

**NATIONAL SILVER ALERT ACT, THE SILVER ALERT
GRANT PROGRAM ACT OF 2008, AND THE
KRISTEN'S ACT REAUTHORIZATION OF 2007**

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

ON

H.R. 6064, H.R. 5898 and H.R. 423

JULY 15, 2008

Serial No. 110-194

Printed for the use of the Committee on the Judiciary



Available via the World Wide Web: <http://judiciary.house.gov>

U.S. GOVERNMENT PRINTING OFFICE

43-525 PDF

WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON THE JUDICIARY

JOHN CONYERS, JR., Michigan, *Chairman*

HOWARD L. BERMAN, California	LAMAR SMITH, Texas
RICK BOUCHER, Virginia	F. JAMES SENSENBRENNER, JR., Wisconsin
JERROLD NADLER, New York	HOWARD COBLE, North Carolina
ROBERT C. "BOBBY" SCOTT, Virginia	ELTON GALLEGLY, California
MELVIN L. WATT, North Carolina	BOB GOODLATTE, Virginia
ZOE LOFGREN, California	STEVE CHABOT, Ohio
SHEILA JACKSON LEE, Texas	DANIEL E. LUNGREN, California
MAXINE WATERS, California	CHRIS CANNON, Utah
WILLIAM D. DELAHUNT, Massachusetts	RIC KELLER, Florida
ROBERT WEXLER, Florida	DARRELL ISSA, California
LINDA T. SANCHEZ, California	MIKE PENCE, Indiana
STEVE COHEN, Tennessee	J. RANDY FORBES, Virginia
HANK JOHNSON, Georgia	STEVE KING, Iowa
BETTY SUTTON, Ohio	TOM FEENEY, Florida
LUIS V. GUTIERREZ, Illinois	TRENT FRANKS, Arizona
BRAD SHERMAN, California	LOUIE GOHMERT, Texas
TAMMY BALDWIN, Wisconsin	JIM JORDAN, Ohio
ANTHONY D. WEINER, New York	
ADAM B. SCHIFF, California	
ARTUR DAVIS, Alabama	
DEBBIE WASSERMAN SCHULTZ, Florida	
KEITH ELLISON, Minnesota	

PERRY APELBAUM, *Staff Director and Chief Counsel*

SEAN McLAUGHLIN, *Minority Chief of Staff and General Counsel*

SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

ROBERT C. "BOBBY" SCOTT, Virginia, *Chairman*

MAXINE WATERS, California	LOUIE GOHMERT, Texas
WILLIAM D. DELAHUNT, Massachusetts	J. RANDY FORBES, Virginia
JERROLD NADLER, New York	F. JAMES SENSENBRENNER, JR., Wisconsin
HANK JOHNSON, Georgia	HOWARD COBLE, North Carolina
ANTHONY D. WEINER, New York	STEVE CHABOT, Ohio
SHEILA JACKSON LEE, Texas	DANIEL E. LUNGREN, California
ARTUR DAVIS, Alabama	
TAMMY BALDWIN, Wisconsin	
BETTY SUTTON, Ohio	

BOBBY VASSAR, *Chief Counsel*

CAROLINE LYNCH, *Minority Counsel*

CONTENTS

JULY 15, 2008

	Page
THE BILLS	
H.R. 6064, the “National Silver Alert Act”	3
H.R. 5898, the “Silver Alert Grant Program Act of 2008”	16
H.R. 423, the “Kristen’s Act Reauthorization of 2007”	25
OPENING STATEMENTS	
The Honorable Robert C. “Bobby” Scott, a Representative in Congress from the State of Virginia, and Chairman, Subcommittee on Crime, Terrorism, and Homeland Security	1
The Honorable Louie Gohmert, a Representative in Congress from the State of Texas, and Ranking Member, Subcommittee on Crime, Terrorism, and Homeland Security	30
WITNESSES	
The Honorable Lloyd Doggett, a Representative in Congress from the State of Texas	
Oral Testimony	32
Prepared Statement	33
The Honorable Gus Bilirakis, a Representative in Congress from the State of Florida	
Oral Testimony	34
Prepared Statement	36
The Honorable Sue Wilkins Myrick, a Representative in Congress from the State of North Carolina	
Oral Testimony	38
Prepared Statement	39
LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING	
Prepared Statement of the Honorable Maxine Waters, a Representative in Congress from the State of California, and Member, Subcommittee on Crime, Terrorism, and Homeland Security	40
APPENDIX	
Material Submitted for the Hearing Record	43

**NATIONAL SILVER ALERT ACT, THE SILVER
ALERT GRANT PROGRAM ACT OF 2008, AND
THE KRISTEN'S ACT REAUTHORIZATION OF
2007**

TUESDAY, JULY 15, 2008

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME, TERRORISM,
AND HOMELAND SECURITY
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:38 p.m., in Room 2237, Rayburn House Office Building, the Honorable Robert C. "Bobby" Scott (Chairman of the Subcommittee) presiding.

Present: Representatives Scott, Johnson, Gohmert, and Coble.

Staff present: Bobby Vassar, Subcommittee Chief Counsel; Karen Wilkinson (Fellow) AOC Detailee; Veronica Eligan, Majority Professional Staff Member; Caroline Lynch, Minority Counsel; and Kelsey Whitlock, Minority Staff Assistant.

Mr. SCOTT. The Crime Subcommittee will convene as soon as we can get set up. The Crime Subcommittee will be convening as soon as we possibly can.

The Subcommittee will now come to order, and I am pleased to welcome you today to the hearing from the Subcommittee on Crime, Terrorism, and Homeland Security on several bills, H.R. 6064, the "National Silver Alert Act," H.R. 5898, the "Silver Alert Grant Program Act of 2008," and H.R. 423, the "Kristen's Act Reauthorization of 2007."

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play, or other unusual circumstances.

The Alzheimer's Foundation of America estimates that over 5 million Americans suffer from Alzheimer's disease and that 60 percent of these are likely to wander from their homes.

Many of these will be unable to find their way back home because of disorientation and confusion. Their safe return home often depends on their being found quickly.

The Alzheimer's Association estimates that 50 percent of wanderers risk serious illness, injury, or death if not found within 24 hours.

We currently have no comprehensive Federal approach to this problem. A handful of states, including Virginia and Texas, along with several national non-profit organizations have developed pro-

grams that address the various aspects of the problem with missing adults.

But the need for a coordinated national approach still exists.

Financial support is also needed for the continuation of some of these programs and for the development of new local and state programs.

In recognition of this need, three Members of Congress, the gentleman from Texas, Mr. Doggett; the gentleman from Florida, Mr. Bilirakis; and the gentlelady from North Carolina, Mrs. Myrick, have introduced three separate bills this session to address the problem of missing adults.

Each bill approaches the problem in a slightly different way and complements of efforts of the other bills.

There is some overlap among the bills, however, and the sponsors have been working together to draft a bill that combines the unique aspects of each bill into one while eliminating the duplication.

I would like to thank all of them for not only introducing these important bills but also for their willingness to work together in a bipartisan manner to create a comprehensive bill addressing the problems, including the bills introduced by the gentlelady from California, Ms. Waters, and the gentlelady from Texas, Ms. Jackson Lee.

All of you are working together, and we appreciate that.

[The bill, H.R. 6064, follows:]

110TH CONGRESS
2D SESSION

H. R. 6064

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

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Silver Alert
5 Act”.

1 **SEC. 2. SILVER ALERT COMMUNICATIONS NETWORK.**

2 The Attorney General shall, subject to the availability
3 of appropriations under section 8, establish a national Sil-
4 ver Alert communications network within the Department
5 of Justice to provide assistance to regional and local
6 search efforts for missing seniors through the initiation,
7 facilitation, and promotion of local elements of the net-
8 work (known as Silver Alert plans) in coordination with
9 States, units of local government, law enforcement agen-
10 cies, and other concerned entities with expertise in pro-
11 viding services to seniors.

12 **SEC. 3. SILVER ALERT COORDINATOR.**

13 (a) COORDINATION WITHIN DEPARTMENT OF JUS-
14 TICE.—The Attorney General shall assign an officer of the
15 Department of Justice to act as the national coordinator
16 of the Silver Alert communications network. The officer
17 so designated shall be known as the Silver Alert Coordi-
18 nator of the Department of Justice (referred to in this
19 Act as the “Coordinator”).

