

Union Calendar No. 531

110TH CONGRESS
2D SESSION

H. R. 6064

[Report No. 110-825]

To encourage, enhance, and integrate Silver Alert plans throughout the United States.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2008

Mr. DOGGETT (for himself, Mr. BECERRA, Ms. CORRINE BROWN of Florida, Mr. CROWLEY, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mrs. JONES of Ohio, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. McDERMOTT, Mr. McNERNEY, Mr. MILLER of North Carolina, Mr. MORAN of Virginia, Mr. POMEROY, Mr. PRICE of North Carolina, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. THOMPSON of California, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. STUPAK, Ms. CLARKE, Ms. TSONGAS, Mr. CARSON, Mr. JOHNSON of Georgia, and Mr. GONZALEZ) introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 8, 2008

Additional sponsors: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COLE of Oklahoma, Ms. GIFFORDS, Mr. KIND, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. HONDA, Mr. GRIJALVA, Mr. REYES, Mr. RODRIGUEZ, Mr. SIRES, Mr. NADLER, Ms. CASTOR, Mr. KUCINICH, Mr. INSLEE, Mr. SNYDER, Mr. LANGEVIN, Ms. DEGETTE, Mr. ORTIZ, Mr. TIERNEY, Mr. FARR, Mr. ALTMIRE, Mrs. NAPOLITANO, Ms. WATSON, Ms. LEE, Mr. CARNAHAN, Mrs. MALONEY of New York, Mrs. MILLER of Michigan, Mr. KLEIN of Florida, Ms. BERKLEY, Mr. DELAHUNT, Mr. BLUMENAUER, Mr. CUELLAR, Mr. WAXMAN, Mrs. CAPITO, Ms. WATERS, Mr. BILIRAKIS, Mr. SMITH of New Jersey, Ms. FALLIN, and Mr. MARKEY

SEPTEMBER 8, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 15, 2008]

A BILL

To encourage, enhance, and integrate Silver Alert plans throughout the United States.

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

3 ***TITLE I—SILVER ALERT***
4 ***COMMUNICATIONS NETWORK***

5 ***SECTION 101. SHORT TITLE.***

6 *This title may be cited as the “National Silver Alert*
7 *Act”.*

8 ***SEC. 102. DEFINITIONS.***

9 *For purposes of this title:*

10 (1) *STATE.*—*The term “State” means each of the*
11 *50 States, the District of Columbia, the Common-*
12 *wealth of Puerto Rico, the United States Virgin Is-*
13 *lands, Guam, American Samoa, and the Common-*
14 *wealth of the Northern Mariana Islands.*

15 (2) *MISSING SENIOR.*—*The term “missing sen-*
16 *ior” refers to any individual who—*

17 (A) *is reported to, or identified by, a law*
18 *enforcement agency as a missing person; and*

1 (B) meets the requirements to be designated
2 as a missing senior, as determined by the State
3 in which the individual is reported or identified
4 as a missing person.

5 **SEC. 103. SILVER ALERT COMMUNICATIONS NETWORK.**

6 The Attorney General shall, subject to the availability
7 of appropriations under section 107, establish a national
8 Silver Alert communications network within the Depart-
9 ment of Justice to provide assistance to regional and local
10 search efforts for missing seniors through the initiation, fa-
11 cilitation, and promotion of local elements of the network
12 (known as Silver Alert plans) in coordination with States,
13 units of local government, law enforcement agencies, and
14 other concerned entities with expertise in providing services
15 to seniors.

16 **SEC. 104. SILVER ALERT COORDINATOR.**

17 (a) NATIONAL COORDINATOR WITHIN DEPARTMENT OF
18 JUSTICE.—The Attorney General shall designate an indi-
19 vidual of the Department of Justice to act as the national
20 coordinator of the Silver Alert communications network.
21 The individual so designated shall be known as the Silver
22 Alert Coordinator of the Department of Justice (referred to
23 in this title as the “Coordinator”).

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

4 (1) *work with States to encourage the develop-*
5 *ment of additional Silver Alert plans in the network;*

6 (2) *establish voluntary guidelines for States to*
7 *use in developing Silver Alert plans that will promote*
8 *compatible and integrated Silver Alert plans through-*
9 *out the United States, including—*

10 (A) *a list of the resources necessary to estab-*
11 *lish a Silver Alert plan;*

12 (B) *criteria for evaluating whether a situa-*
13 *tion warrants issuing a Silver Alert, taking into*
14 *consideration the need for the use of such Alerts*
15 *to be limited in scope because the effectiveness of*
16 *the Silver Alert communications network may be*
17 *affected by overuse, including criteria to deter-*
18 *mine—*

