 cluding health care needs) are disseminated to the
5 appropriate law enforcement, public health, and
6 other public officials.

7 (3) GEOGRAPHIC AREAS.—The minimum stand-
8 ards shall, to the maximum extent practicable (as
9 determined by the Coordinator in consultation with
10 State and local law enforcement agencies), provide
11 that the dissemination of an alert through the
12 Ashanti Alert communications network be limited to
13 the geographic areas which the missing adult could
14 reasonably reach, considering the missing adult's cir-
15 cumstances and physical and mental condition, the
16 modes of transportation available to the missing
17 adult, and the circumstances of the disappearance.

18 (4) OTHER REQUIREMENTS.—The minimum
19 standards shall include requirements that the miss-
20 ing person—

21 (A) suffers from a proven mental or phys-
22 ical disability, as documented by a source deter-
23 mined credible to an appropriate law enforce-
24 ment entity; or

1 (B) is missing under circumstances that
2 indicate, as determined by an appropriate law
3 enforcement entity—

4 (i) that the person's physical safety
5 may be endangered; or

6 (ii) that the person's disappearance
7 may not have been voluntary, including an
8 abduction or kidnapping.

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

11 (A) ensure that alerts issued through the
12 Ashanti Alert communications network comply
13 with all applicable Federal, State, and local pri-
14 vacy laws and regulations; and

15 (B) include standards that specifically pro-
16 vide for the protection of the civil liberties and
17 sensitive medical information of missing adults.

18 (6) STATE AND LOCAL VOLUNTARY COORDINA-
19 TION.—In carrying out the activities under sub-
20 section (a), the Coordinator may not interfere with
21 the current system of voluntary coordination be-
22 tween local broadcasters and State and local law en-
23 forcement agencies for purposes of the Ashanti Alert
24 communications network.

1 **SEC. 6. TRAINING AND EDUCATIONAL PROGRAMS.**

2 The Coordinator shall make available to States, units
3 of local government, law enforcement agencies, and other
4 concerned entities that are involved in initiating, facili-
5 tating, or promoting Ashanti Alert plans, including broad-
6 casters, first responders, dispatchers, public safety com-
7 munications personnel, and radio station personnel—

8 (1) training and educational programs related
9 to the Ashanti Alert communications network and
10 the capabilities, limitations, and anticipated behav-
11 iors of missing adults, which shall be updated regu-
12 larly to encourage the use of new tools, technologies,
13 and resources in Ashanti Alert plans; and

14 (2) informational materials, including bro-
15 chures, videos, posters, and web sites to support and
16 supplement such training and educational programs.

17 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

22 **SEC. 8. EMERGENCY FEDERAL LAW ENFORCEMENT ASSIST-**
23 **ANCE.**

24 Section 609Y(a) of the Justice Assistance Act of
25 1984 (34 U.S.C. 50112(a)) is amended by striking “Sep-
26 tember 30, 2021” and inserting “September 30, 2022”.