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

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

25 (2) establish voluntary guidelines for States to
26 use in developing Silver Alert plans that will pro-

1 mote compatible and integrated Silver Alert plans
2 throughout the United States, including—

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

5 (B) criteria for evaluating whether a situa-
6 tion warrants issuing a Silver Alert, taking into
7 consideration the need for the use of such
8 Alerts to be limited in scope because the effec-
9 tiveness of the Silver Alert communications net-
10 work may be affected by overuse, including cri-
11 teria to determine—

12 (i) whether a senior who is missing
13 has been adjudicated by a court to be in-
14 capable of managing his or her own per-
15 sonal affairs (such as through a guardian-
16 ship proceeding), or has a documented di-
17 agnosis of a mental illness, injury, or con-
18 dition that causes the senior to be incapa-
19 ble of making personal care decisions; and

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

1 (C) guidelines with respect to the use of
2 the Silver Alert name to readily identify the na-
3 ture of search efforts for missing seniors; and

4 (D) guidelines to protect the privacy, dig-
5 nity, independence, and autonomy of any miss-
6 ing senior who may be the subject of a Silver
7 Alert;

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

16 (A) public safety communications protocol;

17 (B) case management protocol;

18 (C) command center operations;

19 (D) reunification protocol; and

20 (E) incident review, evaluation, debriefing,

21 and public information procedures;

22 (4) work with States to ensure appropriate re-
23 gional coordination of various elements of the net-
24 work;

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

6 (A) to the maximum extent practicable,
7 representation from the various geographic re-
8 gions of the United States; and

9 (B) members who are—

10 (i) representatives of senior citizen ad-
11 vocacy groups, law enforcement agencies,
12 and public safety communications,

13 (ii) broadcasters, first responders, dis-
14 patchers, and radio station personnel; and

15 (iii) representatives of any other indi-
16 viduals or organizations that the Coordi-
17 nator determines are necessary to the suc-
18 cess of the Silver Alert communications
19 network; and

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

21 (A) the development of the network; and

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

24 (c) COOPERATION WITH OTHER AGENCIES.—The
25 Coordinator shall cooperate with the Secretary of Trans-

1 portation, the Federal Communications Commission, the
 2 Assistant Secretary for Aging of the Department of
 3 Health and Human Services, and other appropriate offices
 4 of the Department of Justice in carrying out activities
 5 under this Act.

6 (d) REPORTS.—Not later than one year after the date
 7 of the enactment of this Act, and annually thereafter, the
 8 Coordinator shall submit to Congress a report on the ac-
 9 tivities of the Coordinator and the effectiveness and status
 10 of the Silver Alert plans of each State that has established
 11 or is in the process of establishing such a plan.

12 **SEC. 4. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
 13 **SEMINATION OF ALERTS THROUGH SILVER**
 14 **ALERT COMMUNICATIONS NETWORK.**

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

- 18 (1) the issuance of alerts through the Silver
 19 Alert communications network; and
 20 (2) the extent of the dissemination of alerts
 21 issued through the network.

22 (b) LIMITATIONS.—

- 23 (1) VOLUNTARY PARTICIPATION.—The min-
 24 imum standards established under subsection (a) of
 25 this section, and any other guidelines and programs

1 established under section 3, shall be adoptable on a
2 voluntary basis only.

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

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

23 (4) AGE REQUIREMENTS.—The minimum
24 standards shall not include any specific age require-
25 ment for an individual to be classified as a missing

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

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

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

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

16 (c) COOPERATION.—

17 (1) COOPERATION WITH AGENCIES.—The Coor-
18 dinator shall cooperate with the Secretary of Trans-
19 portation, the Federal Communications Commission,
20 the Assistant Secretary for Aging of the Department
21 of Health and Human Service, and the head of the
22 Missing Alzheimer’s Disease Patient Alert Program
23 in carrying out the activities under this section.

24 (2) STATE AND LOCAL COOPERATION.—The Co-
25 ordinator shall also cooperate with local broadcasters

1 and State and local law enforcement agencies in es-
2 tablishing minimum standards under this section,
3 except that the Coordinator may not interfere with
4 the current system of voluntary coordination be-
5 tween local broadcasters and State and local law en-
6 forcement agencies for purposes of the Silver Alert
7 communications network.

8 **SEC. 5. TRAINING AND OTHER RESOURCES.**

9 (a) TRAINING AND EDUCATIONAL PROGRAMS.—The
10 Coordinator shall make available to States, units of local
11 government, law enforcement agencies, and other con-
12 cerned entities that are involved in initiating, facilitating,
13 or promoting Silver Alert plans, including broadcasters,
14 first responders, dispatchers, public safety communica-
15 tions personnel, and radio station personnel—

16 (1) training and educational programs related
17 to the Silver Alert communication network and the
18 capabilities, limitations, and anticipated behaviors of
19 missing seniors, which shall be updated regularly to
20 encourage the use of new tools, technologies, and re-
21 sources in Silver Alert plans; and

22 (2) informational materials, including bro-
23 chures, videos, posters, and web sites to support and
24 supplement such training and educational programs.

1 (b) COORDINATION.—The Coordinator shall coordi-
2 nate—

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

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

14 **SEC. 6. GRANT PROGRAM FOR SUPPORT OF SILVER ALERT**
15 **PLANS.**

16 (a) GRANT PROGRAM.—Subject to the availability of
17 appropriations to carry out this section, the Attorney Gen-
18 eral shall carry out a program to provide grants to States
19 for the development or enhancement of programs and ac-
20 tivities for the support of Silver Alert plans and the Silver
21 Alert communications network.

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

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

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

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

10 (4) such other activities as the Attorney Gen-
11 eral considers appropriate for supporting the Silver
12 Alert communications network.

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

16 (d) DISTRIBUTION OF GRANT AMOUNTS ON GEO-
17 GRAPHIC BASIS.—The Attorney General shall, to the max-
18 imum extent practicable, ensure the distribution of grants
19 under the program under subsection (a) on an equitable
20 basis throughout the various regions of the United States.

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

24 (f) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) There is authorized to be appropriated for
2 the Department of Justice \$5,000,000 for fiscal year
3 2009 to carry out this section and, in addition,
4 \$5,000,000 for fiscal year 2009 to carry out sub-
5 section (b)(3).

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

9 **SEC. 7. DEFINITIONS.**

10 For purposes of this Act:

11 (1) 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 (2) MISSING SENIOR.—The term “missing sen-
17 ior” refers to any individual who—

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

20 (B) meets the requirements to be des-
21 ignated as a missing senior, as determined by
22 the State in which the individual is reported or
23 identified as a missing person.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the De-
3 partment of Justice such sums as may be necessary to
4 carry out the Silver Alert communications network.

○

[The bill, H.R. 5898, follows:]

1

110TH CONGRESS
2D SESSION

H. R. 5898

To authorize a grant program to help establish and improve State-administered notification systems to help locate missing individuals with Alzheimer’s disease and other dementia-related illnesses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2008

Mr. BILIRAKIS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize a grant program to help establish and improve State-administered notification systems to help locate missing individuals with Alzheimer’s disease and other dementia-related illnesses, 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 “Silver Alert Grant Pro-
5 gram Act of 2008”.

6 SEC. 2. PURPOSES.

7 The purposes of this Act are to—

1 (1) create a grant program to encourage the es-
2 tablishment and improvement of State-administered
3 notification systems to help find missing seniors and
4 other individuals with Alzheimer's disease and other
5 dementia-related illnesses before the missing seniors
6 and other individuals harm themselves or others;

7 (2) promote best practices, based on the experi-
8 ences of existing Silver Alert systems, to guide the
9 establishment of new Silver Alert systems and the
10 improvement of existing Silver Alert systems; and

11 (3) increase awareness about the need for co-
12 ordinated efforts between families, caregivers, local
13 communities, and law enforcement authorities to
14 help locate missing individuals as quickly as possible
15 to increase the chances of safely reuniting the indi-
16 viduals with their families.

17 **SEC. 3. FINDINGS; SENSE OF CONGRESS.**

18 (a) **FINDINGS.**—The Congress finds as follows:

19 (1) According to the National Institute on
20 Aging at the National Institutes of Health, as many
21 as 5,000,000 people in the United States may suffer
22 from Alzheimer's disease.

23 (2) The National Institute on Aging reports
24 that, although Alzheimer's disease usually impacts
25 people age 60 and older, younger people can also be

1 affected, and the risk of developing Alzheimer's dis-
2 ease increases with age.

3 (3) An analysis of data on Alzheimer's disease
4 in the United States shows that 1 in 8 people over
5 the age of 65 have Alzheimer's disease, and that
6 every 71 seconds another individual in the United
7 States develops the disease.

