

CHILD AND ELDERLY MISSING ALERT PROGRAM

SEPTEMBER 10, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 4305]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4305) to authorize the Attorney General to provide a grant to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing individuals, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Child and Elderly Missing Alert Program”.

SEC. 2. PROGRAM TO ASSIST FEDERAL, STATE, TRIBAL, AND LOCAL LAW ENFORCEMENT AGENCIES IN THE RAPID RECOVERY OF MISSING CHILDREN, THE ELDERLY, AND DISABLED INDIVIDUALS.

Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) in subsection (b)—

(A) in paragraph (16), by striking “and” after the semicolon;

(B) in paragraph (17), by striking the period and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(18) to permit eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system, in accordance with subsection (l).”; and

(2) by adding at the end the following new subsection:

“(1) CHILD AND ELDERLY MISSING ALERTS.—

“(1) IN GENERAL.—The Attorney General is authorized to award grants to eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system.

“(2) SPECIFIED USE OF FUNDS.—The grants awarded under this subsection shall be used to—

“(A) provide services to Federal, State, tribal, and local law enforcement agencies, in response to a request from such agencies, to promote the rapid recovery of a missing child, an elderly individual, or a disabled individual by utilizing rapid telephone and cellular alert calls;

“(B) maintain and expand technologies and techniques to ensure the highest level of performance of such services;

“(C) provide both centralized and on-site training and distribute information to Federal, State, tribal, and local law enforcement agency officials about missing children, elderly individuals, and disabled individuals and use of a rapid telephone and cellular alert call system;

“(D) provide services to Federal, State, tribal, and local Child Abduction Response Teams;

“(E) assist Federal, State, tribal, and local law enforcement agencies to combat human trafficking through the use of rapid telephone and cellular alert calls;

“(F) share appropriate information on cases with the National Center for Missing and Exploited Children, the AMBER Alert, Silver Alert, and Blue Alert programs, and appropriate Federal, State, tribal, and local law enforcement agencies; and

“(G) assist appropriate organizations, including Federal, State, tribal, and local law enforcement agencies, with education and prevention programs related to missing children, elderly individuals, and disabled individuals.

“(3) ELIGIBILITY.—To be an eligible nonprofit organization for purposes of a grant under this subsection, a nonprofit organization shall have experience providing rapid telephone and cellular alert calls on behalf of Federal, State, and local law enforcement agencies to find missing children and elderly adults.

“(4) GRANT PERIOD AND RENEWAL.—The Attorney General shall determine an appropriate grant period for grants awarded under this subsection. Such grants may be renewed at the discretion of the Attorney General.

“(5) EVALUATION.—The Attorney General shall require each grantee under this subsection to annually submit the results of the monitoring and evaluations required under subsections (a) and (b) of section 1705, and shall publish an annual report regarding such results and the effectiveness of the activities carried out under each such grant.

“(6) INAPPLICABLE PROVISIONS.—The following provisions of this part shall not apply to grants awarded under this subsection:

“(A) Subsection (j) of this section (relating to grants to Indian tribes).

“(B) Section 1703 (relating to renewal of grants).

“(7) DEFINITIONS.—In this subsection:

“(A) CHILD.—The term ‘child’ means an individual under 21 years of age.

“(B) DISABLED INDIVIDUAL.—The term ‘disabled individual’ means—

“(i) an individual with 1 or more disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); or

“(ii) an individual who has been diagnosed by a physician or other qualified medical professional with Alzheimer’s disease or a related dementia.

“(C) ELDERLY INDIVIDUAL.—The term ‘elderly individual’ means an individual who is 60 years of age or older.

“(D) MISSING.—The term ‘missing’, with respect to a child, an elderly individual, or a disabled individual, means such a child or individual who has been reported to law enforcement as missing and whose whereabouts are unknown to Federal, State, tribal, and local law enforcement agencies.

“(E) RAPID TELEPHONE AND CELLULAR ALERT CALL SYSTEM.—The term ‘rapid telephone and cellular alert call system’ means an automated system with the ability to place at least 1,000 telephone and cellular calls in 60 seconds to a specific geographic area determined by law enforcement—

“(i) based on the last known whereabouts of a missing individual; or

“(ii) based on other evidence and determined by such law enforcement agency to be necessary to the search for the missing individual.”.

