H. R. 112

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 HOUSE OF REPRESENTATIVES

JANUARY 5, 2011

Mr. Doggett (for himself, Ms. Jackson Lee of Texas, Mr. Johnson of Georgia, Mr. Lewis of Georgia, Mr. Price of North Carolina, Mr. Van Hollen, Ms. Berkley, Mr. Sires, and Ms. Clarke of New York) introduced the following bill; which was 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 Representatives of the United States of America in Congress assembled,

TITLE I—SILVER ALERT COMMUNICATIONS NETWORK

SECTION 101. SHORT TITLE.

This title may be cited as the “National Silver Alert Act of 2011”.
SEC. 102. DEFINITIONS.

For purposes of this title:

(1) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(2) MISSING SENIOR.—The term “missing senior” refers to any individual who—

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

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

SEC. 103. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 107, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local search efforts for missing seniors through the initiation, facilitation, and promotion of local elements of the network (known as Silver Alert plans) in coordination with States, units of local government, law enforcement agencies, and other concerned entities with expertise in providing services to seniors.
SEC. 104. SILVER ALERT 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 Silver Alert communications network. The individual so designated shall be known as the Silver Alert Coordinator of the Department of Justice (referred to in this title as the “Coordinator”).

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

(1) work with States to encourage the development of additional Silver Alert plans in the network;

(2) establish voluntary guidelines for States to use in developing Silver Alert plans that will promote compatible and integrated Silver Alert plans throughout the United States, including—

(A) a list of the resources necessary to establish a Silver Alert plan;

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—
(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance a Silver Alert; and

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

(C) a description of the appropriate uses of the Silver Alert name to readily identify the nature of search efforts for missing seniors; and

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

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols for procedures that are needed from the time of initial notification of a law enforcement agency that the senior is missing through the time of the return of the senior to family, guardian, or domicile, as appropriate, including—

(A) public safety communications protocol;

(B) case management protocol;
(C) command center operations;

(D) reunification protocol; and

(E) incident review, evaluation, debriefing, and public information procedures;

(4) work with States to ensure appropriate regional coordination of various elements of the network;

(5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the Silver Alert communications network with initiating, facilitating, and promoting Silver Alert plans, which shall include—

(A) to the maximum extent practicable, representation from the various geographic regions of the United States; and

(B) members who are—

(i) representatives of senior citizen advocacy groups, law enforcement agencies, and public safety communications;

(ii) broadcasters, first responders, dispatchers, and radio station personnel; and

(iii) representatives of any other individuals or organizations that the Coordinator determines are necessary to the suc-
cess of the Silver Alert communications network; and

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

(A) the development of the network; and

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

(c) COORDINATION.—

(1) COORDINATION WITH OTHER AGENCIES.—
The Coordinator shall coordinate and consult with the Secretary of Transportation, the Federal Communications Commission, the Assistant Secretary for Aging of the Department of Health and Human Services, the head of the Missing Alzheimer’s Disease Patient Alert Program, and other appropriate offices of the Department of Justice in carrying out activities under this title.

(2) STATE AND LOCAL COORDINATION.—The Coordinator shall consult with local broadcasters and State and local law enforcement agencies in establishing minimum standards under section 105 and in carrying out other activities under this title, as appropriate.

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

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

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

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

(A) the number of Silver Alerts issued;

(B) the number of individuals located successfully;

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

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

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

(F) the criteria used by the State to determine whether to issue a Silver Alert; and
(G) the extent to which missing individuals for whom Silver Alerts were issued crossed State lines;

(4) actions States have taken to protect the privacy and dignity of the individuals for whom Silver Alerts are issued;

(5) ways that States have facilitated and improved communication about missing individuals between families, caregivers, law enforcement officials, and other authorities; and

(6) any other information the Coordinator determines to be appropriate.

SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH SILVER ALERT COMMUNICATIONS NETWORK.