8 (4) The aging of the members of the baby
9 boomer generation will increase the number of peo-
10 ple suffering from Alzheimer's disease and other de-
11 mentia-related illnesses in the coming years.

12 (5) The Alzheimer's Association estimates that
13 more than 60 percent of people suffering from Alz-
14 heimer's disease will wander away from their homes
15 or care-giving facilities during their lifetimes.

16 (6) Alzheimer's disease and other dementia-re-
17 lated illnesses leave their victims confused, dis-
18 oriented, and often unable return to their to homes,
19 families, or care-giving facilities.

20 (7) States such as Colorado, Illinois, Michigan,
21 North Carolina, and Texas have established State-
22 administered notification systems, modeled after the
23 highly successful Amber Alert system, to help dis-
24 seminate relevant information about missing seniors
25 and those with other dementia-related illnesses to

1 law enforcement and other appropriate authorities in
2 an expeditious manner. The experiences of these
3 States have shown that the timely notification and
4 dissemination of appropriate information about
5 missing individuals greatly increases the chances of
6 that the individuals will be located.

7 (8) Other States have explored the development
8 of such systems but have faced difficulty creating
9 and implementing such systems due to budget con-
10 straints.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) Silver Alert systems—

14 (A) should include definitive criteria for
15 issuing Silver Alerts to ensure that the impact
16 of such Alerts is not lessened by overly frequent
17 notifications;

18 (B) should not permit a determination of
19 whether to issue a Silver Alert to be based sole-
20 ly on the age of the missing individual;

21 (C) should only be used to issue Silver
22 Alerts with respect to individuals who are in-
23 capable of making personal care decisions or
24 managing their own personal affairs;

25 (D) should only be initiated by a person—

1 (i) who has had recent contact with
2 the missing individual with respect to
3 whom a Silver Alert may be issued; and

4 (ii) who is a legal guardian, a close
5 family member, a resident of the same
6 household, or a caregiver of the missing in-
7 dividual;

8 (E) should protect the privacy, dignity,
9 independence, and autonomy of the individuals
10 with respect to whom Silver Alerts are issued;

11 (F) should encourage the training of law
12 enforcement officers and other first responders
13 about the most appropriate methods of locating
14 missing individuals with Alzheimer's disease
15 and other dementia-related illnesses, deter-
16 mining whether an individual suffers from a de-
17 mentia-related illness, and the most effective
18 way to communicate with such an individual;
19 and

20 (G) should encourage coordination between
21 appropriate State officials administering such
22 systems and local entities administering pro-
23 grams under the Missing Alzheimer's Disease
24 Patient Alert Program; and

1 (2) the Federal Government can play an impor-
2 tant role in preventing injuries and loss of life
3 among those with Alzheimer’s disease and other de-
4 mentia-related illnesses by helping States defray the
5 costs of establishing, implementing, and improving
6 Silver Alert systems.

7 **SEC. 4. SILVER ALERT SYSTEM GRANT PROGRAM.**

8 (a) GRANT PROGRAM AUTHORIZED.—The Attorney
9 General is authorized to award grants to States to—

10 (1) establish and implement a Silver Alert sys-
11 tem; or

12 (2) make improvements to an existing Silver
13 Alert system.

14 (b) GRANT PERIOD; MINIMUM AWARD.—

15 (1) GRANT PERIOD.—Each grant under this
16 section shall be awarded for a one-year period, and
17 may be renewed for additional one-year periods as
18 the Attorney General determines to be appropriate.

19 (2) MINIMUM AWARD.—Each grant awarded to
20 a State under this section shall be for an amount
21 that is not less than \$100,000.

22 (c) REGULATIONS.—Not later than one year after the
23 date of the enactment of this Act, the Attorney General
24 shall prescribe such regulations as may be necessary to
25 carry out this section, including—

1 (1) eligibility and application criteria for States
2 desiring to receive a grant under this section; and

3 (2) selection criteria to be used by the Attorney
4 General to select the States that will receive a grant
5 under this section.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$5,600,000 for each of the fiscal years 2009 through
9 2013.

10 **SEC. 5. ANNUAL REPORT ON SILVER ALERT SYSTEMS.**

11 Not later than one year after the date of enactment
12 of this Act, and annually thereafter, the Attorney General
13 shall prepare and make available to the House of Rep-
14 resentatives and the Senate a report related to Silver Alert
15 systems, which shall include—

16 (1) a list of States that have established Silver
17 Alert systems;

18 (2) for each State that has established such a
19 system—

20 (A) the number of Silver Alerts issued;

21 (B) the number of individuals located suc-
22 cessfully;

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

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

4 (E) the cost of establishing and operating
5 such a system;

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

8 (G) the extent to which missing individuals
9 for whom Silver Alerts were issued crossed
10 State lines;

11 (3) actions States have taken to protect the pri-
12 vacy and dignity of the individuals for whom Silver
13 Alerts are issued;

14 (4) ways that States have facilitated and im-
15 proved communication about missing individuals be-
16 tween families, caregivers, law enforcement officials,
17 and other authorities; and

18 (5) any other information the Attorney General
19 determines to be appropriate.

20 **SEC. 6. DEFINITIONS.**

21 For the purposes of this Act:

22 (1) **SILVER ALERT SYSTEM.**—The term “Silver
23 Alert system” means a State-administered notifica-
24 tion system to help locate missing individuals with

1 Alzheimer's disease and other dementia-related ill-
2 nesses.

3 (2) STATE.—The term State means each of the
4 several States of the United States, the District of
5 Columbia, the Commonwealth of Puerto Rico,
6 Guam, the United States Virgin Islands, American
7 Samoa, and the Commonwealth of the Northern
8 Mariana Islands.

○

[The bill, H.R. 423, follows]:

1

110TH CONGRESS
1ST SESSION

H. R. 423

To authorize the Attorney General to provide grants for organizations to find missing adults.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2007

Mrs. MYRICK introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to provide grants for organizations to find missing adults.

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 “Kristen’s Act Reauthoriza-
5 tion of 2007”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) Every year thousands of adults become
9 missing due to advanced age, diminished mental ca-
10 pacity, or foul play. Often there is no information

1 regarding the whereabouts of these adults and many
2 of them are never reunited with their families.

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

5 (3) In most cases, families and local law en-
6 forcement officials have neither the resources nor
7 the expertise to undertake appropriate search efforts
8 for a missing adult.

9 (4) The search for a missing adult requires co-
10 operation and coordination among Federal, State,
11 and local law enforcement agencies and assistance
12 from distant communities where the adult may be lo-
13 cated.

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

16 (6) Since 2001, following the enactment of
17 Kristen’s Act (Public Law 106–468), the National
18 Center for Missing Adults has—

19 (A) served as a national resource center
20 and information clearinghouse for missing
21 adults;

22 (B) provided training to investigative law
23 enforcement officers to prepare such officers to
24 appropriately respond to missing adult cases;
25 and

(C) worked in cooperation with the Bureau of Justice Assistance and the Office for Victims of Crime of the Department of Justice, the International Homicide Investigators Association, and many other agencies in the effort to find missing adults and prevent victimization.

(7) The National Center for Missing Adults is working to provide policy training to police chiefs and sheriffs regarding the issues of missing adults.

(8) The demand for the services of the National Center for Missing Adults is growing substantially.

**SEC. 3. GRANTS FOR THE ASSISTANCE OF ORGANIZATIONS
TO FIND MISSING ADULTS.**

(a) GRANTS.—The Attorney General, acting through the Director of the Bureau of Justice Assistance of the Department of Justice, shall make grants to public agencies or nonprofit private organizations, or combinations thereof, to—

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

(2) 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 cir-

1 circumstances of disappearance, when foul play is sus-
2 pected or circumstances are unknown;

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

6 (4) provide assistance and training to law en-
7 forcement agencies, State and local governments,
8 elements of the criminal justice system, nonprofit or-
9 ganizations, and individuals in the prevention, inves-
10 tigation, prosecution, and treatment of cases involv-
11 ing missing adults;

12 (5) provide assistance to families in locating
13 and recovering missing adults; and

14 (6) assist in public notification and victim adv-
15 ocacy related to missing adults.

16 (b) OTHER DUTIES.—The Attorney General, acting
17 through the Director of the Bureau of Justice Assistance
18 of the Department of Justice, shall—

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

21 (2) provide access to the National Crime Infor-
22 mation Center of the Federal Bureau of Investiga-
23 tion to the public agencies or nonprofit private orga-
24 nizations receiving a grant pursuant to subsection

25 (a)(1).

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this Act, \$4,000,000 for each of fiscal years 2008 through
4 2018.

○

Mr. SCOTT. With that said, it is my pleasure to recognize the Ranking Member of the Subcommittee, the Honorable Louie Gohmert.

Mr. GOHMERT. Thank you, Chairman Scott.

I also wish to welcome our distinguished panel of witnesses, of course, Congressman Doggett, Congressman Bilirakis, and Congresswoman Myrick. And thank you for your dedication in protecting the elderly and the missing adults.

The Silver Alert Program issues public alerts for missing adults suffering from Alzheimer's or other forms of dementia.

Modeled on the AMBER Alert Program, Silver Alerts distribute important information to law enforcement, radio and television station, and even drivers on the highway to help locate missing adults.

Nine states, including my own state of Texas, have implemented Silver Alert Programs, and just 2 weeks ago, the Texas Silver Alert Program was used to locate a woman with dementia who had gone missing from her home in North Richland Hills. She was found 65 miles away in Jacksboro, Texas, driving her 1996 Chevy pick-up. Police believe she was headed to the Dallas/Fort Worth Airport when she was found.

The fastest-growing segment of our population is Americans over the age of 65. The baby-boomer generation is beginning to retire, and in 2000, Americans aged 65 and older accounted for 12.64 percent of the population. But it is estimated that by 2030, this number will double.

As our aging population expands, so too does the demand for new and innovative ways to protect them. The Alzheimer's Association estimates that as many as 5 million Americans suffer from some form of Alzheimer's Disease or dementia. Of these, nearly 3 million, or 60 percent, will wander, and of those, nearly 70 percent will do so repeatedly.

In the nine states using this program, Silver Alerts have proven to be an effective tool in locating vulnerable seniors.

According to a survey by the National Association of State Units on Aging, most states reported that the costs associated with implementing the program were minimal.

H.R. 6064, the National Silver Alert Act, and H.R. 5898, the Silver Alert Grant Program Act, both facilitate the expanded use of the Silver Alert Program.

I commend Congressman Doggett and Congressman Bilirakis for their work on this important program and look forward to working with them as the Committee moves forward with their legislation.

While Silver Alerts help locate missing elderly and AMBER Alerts help locate missing children, there is still a large segment of the population that must not be overlooked. Each year, thousands of adults are reported missing. In 2007, the FBI reported over 171,000 missing persons ages 18 and older.

In 2000, Kristen's Act established a National Center for Missing Adults, a non-profit organization that serves as a national clearinghouse for missing adults. The NCMA coordinates law enforcement, media, and the families of missing adults and operates a national database of endangered or at-risk adults.

The NCMA and other programs like it provide a critical service to assisting law enforcement and families with locating missing adults.

H.R. 423 reauthorizes Kristen's Act and grants to organizations, such as the NCMA, through fiscal year 2018.

And I do commend my colleague, Congresswoman Myrick, for long-standing dedication to these programs and look forward to working with her to reauthorize Kristen's Act.

At this time, though, I thank you for being here and look forward to hearing what you have to say.

Mr. SCOTT. Thank you.

I would like to recognize the presence of gentleman from North Carolina, Mr. Coble, and the gentleman from Georgia, Mr. Johnson.

Our first witness today is the gentleman from Texas' 25th District, the Honorable Lloyd Doggett, who is the sponsor of H.R. 4081.

Mr. Doggett served 11 years in the Texas Senate and began service as a justice in the Texas Supreme Court in 1988.

In 1994, he was elected to the U.S. House of Representatives.

He is currently a senior Member of the House Ways and Means Committee and a Member of both the Budget Committee and the Joint Economic Committee.

The next witness will be the gentleman from Florida's 9th District, the Honorable Gus Bilirakis.

He is in his first session in Congress, but served four terms as a member of the Florida House of Representatives before coming to Congress.

Before that, he was the senior partner in the Bilirakis Law Group in Holiday, Florida.

He serves on the House Committees on Homeland Security, Veteran's Affairs, and Foreign Affairs.

He is also the senior freshman whip of the Republican Party and the chair of the Veteran's Affairs Task Force for the Republican Policy Committee.

Our third and final witness will be the Honorable Sue Myrick from North Carolina's 5th District. She came to Congress in 1995.

Before coming to Congress, she served 2 years as mayor of Charlotte, North Carolina and is the former president and CEO of Myrick Advertising and Public Relations and Myrick Enterprises.

She serves on the Energy and Commerce Committee and is a Member of the Health, the Energy, and the Commerce, Trade, and Consumer Protection Subcommittees.

She was appointed deputy whip of the 108th Congress and still holds that position.

She chairs the House Cancer Caucus.

Now, the witnesses will know the normal process will be followed.

Your written statements will be entered into the record, and I ask you to summarize your testimony in 5 minutes or less, if you can.

We will put the lights on, but you can govern yourselves accordingly.

Mr. Doggett?

**TESTIMONY OF THE HONORABLE LLOYD DOGGETT, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. DOGGETT. I will summarize very briefly because it is apparent that, from the opening statements that you have both given, that you fully understand what we are doing and, in your actions prior to today, you have been very supportive.

I am here, of course, on behalf of the bill that I authored, H.R. 6064, the National Silver Alert Act. But what I am really here on behalf of is a collective effort, a bipartisan effort. We are all working together on a substitute on which you have taken the lead, Mr. Chairman, that will incorporate with the National Silver Alert Act all of Mrs. Myrick's important legislation and significant recommendations and contributions from Mr. Bilirakis.

We are about addressing those needs of the 60 percent of Alzheimer's patients to which you referred to and others who don't suffer from Alzheimer's but have other forms of dementia who wander away from home.

And as you know, Mr. Chairman, if those folks are not found in the first 24 hours, about half of them will either die or suffer from serious injury. And we are looking for a way to address that.

We know that there is not any silver bullet, but Silver Alert is a good place to begin to assist the law enforcement officials in the community in addressing this.

As Mr. Gohmert pointed out, we have had a successful AMBER Alert system, and all we are really doing is following the same approach that this Congress took a few years ago in taking the AMBER Alert approach and taking it national.

I believe that, actually, as of today, the state of Kentucky is a new state implementing a program, and we are up to 11 states now. But those states need coordination. And by having a person in the Justice Department who is responsible for coordinating with Federal agencies like the Department of Transportation, like the Federal Communications Commission, and the aging folks all works together, we can share best practices.

We can provide a reinforcement for the states that are doing it now, and we can provide assistance for those states. I think there are at least half a dozen other states that are seriously looking at state Silver Alert Programs right now.

Just a word about our experience in Texas. This program has only been in effect there since last September. And the Department of Public Safety reports that it has been used 41 times. Thirty-eight of the 40 missing seniors were located safely. We believe that at least nine of these were directly attributable to our state Silver Alert Program.

Each of us has a story like the one that Mr. Gohmert referred to. The one from my district is a fellow named Howard Butler. He got in his car and drove south from Austin to San Antonio, turned around, drove back through Austin all the way up to Dallas. He was found in a parking lot up there by a passerby who notified the police because they had the Silver Alert description on him and his car. They went over after some treatment for dehydration there in Dallas. They were able to reunite him with his family in a very short period of time.

That is the kind of compelling story that we hear around the country that we believe a little bit of Federal support can help us to replicate.

I want to extend particular thanks to two central Texans, Bill Cummings and Carlos Higgins, who have been active with the Texas Silver Alert legislature.

I know you work with some of those folks, too, Mr. Gohmert. And they came up with this idea to me. That is why I filed the legislation because they got the endorsement of it by the National Silver Alert legislature.

And I appreciate their commitment to it and would also like to note for the Committee that the Elder Justice Coalition, the Child Alert Foundation, the National Citizen's Coalition for Nursing Home Reform, and the Assisted Living Federation of America have all offered their support for this bill.

I think all of us working together, even with the short timeframe we have left before the end of this session, can get this collective effort endorsed and approved.

I am open to any questions you might have.

[The prepared statement of Mr. Doggett follows:]

PREPARED STATEMENT OF THE HONORABLE LLOYD DOGGETT,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, Ranking Member Gohmert, and colleagues. I join you on behalf of H.R. 6064, the National Silver Alert Act, which I authored, and on behalf of the substitute on which I have worked with Chairman Scott and Representatives Myrick and Bilirakis. The three of us, along with many colleagues, who have co-sponsored our bills, share a common concern for the challenges presented by an aging population that includes a rapidly increasing number of our neighbors, who suffer from mental impairments. The substitute for H.R. 6064 would incorporate all of Rep. Myrick's legislation and several provisions from the bill filed by Rep. Bilirakis. When it comes to the safety of missing seniors, there is no silver bullet, but a good start is a National Silver Alert.

Silver Alert is a public notification system triggered by the report of a missing senior with dementia or other mental impairment. Similar to Amber Alert for missing children, Silver Alert uses a wide array of media outlets—such as radio, television, and highway signs—to broadcast information about missing persons in order to locate and return them. In response to the unique needs presented by wandering elderly, eleven states—including Texas—have enacted programs such as Silver Alert. In fact, today marks the very first day of Kentucky's similar new effort. Another 5 states are actively considering such legislation.

While these states have shown how successful a Silver Alert system can be, Americans at risk can be found in every state and every community. The national Amber Alert law, which Congress approved in 2003 has provided national leadership to coordinate state programs, link states to resources and best practices, fund technology improvements, and encourage interstate and regional coordination. The National Silver Alert program, which I am proposing, would follow that successful model with a coordinator at the Justice Department to consult with the Federal Communication Commission, the Department of Transportation, and the Administration on Aging to prevent duplication of efforts. This would be a voluntary program that will help states initiate Silver Alert programs and sustain those already underway.

Since its inception in Texas last September, Silver Alert has been invoked 41 times. 38 of the 41 missing seniors were located safely, and 9 of those recoveries were directly attributable to Silver Alert. One of those successes involved Howard Butler, an 85-year-old man in my district. Mr. Butler left his home in Austin and drove south on Interstate 35 to the outskirts of San Antonio, then turned around and drove back north through Austin to Dallas—a distance of 325 miles. If this gentleman had been driving on I-95 here in the Northeast instead of I-35 in Texas, he would have traveled through seven states. Mr. Butler was found in the parking lot of a Dallas department store late one night. The responding officer knew that there was a Silver Alert posted for a missing person from Austin driving a dark green Buick. Thanks to Silver Alert, Austin Police were immediately notified, and he was

reunited safely with his family the next morning—after being treated for slight dehydration at a local hospital.

A National Silver Alert compliments other, existing programs—like Project Lifesaver, whose leaders endorse this legislation; and the Missing Alzheimer's Disease Patient Alert Program, which was included in the Elder Justice Act, approved by this Committee earlier this year. Silver Alert is unique in its “wide net” approach, with the ability to broadcast the alert beyond the immediate vicinity. With a range of complimentary programs, we have a better chance to find missing seniors in the crucial first 24 hours.

I want to extend special thanks to Bill Cummings and Carlos Higgins of the Texas Silver Haired Legislature, who first asked me to develop this legislation to replicate nationally the success that Texas Silver Alert has had in locating missing seniors.

My bill has been endorsed by groups including the Elder Justice Coalition, National Silver Haired Congress, Child Alert Foundation, the National Citizen's Coalition for Nursing Home Reform, and the Assisted Living Federation of America. Working together, we can prevent the worst outcomes and keep our seniors safe.

Mr. SCOTT. Thank you very much.
Mr. Bilirakis?

TESTIMONY OF THE HONORABLE GUS BILIRAKIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. BILIRAKIS. Thank you very much. Thank you, Mr. Chairman.

I want to thank you and Ranking Member Gohmert for holding this hearing on an issue of great importance to me and many of my constituents.

I am honored to testify before this distinguished panel about my bill, the Silver Alert Grant Program Act, in an effort to establish state notification systems to help finding missing individuals suffering from dementia-related illnesses.

I first became involved with this issue earlier this year when one of my constituents, Mary Lalucci, lost her mother who had wandered away from her care-giving facility and could not be located before she had driven her car into the Gulf of Mexico and drowned.

This tragedy, unfortunately, highlights the very real problem of older individuals who suffer from diseases which leave them easily confused and disoriented wandering away from their homes or caregiver's facilities and meeting harm because family, friends, and authorities could not find them in time.

The inability to find missing elderly is a problem state and Federal policymakers should address before something like this happens again. That is why I introduced H.R. 5898, the Silver Alert Grant Program Act, which has been endorsed by the Alzheimer's Association.

My bill would establish a grant program within the Department of Justice allowing states to obtain needed funding to establish or make improvements to their Silver Alert notification systems which help locate individuals with Alzheimer's disease and other dementia-related illnesses before they harm themselves or others.

The bill also will require the Attorney General's office to report to Congress—and I think this is very important—on the experiences of states that have implemented such notification systems to help guide their establishment in other states.

I have secured strong bipartisan support for my bill since introducing it in April, including co-sponsorship by 87 of our colleagues, many of you; 49 Republicans, so it is a bipartisan effort, and 38 Democrats.

I am proud that the entire Florida delegation has also co-sponsored my measure and six Members, as I said, of the Judiciary Committee.

I believe that Florida and other states should establish alert systems similar to the highly successful AMBER Alert system to help find those suffering from dementia-related illnesses and prevent tragedies like the one that occurred in my community.

The experiences of states that already have developed such Silver Alert systems suggest that these programs can save lives, as Mr. Doggett alluded to. States have found that, just as with missing and abducted children, the ability to filter pertinent information so that relevant details are transmitted to appropriate authorities as quickly as possible greatly improves the chances of finding missing seniors safely.

I believe that the Federal Government can and should help states develop systems to prevent these all-too-frequent tragedies. This is especially important in Florida which has more residents over 65, I believe; the most in the country.

My state needs Silver Alert, and it needs it now.

Mrs. Lalucci was asked whether she thought a Silver Alert estimate in Florida would have saved her mother. "Who knows?" she said. "Unfortunately, I will never know."

Mr. Chairman, I believe Congress should pass legislation to create a Federal Silver Alert Grant Program so that states can enact these systems to prevent another family from being forced to struggle with the same uncertainty.

Before I finish, I want to thank Congressman Doggett for his work on this issue. Although, his bill is broader in scope than mine, I fully support combining these complimentary bills and moving them through the Judiciary Committee together with Congresswoman Myrick's bill.

So the important thing is that we get this done as soon as possible. I plead with you that we get this done so that we can save more lives.

Thank you for the opportunity to testify on this very important issue, and I would be happy to answer questions as well.

Thank you.

[The prepared statement of Mr. Bilirakis follows:]

PREPARED STATEMENT OF THE HONORABLE GUS M. BILIRAKIS,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

The Honorable Gus M. Bilirakis

**Testimony before the House Judiciary Committee
Subcommittee on Crime, Terrorism and Homeland Security**

**Hearing on H.R. 6064, the National Silver Alert Act; H.R. 5898, the Silver Alert
Grant Program Act; and H.R. 423, the Kristen's Act Reauthorization of 2007**

July 15, 2008

Thank you, Chairman Scott. I want to thank you and Ranking Member Gohmert for holding this hearing on an issue of great importance to me and many of our constituents.

I am honored to testify before this distinguished panel about my bill, the Silver Alert Grant Program Act, and efforts to establish state notification systems to help find missing individuals suffering from dementia-related illnesses.

I first became involved in this issue earlier this year when one of my constituents, Mary Lallucci, lost her mother, who had wandered away from her care-giving facility and could not be located before she had driven her car into the Gulf of Mexico and drown.

This tragedy unfortunately highlights the very real problem of older individuals who suffer from diseases which leave them easily confused and disoriented, wandering away from their homes or care-giving facilities and meeting harm because family, friends, and authorities could not find them in time.

The inability to find missing elderly is a problem state and federal policy-makers should address before something like this happens again. That is why I have introduced H.R. 5898, the Silver Alert Grant Program Act, which has been endorsed by the Alzheimer's Association.

My bill would establish a grant program within the Department of Justice, allowing states to obtain needed funding to establish or make improvements to their Silver Alert notification systems, which help locate individuals with Alzheimer's disease and other dementia-related illnesses before they harm themselves or others.

The bill also would require the Attorney General to report to Congress on the experiences of states that have implemented such notification systems to help guide their establishment in other states.

I have secured strong bipartisan support for my bill since introducing it in April, including cosponsorship by 86 of our colleagues, of which there are 49 Republican cosponsors and 37 Democratic ones. I am proud that the entire Florida congressional delegation also has cosponsored my measure, as have six members of the Judiciary Committee.

I believe that Florida and other states should establish alert systems similar to the highly-successful Amber Alert program to help find those suffering from dementia-related illnesses and prevent tragedies like the one that occurred in my community.

The experiences of states that already have developed such silver alert systems suggest that these programs save lives. States have found that, just as with missing and abducted children, the ability to filter pertinent information so that relevant details are transmitted to appropriate authorities as quickly as possible greatly improves the chances of finding missing seniors safely.

I believe that the federal government can and should help states develop systems to prevent these all too frequent tragedies. This is especially important in Florida, which has more residents age 65 and older than any state in the nation. My state needs silver alert. And it needs it now.

Mrs. Lallucci was asked whether she thought a Silver Alert system in Florida could have saved her mother. "Who knows," she said. "Unfortunately, I will never know."

Mr. Chairman, I believe Congress should pass legislation to create a federal silver alert grant program so that states can enact these systems to prevent another family from being forced to struggle with that same uncertainty.

Before I finish, I want to thank Congressman Doggett for his work on this issue. Although his bill is broader in scope than mine, I fully support combining these complementary bills and moving them through the Judiciary Committee, together with Congresswoman Myrick's bill.

Thank you for the opportunity to testify on this very important issue, Mr. Chairman. I would be happy to answer any questions that you or members of this subcommittee may have.

###

Mr. SCOTT. Thank you.
Mrs. Myrick?

**TESTIMONY OF THE HONORABLE SUE WILKINS MYRICK, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF
NORTH CAROLINA**

Mrs. MYRICK. Thank you both, Chairman and Ranking Member Gohmert, for giving us this opportunity today. And I am grateful to be working with my two colleagues so we can, hopefully, get these bills moving.

I am here because 11 years ago, Kristen Modafferi disappeared in my district, and she was just shortly after her 18th birthday.

And when it happened, I called her parents and said, you know, what can we do to help. And after hearing their story and literal nightmare that they went through in trying to locate her, I introduced Kristen's Act in 1999. And it very quickly passed the House and Senate. And then President Clinton signed it into law in 2000.

But it expired in 2005, and we reintroduced it again in the last Congress and weren't able to make anything happen, so we are back here today. And, of course, it fits very well with what my two colleagues are doing.

I want to—just before I finished on my testimony—if I could take just a moment of personal privilege because you have a Member of your Committee who happens to be the dean of our delegation in North Carolina.

And he, as of today, is the longest-serving Republican Member from North Carolina, and I just thought you all should know that. Howard, we are proud of you. [Applause.]

But what the Modafferis learned was that Kristen was 3 weeks over her 18th birthday, and when they went to the missing children to say can you help us by posting her picture and all, they said no. You know, she is 18.

And so that is when we learned that there was nothing for adults that are missing or disappeared with foul play or suspected foul play.

And so that is why we introduced the Act.

But she was just a young college girl who had gone to California for the summer to work. And like so many college kids did—and one day, after working in a coffee shop, she literally just disappeared from the earth. I mean, nobody could find her. There was no trace. And they have looked for years.

And so we established this which was, again, a clearinghouse for missing adults and a way for everybody to connect and be able to find somebody and have some help in that process.

So that is really what this is about. I mean, there are many people, I think, over 50,000 a year, that disappear and nobody has a trace of what happened to them.

And so along with the people who disappear with Alzheimer's and have that problem, I think this is very important. And having gone through this with Kristen's family, I know how devastating it is to a family when you lose somebody but, especially, when you feel like there is nothing there that you can do to try and find them.

So I hope that your Committee will take this seriously and give it consideration. It is bipartisan, as you know. And maybe we can see something done with it this year; it helps a lot of people.

And I thank you for your time.

[The prepared statement of Mrs. Myrick follows:]

PREPARED STATEMENT OF THE HONORABLE SUE WILKINS MYRICK,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

I would like to thank Chairman Scott and Ranking Member Gohmert for the opportunity to speak today.

I am here because 11 years ago, Kristen Modafferi disappeared shortly after her 18th birthday. I asked the family how I could help.

After visiting with them and hearing a detailed account of their nightmare, I introduced Kristen's Act in 1999. It was swiftly ratified in both the House and Senate before being signed into law by President Clinton in 2000.

Kristen's Law established funding to maintain a national clearinghouse for missing adults whose disappearance is determined by law enforcement to be foul play. As with the National Center for Missing and Exploited Children, this bill provided assistance to law enforcement and families in missing persons cases of those over the age of 17.

In addition, it authorized 1 million dollars a year for fiscal years 2001 through 2004 to organizations like the National Center for Missing Adults—a non-profit dedicated to helping families locate missing loved ones 18 and older.

Kristen's Law expired in 2005. I introduced a reauthorization in the 109th Congress, unfortunately my attempts to get it passed were unsuccessful. I am here today in hopes that in this Congress, we may honor the efforts of so many and pay tribute to mournful families by moving this bill.

Kristen Modafferi disappeared in 1997.

She was an extremely bright, hard-working young lady and attended North Carolina State University. She had just finished her freshman year; and like so many other college students, she decided she wanted to go to another city to spend the summer and work and have a new experience.

So she moved to San Francisco. She enrolled in photography class at Berkeley and got a job at a local coffee shop. She began settling in and making friends.

On Monday, June 23—which was just a mere 3 weeks after her 18th birthday—she left her job at the coffee shop and headed to the beach for the afternoon. She has not been seen since.

When her panicked parents called National Center for Missing and Exploited Children, they heard these unbelievable words, "I'm sorry—we cannot help you."

They were shocked to discover that because Kristen was 18, the Center could not place her picture and story into its national database, or offer any assistance whatsoever. In fact, there is no national agency in the United States to help locate missing adults.

Unfortunately, the Modafferis are not alone. The families of thousands of missing adults—50,930 cases as of last year—have found that law enforcement and other agencies respond very differently when the person who has disappeared is not a child.

Coping with the disappearance of a family member is a traumatic experience—and I know personally what the Modafferis went through. But to be forced to conduct the search on their own without any skills or resources is simply unjust.

The Reauthorization of Kristen's Act would again establish funding to maintain a national clearinghouse for missing adults and provide assistance to law enforcement and families in missing persons cases.

The bill would authorize 4 million dollars a year for fiscal years 2009 through 2019 to the National Center for Missing Adults. Since the inception of Kristen's Act so many years ago, I have been thoroughly impressed with the dedicated and motivated staff of the Center.

Kristen's Act does send a message to these families that they deserve help in locating endangered and involuntarily missing loved ones.

Endangered missing adults, regardless of their age, should receive not only the benefit of a search effort by local law enforcement—but also the help of an experienced national organization.

By moving this bill, families will never again have to hear they cannot be assisted because a loved one is too old.

Mr. SCOTT. Thank you.

I want to thank all of our witnesses for their testimony and, particularly, for working together so that we can have one comprehensive bill without the overlapping and possibly contradicting provisions.

The gentlelady from California, Ms. Waters, has a statement that I would ask unanimous consent to enter into the record.

[The prepared statement of Ms. Waters follows:]

PREPARED STATEMENT OF THE HONORABLE MAXINE WATERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA, AND MEMBER, SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

I would like to thank Chairman Bobby Scott for organizing this hearing on three innovative proposals to locate missing Alzheimer's patients, persons with dementia, and other adults who are reported missing. I also would like to thank my colleagues, Congressman Doggett, Congressman Bilirakis, and Congresswoman Myrick for introducing these bills.

An estimated 5 million Americans have Alzheimer's disease. One in eight Americans over 65 and nearly half of Americans over 85 suffer from this disorder. Sixty percent of Alzheimer's patients are likely to wander from their homes. Wanderers are vulnerable to dehydration, weather conditions, traffic hazards, and individuals who prey on those who are defenseless. Up to 50 percent of wandering Alzheimer's patients will become seriously injured or die if they are not found within 24 hours of their departure from home.

I believe the three bills we are considering today could complement the Department of Justice's Missing Alzheimer's Disease Patient Alert Program. For the past thirteen years, this Department of Justice program has provided a grant to a national non-profit organization to help local communities and law enforcement officials quickly identify persons with Alzheimer's disease who wander or are missing and reunite them with their families. It is a highly successful program whereby 88% of registrants who wander are found within the first four hours of being reported missing.

On May 14, the Judiciary Committee adopted an amendment that I offered to the Elder Justice Act (H.R. 1783) along with Congresswoman Sheila Jackson-Lee and Congressman Adam Schiff. Our amendment reauthorizes and expands the Missing Alzheimer's Disease Patient Alert Program, allowing the Department of Justice to award multiple competitive grants. Preference would be given to nonprofit organizations that have a direct link to patients with Alzheimer's disease and related dementias and their families.

I am especially interested in H.R. 6064, the National Silver Alert Act, introduced by Congressman Doggett. This bill would develop a national Silver Alert communications network for missing seniors modeled after the successful Amber Alert network for missing and abducted children. The bill requires the Attorney General to designate a national Silver Alert Coordinator to assist States, local governments and law enforcement agencies in developing Silver Alert plans.

The National Silver Alert Act requires the Silver Alert Coordinator to cooperate with other federal agencies and officials, including the head of the Missing Alzheimer's Disease Patient Alert Program, in developing the Silver Alert network. I would like to thank Congressman Doggett for including this cooperation language, and I hereby request that he add my name as a cosponsor of his bill.

With the baby boom generation approaching the age of retirement, the number of Americans with Alzheimer's disease could triple by the year 2050. The need for organized efforts to locate wandering Alzheimer's patients as well as other missing persons could also grow substantially. Consequently, it is important that we explore a variety of approaches to finding people who are reported missing. I look forward to hearing my colleagues explain their proposals.

I yield back the balance of my time.

Mr. SCOTT. She and the gentlelady from Texas, Ms. Jackson Lee, have provisions that need to be coordinated to make sure they work closely together. So I appreciate the fact that you are working together and have no questions at this time.

The gentleman from Texas, Mr. Gohmert?

Mr. GOHMERT. I do appreciate Congresswoman Myrick pointing out that our colleague down here has long-served the Republicans

from North Carolina, and I might add that though he has been so long-serving, I have seen no signs of dementia or reduced judgment.

Although, he seems to reciprocate my high regard for him, and that may be a sign of poor judgment. But otherwise——

Mr. COBLE. Would The gentleman yield?

Mr. GOHMERT. Sure.

Mr. COBLE. I want to thank the distinguished lady from North Carolina and the response from the audience and my fellow colleagues on the Committee.

It is beginning to sink in I am getting to be an old man. [Laughter.]

Less talk about this.

Thank you, both.

Mr. GOHMERT. But on a serious note, you all know what we are doing here is terribly serious and can help a great number of people.

It just really is nice when we can work together on things.

So I appreciate your efforts in that regard and for the good that you will do the people that are helped by this bill or the bills combined together.

Thank you. I yield back.

Mr. SCOTT. Thank you.

The gentleman from Georgia.

Mr. JOHNSON. Yes.

Thank you, Mr. Chair.

And I wanted to commend all three congress people as well as the Chairman for bringing these important bills protecting our seniors to the floor of this Subcommittee and, ultimately, to the full Committee and before the full Congress.

Each of us has, in our districts, numerous instances of elderly people wandering off from the care of their loved ones or from whatever facility that they are living in.

We must have in place the resources like that to protect our elderly and ensure that they do not become victims of their own disorientation or of others who would seek to take advantage of them in their weakened state.

So I want to thank the panelists for coming and for your determination in making this happen.

Thank you.

Mr. SCOTT. Thank you.

The gentleman yields back.

And our long-serving, experienced senior citizen—— [Laughter.]

Mr. COBLE. Mr. Chairman, hush that talk. [Laughter.]

Mr. SCOTT. The gentleman from North Carolina.

Mr. COBLE. Thank you, Mr. Chairman. I will be very brief.

It has already been said. I want to commend Mr. Doggett and Mr. Bilirakis and Mrs. Myrick for the work they have done on this.

And I commend you, Mr. Chairman and Mr. Gohmert. I think it is a good idea to consolidate the three, which I think is plan of the day.

And I am supportive.

Thank you.

I yield back.

Mr. SCOTT. Thank you.

I want to thank our witnesses for their testimony.

Members may have additional written questions for the witnesses which we will forward to you and ask that you answer as promptly as you can so the answers may be part of the record.

Without objection, the hearing record will remain open for 1 week for the submission of additional materials.

We would like to mark these up as soon as possible.

I think the likelihood of getting a quorum is, based on experience, somewhat remote at this point, but we will try to skip a couple of steps if we can once we get the agreed-to legislative language.

Again, I want to express my appreciation for your willingness to work together. I think the senior citizens will be greatly helped with the legislation that we will be adopting with your help and cooperation.

If there are no further comments and without objection, the Subcommittee will stand adjourned.

[Whereupon, at 3:03 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS, AND MEMBER, SUBCOMMITTEE ON CRIME,
TERRORISM, AND HOMELAND SECURITY

Thank you Chairman Scott and ranking member Gohmert for your leadership in holding today's very important hearing which is aimed at making America a safer place. These bills address health and safety issues for adults and vulnerable populations within America. Specifically, the Subcommittee will hold a hearing on three bills: H.R. 6064, the "National Silver Alert Act"; H.R. 5898, the "Silver Alert Grant Program Act"; and H.R. 423, the "Kristen's Act Reauthorization of 2007." During this hearing, the Subcommittee will examine the problem of elderly individuals who go missing because of dementia, diminished capacity, foul play, or other circumstances.

Witnesses will include the following:

1. Honorable Lloyd Doggett, 25th District of Texas, Sponsor of H.R. 6064, the "National Silver Alert Act"
2. Honorable Gus M. Bilirakis, 9th District of Florida, Sponsor of H.R. 5898, the "Silver Alert Grant Program Act"
3. Honorable Sue Wilkins Myrick, 9th District of North Carolina, Sponsor of H.R. 423, the "Kristen's Act Reauthorization of 2007"

Thousands of vulnerable older adults go missing each year as a result of dementia, diminished capacity, foul play or other unusual circumstances. The Alzheimer's Foundation of America estimates that over five million Americans suffer from Alzheimer's disease, and that sixty percent of these are likely to wander from their homes. Alzheimer's disease and other dementia related illnesses often leave their victims disoriented and confused and unable to find their way home. According to the Alzheimer's Association, up to 50% of wanderers risk serious illness, injury or death if not found within 24 hours. The problem can be exacerbated greatly by national disasters, such as Hurricane Katrina, that can, in a matter of hours, increase the number of missing persons by the thousands.

At least eight states, along with non-profit organizations such as the National Center for Missing Adults, Project Lifesaver International and the Alzheimer's Foundation of America, have developed programs to address various aspects of the problem of missing adults, but the need for a coordinated national approach, similar to the Amber Alert Program for children, still exists. In addition, financial support is needed for existing and new local and state programs.

The Missing Alzheimer's Disease Patient Alert Program, administered by the Department of Justice, is the only federal program that currently provides grant funding to locate vulnerable elderly individuals who go missing. Authorization for this program ceased in 1998, but Congress has continued to appropriate some monies for it through fiscal year 2008, when it appropriated \$940,000. Another federal law, Kristen's Act, had authorized annual grants in the amount of \$1 million for fiscal years 2001 through 2004 to assist law enforcement agencies in locating missing adults and for other purposes. Between fiscal years 2002 through 2006, Kristen's Act grants were made through the Edward Byrne Discretionary Grants Program, primarily to the National Center for Missing Adults, a non-profit organization. In 2006, Congress appropriated \$150,000 for this purpose.

A. H.R. 6064, THE "NATIONAL SILVER ALERT ACT"

H.R. 6064 sets forth a comprehensive national program. It directs the Attorney General to establish a permanent national Silver Alert communications program

within the Department of Justice to provide assistance to regional and local search efforts for missing seniors. The bill requires the Attorney General to assign a Department of Justice officer as a Silver Alert Coordinator.

The Silver Alert Coordinator acts as a nationwide point of contact, working with states to encourage the development of local elements of the network, known as Silver Alert plans, and to ensure regional coordination. The bill requires the Coordinator to develop protocols for efforts relating to reporting and finding missing seniors and to establish voluntary guidelines for states to use in developing Silver Alert plans. The bill requires the Coordinator to establish an advisory group (1) to help States, local governments and law enforcement agencies with Silver Alert plans, (2) to provide training and educational programs to states, local governments and law enforcement agencies, and (3) to submit an annual report to congress. The bill also requires the Coordinator to establish voluntary minimum standards for the issuance of alerts through the Silver Alert communications network.

H.R. 6064 directs the Attorney General, subject to the availability of appropriations, to provide grants to States for the development and implementation of programs and activities relating to Silver Alert plans. The bill authorizes \$5 million for fiscal year 2009 for this purpose. The bill also authorizes an additional \$5 million for fiscal year 2009 specifically for the development and implementation of new technologies. The Federal share of the grant may not exceed 50% and amounts appropriated under this authorization shall remain available until expended.