Purpose and Summary

H.R. 4305 adds a new purpose area to the Justice Department’s Community Oriented Policing Service (COPS) Program for grants to nonprofit organizations that assist law enforcement agencies with the rapid recovery of missing children, elderly persons, and disabled persons.

Background and Need for the Legislation

A child goes missing in the United States every 40 seconds, or over 2,100 per day. At least 800,000 children are reported missing each year. Of these children, an estimated 200,000 children are abducted by family members and over 55,000 by non-family members.

In many cases of missing children, an AMBER (America’s Missing: Broadcast Emergency Response) Alert can be issued to help search efforts. AMBER Alert systems are voluntary partnerships between law enforcement agencies, broadcasters, and transportation agencies to activate messages in a targeted area when a child is abducted and believed to be in grave danger. The Justice Department’s AMBER Alert guidance recommends only issuing alerts when: law enforcement officials have a reasonable belief that an abduction has occurred; law enforcement officials believe that the child is in imminent danger of serious bodily injury or death; enough descriptive information exists about the victim and the abductor for law enforcement to issue an alert (*e.g.*, there is a description of the suspected abductor or vehicle); the victim is age 17 or younger; and the child’s name and other critical data elements have been entered into the FBI’s National Crime Information Center (NCIC) system.

Because of these guidelines, an AMBER Alert cannot always be issued in the critical hours after a child first goes missing. The Child and Elderly Missing Alert Program would fill this void by quickly disseminating information about missing persons within targeted geographic areas when a child, elderly person, or disabled person is reported missing to law enforcement agencies, even when the information available is minimal. This information is disseminated through the use of recorded telephone calls.

Hearings

The Committee on the Judiciary held no hearings on H.R. 4305.

Committee Consideration

On August 1, 2012, the Committee met in open session and ordered the bill H.R. 4305 favorably reported with an amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 4305.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 4305, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 10, 2012.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4305, the "Child and Elderly Missing Alert Program."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 4305—Child and Elderly Missing Alert Program.

As ordered reported by the House Committee on the Judiciary
on August 1, 2012.

SUMMARY

H.R. 4305 would authorize the Department of Justice (DOJ) to make grants to nonprofit organizations to establish an alert system to assist law enforcement agencies in recovering missing children, elderly, and disabled individuals. Grants could also be used by recipients to improve the technology of the alert system, provide training for users of the system, and for other purposes.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4305 would cost \$19 million over the 2013–2017 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 4305 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 4305 is shown in the following table. CBO assumes that the estimated amounts will be appropriated near the start of each fiscal year and that outlays will follow the historical rate of spending for similar activities. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2013	2014	2015	2016	2017	2013– 2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	4	4	4	4	4	20
Estimated Outlays	3	4	4	4	4	19

BASIS OF ESTIMATE

H.R. 4305 would authorize DOJ to make grants to nonprofit organizations to establish a rapid telephone and cellular alert system to assist Federal, State, local, and tribal law enforcement agencies in recovering missing children, elderly, and disabled individuals. Grants could also be used by recipients to improve the technology of the alert system, provide training for users of the system, and assist law enforcement agencies in combating human trafficking and providing education and prevention programs.

Based on information from a nonprofit organization (A Child Is Missing) that provides alerts, training, and other services relating to missing individuals, CBO estimates that the grants authorized by H.R. 4305 would require funding of about \$4 million annually.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 4305 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz
Impact on State, Local, and Tribal Governments: Melissa Merrell
Impact on the Private Sector: Marin Randall

ESTIMATE APPROVED BY:

Theresa Gullo
Deputy Assistant Director for Budget Analysis

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 4305 adds a new purpose area to the COPS Program for grants to nonprofit organizations that assist law enforcement agencies with the rapid recovery of missing children, elderly persons, and disabled persons.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4305 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the Child and Elderly Missing Alert Program.

Sec. 2. Program to Assist Federal, State, Tribal, and Local Law Enforcement Agencies in the Rapid Recovery of Missing Children, the Elderly, and Disabled Individuals. Section 2 adds a new purpose area to the Justice Department's COPS Program for grants to nonprofit organizations that assist law enforcement agencies with the rapid recovery of missing children, elderly persons, and disabled persons. The grant funds can be used, among other things, to make rapid recorded telephone calls disseminating information regarding missing persons, to maintain and expand technology, to provide training to law enforcement entities, and to share information regarding missing persons to the National Center for Missing and Exploited Children. This section also provides eligibility requirements for the program and requires that grantees provide an evaluation of their services to the Justice Department each year, which shall be published in an annual report.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF
1968**

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

**PART Q—PUBLIC SAFETY AND COMMUNITY
POLICING; “COPS ON THE BEAT”**

SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

(a) * * *

(b) USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—

(1) * * *

* * * * *

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers' initial redeployment to community-oriented policing; **[and]**

(17) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16)**[.]**; *and*

(18) *to permit eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system, in accordance with subsection (l).*

* * * * *

(l) **CHILD AND ELDERLY MISSING ALERTS.**—

(1) **IN GENERAL.**—*The Attorney General is authorized to award grants to eligible nonprofit organizations to assist Federal, State, tribal, and local law enforcement agencies in the rapid recovery of missing children, elderly individuals, and disabled individuals through the use of a rapid telephone and cellular alert call system.*

(2) **SPECIFIED USE OF FUNDS.**—*The grants awarded under this subsection shall be used to—*

(A) *provide services to Federal, State, tribal, and local law enforcement agencies, in response to a request from*

such agencies, to promote the rapid recovery of a missing child, an elderly individual, or a disabled individual by utilizing rapid telephone and cellular alert calls;

(B) maintain and expand technologies and techniques to ensure the highest level of performance of such services;

(C) provide both centralized and on-site training and distribute information to Federal, State, tribal, and local law enforcement agency officials about missing children, elderly individuals, and disabled individuals and use of a rapid telephone and cellular alert call system;

(D) provide services to Federal, State, tribal, and local Child Abduction Response Teams;

(E) assist Federal, State, tribal, and local law enforcement agencies to combat human trafficking through the use of rapid telephone and cellular alert calls;

(F) share appropriate information on cases with the National Center for Missing and Exploited Children, the AMBER Alert, Silver Alert, and Blue Alert programs, and appropriate Federal, State, tribal, and local law enforcement agencies; and

(G) assist appropriate organizations, including Federal, State, tribal, and local law enforcement agencies, with education and prevention programs related to missing children, elderly individuals, and disabled individuals.

(3) **ELIGIBILITY.**—To be an eligible nonprofit organization for purposes of a grant under this subsection, a nonprofit organization shall have experience providing rapid telephone and cellular alert calls on behalf of Federal, State, and local law enforcement agencies to find missing children and elderly adults.

(4) **GRANT PERIOD AND RENEWAL.**—The Attorney General shall determine an appropriate grant period for grants awarded under this subsection. Such grants may be renewed at the discretion of the Attorney General.

(5) **EVALUATION.**—The Attorney General shall require each grantee under this subsection to annually submit the results of the monitoring and evaluations required under subsections (a) and (b) of section 1705, and shall publish an annual report regarding such results and the effectiveness of the activities carried out under each such grant.

(6) **INAPPLICABLE PROVISIONS.**—The following provisions of this part shall not apply to grants awarded under this subsection:

(A) Subsection (j) of this section (relating to grants to Indian tribes).

(B) Section 1703 (relating to renewal of grants).

(7) **DEFINITIONS.**—In this subsection:

(A) **CHILD.**—The term “child” means an individual under 21 years of age.

(B) **DISABLED INDIVIDUAL.**—The term “disabled individual” means—

(i) an individual with 1 or more disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); or

(ii) an individual who has been diagnosed by a physician or other qualified medical professional with Alzheimer's disease or a related dementia.

(C) *ELDERLY INDIVIDUAL*.—The term “elderly individual” means an individual who is 60 years of age or older.

(D) *MISSING*.—The term “missing”, with respect to a child, an elderly individual, or a disabled individual, means such a child or individual who has been reported to law enforcement as missing and whose whereabouts are unknown to Federal, State, tribal, and local law enforcement agencies.

(E) *RAPID TELEPHONE AND CELLULAR ALERT CALL SYSTEM*.—The term “rapid telephone and cellular alert call system” means an automated system with the ability to place at least 1,000 telephone and cellular calls in 60 seconds to a specific geographic area determined by law enforcement—

(i) based on the last known whereabouts of a missing individual; or

(ii) based on other evidence and determined by such law enforcement agency to be necessary to the search for the missing individual.

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