19 (i) *whether the mental capacity of a*
20 *senior who is missing, and the cir-*
21 *cumstances of his or her disappearance,*
22 *warrant the issuance a Silver Alert; and*

23 (ii) *whether the individual who reports*
24 *that a senior is missing is an appropriate*

1 *and credible source on which to base the*
2 *issuance of a Silver Alert;*

3 *(C) a description of the appropriate uses of*
4 *the Silver Alert name to readily identify the na-*
5 *ture of search efforts for missing seniors; and*

6 *(D) recommendations on how to protect the*
7 *privacy, dignity, independence, and autonomy of*
8 *any missing senior who may be the subject of a*
9 *Silver Alert;*

10 *(3) develop proposed protocols for efforts to re-*
11 *cover missing seniors and to reduce the number of*
12 *seniors who are reported missing, including protocols*
13 *for procedures that are needed from the time of initial*
14 *notification of a law enforcement agency that the sen-*
15 *ior is missing through the time of the return of the*
16 *senior to family, guardian, or domicile, as appro-*
17 *priate, including—*

18 *(A) public safety communications protocol;*

19 *(B) case management protocol;*

20 *(C) command center operations;*

21 *(D) reunification protocol; and*

22 *(E) incident review, evaluation, debriefing,*

23 *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 Silver Alert commu-*
7 *nications network with initiating, facilitating, and*
8 *promoting Silver Alert plans, which shall include—*

9 (A) *to the maximum extent practicable, rep-*
10 *resentation from the various geographic regions*
11 *of the United States; and*

12 (B) *members who are—*

13 (i) *representatives of senior 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 Silver Alert communications net-*
22 *work; 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 miss-
2 ing seniors through the network.

3 (c) COORDINATION.—

4 (1) COORDINATION WITH OTHER AGENCIES.—

5 The Coordinator shall coordinate and consult with the
6 Secretary of Transportation, the Federal Communica-
7 tions Commission, the Assistant Secretary for Aging
8 of the Department of Health and Human Services,
9 the head of the Missing Alzheimer's Disease Patient
10 Alert Program, and other appropriate offices of the
11 Department of Justice in carrying out activities
12 under this title.

13 (2) STATE AND LOCAL COORDINATION.—The Co-
14 ordinator shall consult with local broadcasters and
15 State and local law enforcement agencies in estab-
16 lishing minimum standards under section 105 and in
17 carrying out other activities under this title, as ap-
18 propriate.

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

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

3 (2) a list of States that are in the process of es-
4 tablishing Silver 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 Silver Alerts issued;

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

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

13 (D) the State agency or authority issuing
14 Silver Alerts, and the process by which Silver
15 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 a Silver Alert; and

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

23 (4) actions States have taken to protect the pri-
24 vacy and dignity of the individuals for whom Silver
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 deter-*
6 *mines to be appropriate.*

7 **SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
8 **SEMINATION OF ALERTS THROUGH SILVER**
9 **ALERT COMMUNICATIONS NETWORK.**

10 (a) *ESTABLISHMENT OF MINIMUM STANDARDS.*—Sub-
11 *ject to subsection (b), the Coordinator shall establish min-*
12 *imum standards for—*

13 (1) *the issuance of alerts through the Silver Alert*
14 *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 minimum*
19 *standards established under subsection (a) of this sec-*
20 *tion, and any other guidelines and programs estab-*
21 *lished under section 104, shall be adoptable on a vol-*
22 *untary basis only.*

23 (2) *DISSEMINATION OF INFORMATION.*—*The min-*
24 *imum standards shall, to the maximum extent prac-*
25 *ticable (as determined by the Coordinator in consulta-*

1 *tion with State and local law enforcement agencies),*
2 *provide that appropriate information relating to the*
3 *special needs of a missing senior (including health*
4 *care needs) are disseminated to the appropriate law*
5 *enforcement, public health, and other public officials.*

6 (3) *GEOGRAPHIC AREAS.—The minimum stand-*
7 *ards shall, to the maximum extent practicable (as de-*
8 *termined by the Coordinator in consultation with*
9 *State and local law enforcement agencies), provide*
10 *that the dissemination of an alert through the Silver*
11 *Alert communications network be limited to the geo-*
12 *graphic areas which the missing senior could reason-*
13 *ably reach, considering the missing senior’s cir-*
14 *cumstances and physical and mental condition, the*
15 *modes of transportation available to the missing sen-*
16 *ior, and the circumstances of the disappearance.*

17 (4) *AGE REQUIREMENTS.—The minimum stand-*
18 *ards shall not include any specific age requirement*
19 *for an individual to be classified as a missing senior*
20 *for purposes of the Silver Alert communication net-*
21 *work. Age requirements for determinations of whether*
22 *an individual is a missing senior shall be determined*
23 *by each State, and may vary from State to State.*

24 (5) *PRIVACY AND CIVIL LIBERTIES PROTEC-*
25 *TIONS.—The minimum standards shall—*

1 (A) ensure that alerts issued through the
2 Silver Alert communications network comply
3 with all applicable Federal, State, and local pri-
4 vacy laws and regulations; and

5 (B) include standards that specifically pro-
6 vide for the protection of the civil liberties and
7 sensitive medical information of missing seniors.

