

110TH CONGRESS
2D SESSION

S. 3579

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

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

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.

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”.

1 **SEC. 102. DEFINITIONS.**

2 For purposes of this title:

3 (1) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, the Com-
5 monwealth of Puerto Rico, the United States Virgin
6 Islands, Guam, American Samoa, and the Common-
7 wealth of the Northern Mariana Islands.

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

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

12 (B) meets the requirements to be des-
13 ignated as a missing senior, as determined by
14 the State in which the individual is reported or
15 identified as a missing person.

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

17 The Attorney General shall, subject to the availability
18 of appropriations under section 107, establish a national
19 Silver Alert communications network within the Depart-
20 ment of Justice to provide assistance to regional and local
21 search efforts for missing seniors through the initiation,
22 facilitation, and promotion of local elements of the net-
23 work (known as Silver Alert plans) in coordination with
24 States, units of local government, law enforcement agen-
25 cies, and other concerned entities with expertise in pro-
26 viding services to seniors.

1 **SEC. 104. SILVER ALERT COORDINATOR.**

2 (a) NATIONAL COORDINATOR WITHIN DEPARTMENT
3 OF JUSTICE.—The Attorney General shall designate an
4 individual of the Department of Justice to act as the na-
5 tional coordinator of the Silver Alert communications net-
6 work. The individual so designated shall be known as the
7 Silver Alert Coordinator of the Department of Justice (re-
8 ferred to in this title as the “Coordinator”).

9 (b) DUTIES OF THE COORDINATOR.—In acting as the
10 national coordinator of the Silver Alert communications
11 network, the Coordinator shall—

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

14 (2) establish voluntary guidelines for States to
15 use in developing Silver Alert plans that will pro-
16 mote compatible and integrated Silver Alert plans
17 throughout the United States, including—

18 (A) a list of the resources necessary to es-
19 tablish a Silver Alert plan;

20 (B) criteria for evaluating whether a situa-
21 tion warrants issuing a Silver Alert, taking into
22 consideration the need for the use of such
23 Alerts to be limited in scope because the effec-
24 tiveness of the Silver Alert communications net-
25 work may be affected by overuse, including cri-
26 teria to determine—

1 (i) whether the mental capacity of a
 2 senior who is missing, and the cir-
 3 cumstances of his or her disappearance,
 4 warrant the issuance a Silver Alert; and

5 (ii) whether the individual who reports
 6 that a senior is missing is an appropriate
 7 and credible source on which to base the
 8 issuance of a Silver Alert;

9 (C) a description of the appropriate uses of
 10 the Silver Alert name to readily identify the na-
 11 ture of search efforts for missing seniors; and

12 (D) recommendations on how to protect
 13 the privacy, dignity, independence, and auton-
 14 omy of any missing senior who may be the sub-
 15 ject of a Silver Alert;

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

24 (A) public safety communications protocol;

25 (B) case management protocol;

- 1 (C) command center operations;
- 2 (D) reunification protocol; and
- 3 (E) incident review, evaluation, debriefing,
- 4 and public information procedures;
- 5 (4) work with States to ensure appropriate re-
- 6 gional coordination of various elements of the net-
- 7 work;
- 8 (5) establish an advisory group to assist States,
- 9 units of local government, law enforcement agencies,
- 10 and other entities involved in the Silver Alert com-
- 11 munications network with initiating, facilitating, and
- 12 promoting Silver Alert plans, which shall include—
- 13 (A) to the maximum extent practicable,
- 14 representation from the various geographic re-
- 15 gions of the United States; and
- 16 (B) members who are—
- 17 (i) representatives of senior citizen ad-
- 18 vocacy groups, law enforcement agencies,
- 19 and public safety communications;
- 20 (ii) broadcasters, first responders, dis-
- 21 patchers, and radio station personnel; and
- 22 (iii) representatives of any other indi-
- 23 viduals or organizations that the Coordi-
- 24 nator determines are necessary to the suc-

1 cess of the Silver Alert communications
2 network; and

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

4 (A) the development of the network; and

5 (B) regional coordination of alerts for
6 missing seniors through the network.

7 (c) COORDINATION.—

8 (1) COORDINATION WITH OTHER AGENCIES.—

9 The Coordinator shall coordinate and consult with
10 the Secretary of Transportation, the Federal Com-
11 munications Commission, the Assistant Secretary for
12 Aging of the Department of Health and Human
13 Services, the head of the Missing Alzheimer’s Dis-
14 ease Patient Alert Program, and other appropriate
15 offices of the Department of Justice in carrying out
16 activities under this title.

17 (2) STATE AND LOCAL COORDINATION.—The
18 Coordinator shall consult with local broadcasters and
19 State and local law enforcement agencies in estab-
20 lishing minimum standards under section 105 and in
21 carrying out other activities under this title, as ap-
22 propriate.