(a) Establishment of Minimum Standards.—Subject to subsection (b), the Coordinator shall establish minimum standards for—

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

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

(b) Limitations.—

(1) Voluntary Participation.—The minimum standards established under subsection (a) of
this section, and any other guidelines and programs
established under section 104, shall be adoptable on
a voluntary basis only.

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

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

(4) AGE REQUIREMENTS.—The minimum
standards shall not include any specific age require-
ment for an individual to be classified as a missing senior for purposes of the Silver Alert communication network. Age requirements for determinations of whether an individual is a missing senior shall be determined by each State, and may vary from State to State.

(5) Privacy and civil liberties protections.—The minimum standards shall—

(A) ensure that alerts issued through the Silver Alert communications network comply with all applicable Federal, State, and local privacy laws and regulations; and

(B) include standards that specifically provide for the protection of the civil liberties and sensitive medical information of missing seniors.

(6) State and local voluntary coordination.—In carrying out the activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the Silver Alert communications network.
SEC. 106. TRAINING AND OTHER RESOURCES.

(a) Training and Educational Programs.—The Coordinator shall make available to States, units of local government, law enforcement agencies, and other concerned entities that are involved in initiating, facilitating, or promoting Silver Alert plans, including broadcasters, first responders, dispatchers, public safety communications personnel, and radio station personnel—

(1) training and educational programs related to the Silver Alert communication network and the capabilities, limitations, and anticipated behaviors of missing seniors, which shall be updated regularly to encourage the use of new tools, technologies, and resources in Silver Alert plans; and

(2) informational materials, including brochures, videos, posters, and Web sites to support and supplement such training and educational programs.

(b) Coordination.—The Coordinator shall coordinate—

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

(2) with the head of the Missing Alzheimer’s Disease Patient Alert Program within the Depart-
ment of Justice, to determine if any existing mate-
rial with respect to training programs or educational
materials developed or used as part of such Patient
Alert Program are appropriate and may be used for
the programs under subsection (a).

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

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

SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER
ALERT PLANS.
(a) GRANT PROGRAM.—Subject to the availability of
appropriations to carry out this section, the Attorney Gen-
eral shall carry out a program to provide grants to States
for the development and enhancement of programs and
activities for the support of Silver Alert plans and the Sil-
ver Alert communications network.

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

(1) the development and implementation of edu-
cation and training programs, and associated mate-
rials, relating to Silver Alert plans;
(2) the development and implementation of law enforcement programs, and associated equipment, relating to Silver Alert plans;

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

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

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

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

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

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) There is authorized to be appropriated to the Department of Justice $5,000,000 for each of the fiscal years 2012 through 2014 to carry out this section and, in addition, $5,000,000 for each of the
fiscal years 2012 through 2014 to carry out sub-
section (b)(3).

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

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

**SEC. 201. SHORT TITLE.**

This title may be cited as “Kristen’s Act Reauthor-
ization of 2011”.

**SEC. 202. FINDINGS.**

Congress finds the following:

(1) Every year thousands of adults become
missing due to advanced age, diminished mental ca-
pacity, 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 en-
forcement 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 co-
operation 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.

SEC. 203. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS TO FIND MISSING ADULTS.

(a) Grants.—

(1) Grant Program.—Subject to the availability of appropriations to carry out this section, the Attorney General shall make competitive grants to public agencies or nonprofit private organizations, or combinations thereof, to—

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

(B) maintain a national, interconnected database for the purpose of tracking missing adults who are determined by law enforcement to be endangered due to age, diminished mental capacity, or the circumstances of disappearance, when foul play is suspected or circumstances are unknown;
(C) coordinate public and private programs that locate or recover missing adults or reunite missing adults with their families;

(D) provide assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, nonprofit organizations, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing adults;

(E) provide assistance to families in locating and recovering missing adults; and

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

(2) APPLICATIONS.—The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the Web site of the Department of Justice. 

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

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

(2) encourage coordination between State and local law enforcement and public agencies and non-
profit private organizations receiving a grant pursuant to subsection (a).

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.  

There are authorized to be appropriated to carry out this title $4,000,000 for each of fiscal years 2012 through 2014.