8 (6) STATE AND LOCAL VOLUNTARY COORDINA-
9 TION.—In carrying out the activities under subsection
10 (a), the Coordinator may not interfere with the cur-
11 rent system of voluntary coordination between local
12 broadcasters and State and local law enforcement
13 agencies for purposes of the Silver Alert communica-
14 tions network.

15 **SEC. 106. TRAINING AND OTHER RESOURCES.**

16 (a) TRAINING AND EDUCATIONAL PROGRAMS.—The
17 Coordinator shall make available to States, units of local
18 government, law enforcement agencies, and other concerned
19 entities that are involved in initiating, facilitating, or pro-
20 moting Silver Alert plans, including broadcasters, first re-
21 sponders, dispatchers, public safety communications per-
22 sonnel, and radio station personnel—

23 (1) training and educational programs related to
24 the Silver Alert communication network and the ca-
25 pabilities, limitations, and anticipated behaviors of

1 *missing seniors, which shall be updated regularly to*
2 *encourage the use of new tools, technologies, and re-*
3 *sources in Silver Alert plans; and*

4 *(2) informational materials, including brochures,*
5 *videos, posters, and web sites to support and supple-*
6 *ment such training and educational programs.*

7 *(b) COORDINATION.—The Coordinator shall coordi-*
8 *nate—*

9 *(1) with the Assistant Secretary for Aging of the*
10 *Department of Health and Human Services in devel-*
11 *oping the training and educational programs and*
12 *materials under subsection (a); and*

13 *(2) with the head of the Missing Alzheimer’s Dis-*
14 *ease Patient Alert Program within the Department of*
15 *Justice, to determine if any existing material with re-*
16 *spect to training programs or educational materials*
17 *developed or used as part of such Patient Alert Pro-*
18 *gram are appropriate and may be used for the pro-*
19 *grams under subsection (a).*

20 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE**
21 **SILVER ALERT COMMUNICATIONS NETWORK.**

22 *There are authorized to be appropriated to the Depart-*
23 *ment of Justice such sums as may be necessary to carry*
24 *out the Silver Alert communications network as authorized*
25 *under this title.*

1 **SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER**
2 **ALERT PLANS.**

3 (a) *GRANT PROGRAM.*—Subject to the availability of
4 appropriations to carry out this section, the Attorney Gen-
5 eral shall carry out a program to provide grants to States
6 for the development and enhancement of programs and ac-
7 tivities for the support of Silver Alert plans and the Silver
8 Alert communications network.

9 (b) *ACTIVITIES.*—Activities funded by grants under the
10 program under subsection (a) may include—

11 (1) the development and implementation of edu-
12 cation and training programs, and associated mate-
13 rials, relating to Silver Alert plans;

14 (2) the development and implementation of law
15 enforcement programs, and associated equipment, re-
16 lating to Silver Alert plans;

17 (3) the development and implementation of new
18 technologies to improve Silver Alert communications;
19 and

20 (4) such other activities as the Attorney General
21 considers appropriate for supporting the Silver Alert
22 communications network.

23 (c) *FEDERAL SHARE.*—The Federal share of the cost
24 of any activities funded by a grant under the program
25 under subsection (a) may not exceed 50 percent.

1 (d) *DISTRIBUTION OF GRANTS ON GEOGRAPHIC*
2 *BASIS.*—*The Attorney General shall, to the maximum ex-*
3 *tent practicable, ensure the distribution of grants under the*
4 *program under subsection (a) on an equitable basis*
5 *throughout the various regions of the United States.*

6 (e) *ADMINISTRATION.*—*The Attorney General shall*
7 *prescribe requirements, including application requirements,*
8 *for grants under the program under subsection (a).*

9 (f) *AUTHORIZATION OF APPROPRIATIONS.*—

10 (1) *There is authorized to be appropriated to the*
11 *Department of Justice \$5,000,000 for each of the fis-*
12 *cal years 2009 through 2013 to carry out this section*
13 *and, in addition, \$5,000,000 for each of the fiscal*
14 *years 2009 through 2013 to carry out subsection*
15 *(b)(3).*