B. H.R. 5898, THE "SILVER ALERT GRANT PROGRAM ACT OF 2008"

H.R. 5898 seeks to accomplish three purposes: the creation of a grant program, the promotion of best practices, and an increased awareness of the need for coordinated efforts to locate missing individuals. The bill authorizes a grant program for State-administered notification systems to help locate missing persons suffering from Alzheimer's disease and other dementia related illnesses. The grants are to be used to establish and implement Silver Alert systems or to make improvements to existing Silver Alert programs. The bill sets forth the Sense of Congress that Silver Alert systems should be used only for individuals who are incapable of making personal care decisions or managing their own personal affairs. The bill requires the Attorney General to prepare an annual report related to State Silver Alert systems. The bill authorizes \$5.6 million for each fiscal year 2009 through 2013, with a minimum award of \$100,000.

C. H.R. 423, THE "KRISTEN'S ACT REAUTHORIZATION OF 2007"

H.R. 423 reauthorizes Kristen's Act (P.L. 106-468), which had authorized annual grants from 2001 through 2004 for the purpose of finding missing adults. Unlike the previous two bills, grants under H.R. 423 are not limited to States, but may be awarded to public agencies and nonprofit organizations. The grants are to be used to (1) maintain a national resource center and information clearinghouse; (2) maintain a national database for the purpose of tracking missing adults who are endangered due to age, diminished mental capacity, or when foul play is suspected or the circumstances are unknown; (3) coordinate public and private programs that locate missing adults and reunite them with their families; (4) provide assistance and training to law enforcement agencies, State and local governments, nonprofit organizations and other individuals involved in the criminal justice system in matters related to missing adults; (5) provide assistance to families in locating missing adults; and (6) assist in public notification of missing adults and victim advocacy. The bill authorizes \$4 million annually for fiscal years 2008 through 2018.

D. MY PAST AMENDMENTS ON ELDER JUSTICE BILLS

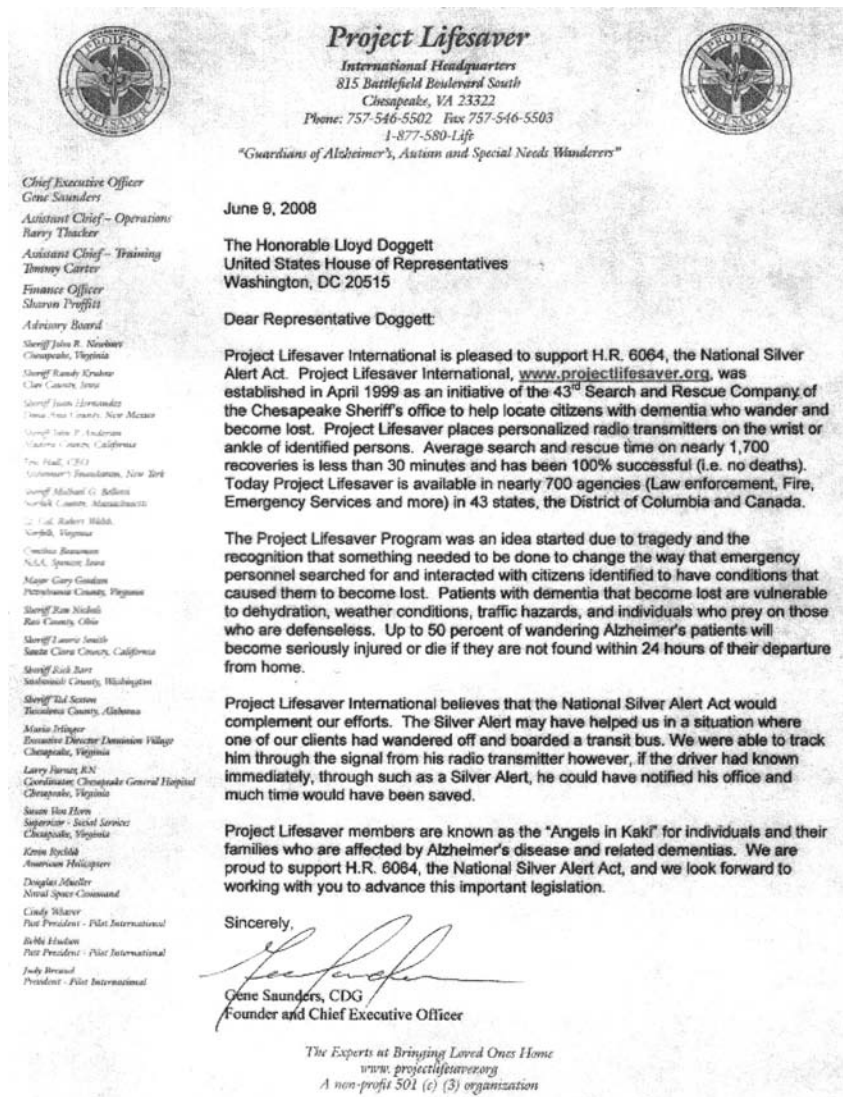
In similar elder legislation, namely the Elder Justice Act and the Elder Abuse Victims Act, I co-sponsored amendments with Ms. Maxine Waters of California to provide funding to State, Local, and non-profit programs to locate missing elderly. Specifically, my amendment would allow a voluntary electronic monitoring pilot program to assist with the elderly when they are reported missing. In these particular bills, my amendment would allow the Attorney General, in consultation with the Secretary of Health and Human Services, to issue grants to states and local government to carry out pilot programs to provide voluntary electronic monitoring services to elderly individuals to assist in the location of such individuals when they are reported missing.

E. ELDER LEGISLATION IS IMPORTANT

Elder legislation such as the legislation before us today and the prior elder bills that I mentioned are important. As elder Americans enter their twilight years, we must do more to protect and ensure their safety. Nothing reminds me more of the necessity of this kind of legislation than my very own experiences in Houston, Texas. A few years ago, the family of Sam Cook, a native of Houston, Texas, called me to help look for him. Mr. Cook was elderly and suffered from dementia. He had wandered off and could not be located for several days. His family looked for him for many days but could not find him. In an act of desperation, they called on me to lend my services to help them find him. I helped his family look for him and we found him. When we found Mr. Cook, he was dehydrated and in need of medical attention. We searched for hours and days to find him. It was worth the time and effort we spent to find him alive and well. Legislation that helps America find and take care of its lost and missing elders is extremely important.

I believe that the amendments that I offered and these bills help elderly people. I urge my colleagues to support them.

Thank you, Mr. Chairman, I yield the remainder of my time.





Our mission is "to provide optimal care and services to individuals confronting dementia, and to their caregivers and families—through member organizations dedicated to improving quality of life."

June 9, 2008

The Honorable Lloyd Doggett
United States House of Representatives
Washington, DC 20515

Dear Representative Doggett:

The Alzheimer's Foundation of America (AFA) is pleased to support H.R. 6064, the National Silver Alert Act, to help locate missing persons with dementia. The AFA is a national nonprofit organization made up of nearly 1,000 member organizations from coast to coast that provide hands-on programs to meet the educational, emotional, practical and social needs of families affected by Alzheimer's disease and related illnesses. AFA thanks you for your leadership in sponsoring this important legislation.

The statistics on wandering and becoming lost among persons with Alzheimer's disease and related illnesses are alarming. Sixty percent of the estimated 5 million Americans with Alzheimer's disease are likely to wander from their homes. Wanderers are vulnerable to dehydration, weather conditions, traffic hazards, and individuals who prey on those who are defenseless. Up to 50 percent of wandering Alzheimer's patients will become seriously injured or die if they are not found within 24 hours of their departure from home.

AFA believes that the National Silver Alert Act would complement existing programs for locating missing persons with dementia. For example, AFA partners with a national non-profit organization called Project Lifesaver International, www.projectlifesaver.org, which places personalized radio transmitters on the wrist or ankle of identified persons. Average search and rescue time on nearly 1,700 recoveries is less than 30 minutes and they have been 100% successful (i.e. no deaths). Project Lifesaver International is available in nearly 700 agencies (Law enforcement, Fire, Emergency Services and more) in 43 states, the District of Columbia and Canada. A National Silver Alert system would supplement Project Lifesaver by notifying law enforcement and the public about an existing search and potentially help to further expedite the rescue effort. In our view "every little bit helps" can mean the difference between life and death.

AFA is the face of care for individuals and their families who are affected by Alzheimer's disease and related dementias. We are proud to support H.R. 6064, the National Silver Alert Act, and we look forward to working with you to advance this worthwhile legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric J. Hall'.

Eric J. Hall
President and Chief Executive Officer

322 Eighth Avenue, 7th Floor, New York, NY 10001
(866) AFA-8484 • Fax: (646) 638-1546
info@alzfdn.org • www.alzfdn.org