23 (d) ANNUAL REPORTS.—Not later than one year
24 after the date of enactment of this Act, and annually
25 thereafter, the Coordinator shall submit to Congress a re-

1 port on the activities of the Coordinator and the effective-
2 ness and status of the Silver Alert plans of each State
3 that has established or is in the process of establishing
4 such a plan. Each such report shall include—

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

7 (2) a list of States that are in the process of
8 establishing Silver Alert plans;

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

11 (A) the number of Silver Alerts issued;

12 (B) the number of individuals located suc-
13 cessfully;

14 (C) the average period of time between the
15 issuance of a Silver Alert and the location of
16 the individual for whom such Alert was issued;

17 (D) the State agency or authority issuing
18 Silver Alerts, and the process by which Silver
19 Alerts are disseminated;

20 (E) the cost of establishing and operating
21 such a plan;

22 (F) the criteria used by the State to deter-
23 mine whether to issue a Silver Alert; and

1 (G) the extent to which missing individuals
 2 for whom Silver Alerts were issued crossed
 3 State lines;

4 (4) actions States have taken to protect the pri-
 5 vacy and dignity of the individuals for whom Silver
 6 Alerts are issued;

7 (5) ways that States have facilitated and im-
 8 proved communication about missing individuals be-
 9 tween families, caregivers, law enforcement officials,
 10 and other authorities; and

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

13 **SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
 14 **SEMINATION OF ALERTS THROUGH SILVER**
 15 **ALERT COMMUNICATIONS NETWORK.**

16 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—
 17 Subject to subsection (b), the Coordinator shall establish
 18 minimum standards for—

19 (1) the issuance of alerts through the Silver
 20 Alert communications network; and

21 (2) the extent of the dissemination of alerts
 22 issued through the network.

23 (b) LIMITATIONS.—

24 (1) VOLUNTARY PARTICIPATION.—The min-
 25 imum standards established under subsection (a) of

1 this section, and any other guidelines and programs
2 established under section 104, shall be adoptable on
3 a voluntary basis only.

4 (2) DISSEMINATION OF INFORMATION.—The
5 minimum standards shall, to the maximum extent
6 practicable (as determined by the Coordinator in
7 consultation with State and local law enforcement
8 agencies), provide that appropriate information re-
9 lating to the special needs of a missing senior (in-
10 cluding health care needs) are disseminated to the
11 appropriate law enforcement, public health, and
12 other public officials.

13 (3) GEOGRAPHIC AREAS.—The minimum stand-
14 ards shall, to the maximum extent practicable (as
15 determined by the Coordinator in consultation with
16 State and local law enforcement agencies), provide
17 that the dissemination of an alert through the Silver
18 Alert communications network be limited to the geo-
19 graphic areas which the missing senior could reason-
20 ably reach, considering the missing senior's cir-
21 cumstances and physical and mental condition, the
22 modes of transportation available to the missing sen-
23 ior, and the circumstances of the disappearance.

24 (4) AGE REQUIREMENTS.—The minimum
25 standards shall not include any specific age require-

1 ment for an individual to be classified as a missing
 2 senior for purposes of the Silver Alert communica-
 3 tion network. Age requirements for determinations
 4 of whether an individual is a missing senior shall be
 5 determined by each State, and may vary from State
 6 to State.

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

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

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

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

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

2 (a) TRAINING AND EDUCATIONAL PROGRAMS.—The
3 Coordinator shall make available to States, units of local
4 government, law enforcement agencies, and other con-
5 cerned entities that are involved in initiating, facilitating,
6 or promoting Silver Alert plans, including broadcasters,
7 first responders, dispatchers, public safety communica-
8 tions personnel, and radio station personnel—

9 (1) training and educational programs related
10 to the Silver Alert communication network and the
11 capabilities, limitations, and anticipated behaviors of
12 missing seniors, which shall be updated regularly to
13 encourage the use of new tools, technologies, and re-
14 sources in Silver Alert plans; and

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

18 (b) COORDINATION.—The Coordinator shall coordi-
19 nate—

20 (1) with the Assistant Secretary for Aging of
21 the Department of Health and Human Services in
22 developing the training and educational programs
23 and materials under subsection (a); and

24 (2) with the head of the Missing Alzheimer's
25 Disease Patient Alert Program within the Depart-
26 ment of Justice, to determine if any existing mate-

1 rial with respect to training programs or educational
 2 materials developed or used as part of such Patient
 3 Alert Program are appropriate and may be used for
 4 the programs under subsection (a).

5 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS FOR THE**
 6 **SILVER ALERT COMMUNICATIONS NETWORK.**

7 There are authorized to be appropriated to the De-
 8 partment of Justice such sums as may be necessary to
 9 carry out the Silver Alert communications network as au-
 10 thorized under this title.

11 **SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER**
 12 **ALERT PLANS.**

13 (a) GRANT PROGRAM.—Subject to the availability of
 14 appropriations to carry out this section, the Attorney Gen-
 15 eral shall carry out a program to provide grants to States
 16 for the development and enhancement of programs and
 17 activities for the support of Silver Alert plans and the Sil-
 18 ver Alert communications network.

19 (b) ACTIVITIES.—Activities funded by grants under
 20 the program under subsection (a) may include—

21 (1) the development and implementation of edu-
 22 cation and training programs, and associated mate-
 23 rials, relating to Silver Alert plans;

1 (2) the development and implementation of law
2 enforcement programs, and associated equipment,
3 relating to Silver Alert plans;

4 (3) the development and implementation of new
5 technologies to improve Silver Alert communications;
6 and

7 (4) such other activities as the Attorney Gen-
8 eral considers appropriate for supporting the Silver
9 Alert communications network.

10 (c) FEDERAL SHARE.—The Federal share of the cost
11 of any activities funded by a grant under the program
12 under subsection (a) may not exceed 50 percent.

13 (d) DISTRIBUTION OF GRANTS ON GEOGRAPHIC
14 BASIS.—The Attorney General shall, to the maximum ex-
15 tent practicable, ensure the distribution of grants under
16 the program under subsection (a) on an equitable basis
17 throughout the various regions of the United States.

18 (e) ADMINISTRATION.—The Attorney General shall
19 prescribe requirements, including application require-
20 ments, for grants under the program under subsection (a).

21 (f) AUTHORIZATION OF APPROPRIATIONS.—

22 (1) There is authorized to be appropriated to
23 the Department of Justice \$5,000,000 for each of
24 the fiscal years 2009 through 2013 to carry out this
25 section and, in addition, \$5,000,000 for each of the

1 fiscal years 2009 through 2013 to carry out sub-
2 section (b)(3).

3 (2) Amounts appropriated pursuant to the au-
4 thorization of appropriations in paragraph (1) shall
5 remain available until expended.

6 **SEC. 109. SAMMY KIRK VOLUNTARY ELECTRONIC MONI-**
7 **TORING PROGRAM.**

8 (a) PROGRAM AUTHORIZED.—The Attorney General,
9 after consultation with the Secretary of Health and
10 Human Services, is authorized to award grants to States
11 and units of local government to carry out programs to
12 provide voluntary electronic monitoring services to elderly
13 individuals to assist in the location of such individuals if
14 such individuals are reported as missing.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$2,000,000 for each of the fiscal years 2009 through
18 2014.

19 (c) DESIGNATION.—The grant program authorized
20 under this section shall be referred to as the “Sammy Kirk
21 Voluntary Electronic Monitoring Program”.

TITLE II—KRISTEN’S ACT REAUTHORIZATION

SEC. 201. SHORT TITLE.

This title may be cited as “Kristen’s Act Reauthorization of 2008”.

SEC. 202. FINDINGS.

Congress finds the following:

(1) Every year thousands of adults become missing due to advanced age, diminished mental capacity, or foul play. Often there is no information regarding the whereabouts of these adults and many of them are never reunited with their families.

(2) Missing adults are at great risk of both physical harm and sexual exploitation.

(3) In most cases, families and local law enforcement officials have neither the resources nor the expertise to undertake appropriate search efforts for a missing adult.

(4) The search for a missing adult requires cooperation and coordination among Federal, State, and local law enforcement agencies and assistance from distant communities where the adult may be located.

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

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

3 (a) GRANTS.—

4 (1) GRANT PROGRAM.—Subject to the avail-
5 ability of appropriations to carry out this section,
6 the Attorney General shall make competitive grants
7 to public agencies or nonprofit private organizations,
8 or combinations thereof, to—

9 (A) maintain a national resource center
10 and information clearinghouse for missing and
11 unidentified adults;

12 (B) maintain a national, interconnected
13 database for the purpose of tracking missing
14 adults who are determined by law enforcement
15 to be endangered due to age, diminished mental
16 capacity, or the circumstances of disappearance,
17 when foul play is suspected or circumstances
18 are unknown;

19 (C) coordinate public and private programs
20 that locate or recover missing adults or reunite
21 missing adults with their families;

22 (D) provide assistance and training to law
23 enforcement agencies, State and local govern-
24 ments, elements of the criminal justice system,
25 nonprofit organizations, and individuals in the

1 prevention, investigation, prosecution, and
 2 treatment of cases involving missing adults;

3 (E) provide assistance to families in locat-
 4 ing and recovering missing adults; and

5 (F) assist in public notification and victim
 6 advocacy related to missing adults.

7 (2) APPLICATIONS.—The Attorney General
 8 shall periodically solicit applications for grants under
 9 this section by publishing a request for applications
 10 in the Federal Register and by posting such a re-
 11 quest on the website of the Department of Justice.

12 (b) OTHER DUTIES.—The Attorney General shall—

13 (1) coordinate programs relating to missing
 14 adults that are funded by the Federal Government;
 15 and

16 (2) encourage coordination between State and
 17 local law enforcement and public agencies and non-
 18 profit private organizations receiving a grant pursu-
 19 ant to subsection (a).

20 **SEC. 204. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out
 22 this title \$4,000,000 for each of fiscal years 2009 through
 23 2019.