16 (2) *Amounts appropriated pursuant to the au-*
17 *thorization of appropriations in paragraph (1) shall*
18 *remain available until expended.*

19 **SEC. 109. SAMMY KIRK VOLUNTARY ELECTRONIC MONI-**
20 **TORING PROGRAM.**

21 (a) *PROGRAM AUTHORIZED.*—*The Attorney General,*
22 *after consultation with the Secretary of Health and Human*
23 *Services, is authorized to award grants to States and units*
24 *of local government to carry out programs to provide vol-*
25 *untary electronic monitoring services to elderly individuals*

1 *to assist in the location of such individuals if such individ-*
2 *uals are reported as missing.*

3 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
4 *authorized to be appropriated to carry out this section*
5 *\$2,000,000 for each of the fiscal years 2009 through 2014.*

6 (c) *DESIGNATION.*—*The grant program authorized*
7 *under this section shall be referred to as the “Sammy Kirk*
8 *Voluntary Electronic Monitoring Program”.*

9 **TITLE II—KRISTEN’S ACT**
10 **REAUTHORIZATION**

11 **SEC. 201. SHORT TITLE.**

12 *This title may be cited as “Kristen’s Act Reauthoriza-*
13 *tion of 2008”.*

14 **SEC. 202. FINDINGS.**

15 *Congress finds the following:*

16 (1) *Every year thousands of adults become miss-*
17 *ing due to advanced age, diminished mental capacity,*
18 *or foul play. Often there is no information regarding*
19 *the whereabouts of these adults and many of them are*
20 *never reunited with their families.*

21 (2) *Missing adults are at great risk of both phys-*
22 *ical harm and sexual exploitation.*

23 (3) *In most cases, families and local law enforce-*
24 *ment officials have neither the resources nor the ex-*

1 *pertise to undertake appropriate search efforts for a*
2 *missing adult.*

3 (4) *The search for a missing adult requires co-*
4 *operation and coordination among Federal, State,*
5 *and local law enforcement agencies and assistance*
6 *from distant communities where the adult may be lo-*
7 *cated.*

8 (5) *Federal assistance is urgently needed to help*
9 *with coordination among such agencies.*

10 **SEC. 203. GRANTS FOR THE ASSISTANCE OF ORGANIZA-**
11 **TIONS TO FIND MISSING ADULTS.**

12 (a) *GRANTS.—*

13 (1) *GRANT PROGRAM.—Subject to the avail-*
14 *ability of appropriations to carry out this section, the*
15 *Attorney General shall make competitive grants to*
16 *public agencies or nonprofit private organizations, or*
17 *combinations thereof, to—*

18 (A) *maintain a national resource center*
19 *and information clearinghouse for missing and*
20 *unidentified adults;*

21 (B) *maintain a national, interconnected*
22 *database for the purpose of tracking missing*
23 *adults who are determined by law enforcement to*
24 *be endangered due to age, diminished mental ca-*
25 *capacity, or the circumstances of disappearance,*

1 *when foul play is suspected or circumstances are*
2 *unknown;*

3 *(C) coordinate public and private programs*
4 *that locate or recover missing adults or reunite*
5 *missing adults with their families;*

6 *(D) provide assistance and training to law*
7 *enforcement agencies, State and local govern-*
8 *ments, elements of the criminal justice system,*
9 *nonprofit organizations, and individuals in the*
10 *prevention, investigation, prosecution, and treat-*
11 *ment of cases involving missing adults;*

12 *(E) provide assistance to families in locat-*
13 *ing and recovering missing adults; and*

14 *(F) assist in public notification and victim*
15 *advocacy related to missing adults.*

16 (2) *APPLICATIONS.*—*The Attorney General shall*
17 *periodically solicit applications for grants under this*
18 *section by publishing a request for applications in the*
19 *Federal Register and by posting such a request on the*
20 *website of the Department of Justice.*

21 (b) *OTHER DUTIES.*—*The Attorney General shall—*

22 (1) *coordinate programs relating to missing*
23 *adults that are funded by the Federal Government;*
24 *and*

1 (2) *encourage coordination between State and*
2 *local law enforcement and public agencies and non-*
3 *profit private organizations receiving a grant pursu-*
4 *ant to subsection (a).*

5 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated to carry out*
7 *this title \$4,000,000 for each of fiscal years 2009 through*
8 *2019.*

Amend the title so as to read: “A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.”.

Union Calendar No. 531

110TH CONGRESS
2^D SESSION

H. R. 6064

[Report No. 110-825]

A BILL

To encourage, enhance, and integrate Silver Alert plans throughout the United States.

SEPTEMBER 8, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed