

111TH CONGRESS
1ST SESSION

H. R. 632

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2009

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

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

**TITLE I—SILVER ALERT
COMMUNICATIONS NETWORK**

SECTION 101. SHORT TITLE.

This title may be cited as the “National Silver Alert Act 2009”.

SEC. 102. DEFINITIONS.

For purposes of this title:

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

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

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

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

SEC. 103. SILVER ALERT COMMUNICATIONS NETWORK.

The Attorney General shall, subject to the availability of appropriations under section 107, establish a national Silver Alert communications network within the Department of Justice to provide assistance to regional and local

1 search efforts for missing seniors through the initiation,
2 facilitation, and promotion of local elements of the net-
3 work (known as Silver Alert plans) in coordination with
4 States, units of local government, law enforcement agen-
5 cies, and other concerned entities with expertise in pro-
6 viding services to seniors.

7 **SEC. 104. SILVER ALERT COORDINATOR.**

8 (a) NATIONAL COORDINATOR WITHIN DEPARTMENT
9 OF JUSTICE.—The Attorney General shall designate an
10 individual of the Department of Justice to act as the na-
11 tional coordinator of the Silver Alert communications net-
12 work. The individual so designated shall be known as the
13 Silver Alert Coordinator of the Department of Justice (re-
14 ferred to in this title as the “Coordinator”).

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

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

20 (2) establish voluntary guidelines for States to
21 use in developing Silver Alert plans that will pro-
22 mote compatible and integrated Silver Alert plans
23 throughout the United States, including—

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

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

8 (i) whether the mental capacity of a
9 senior who is missing, and the cir-
10 cumstances of his or her disappearance,
11 warrant the issuance a Silver Alert; and

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

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

19 (D) recommendations on how to protect
20 the privacy, dignity, independence, and auton-
21 omy of any missing senior who may be the sub-
22 ject of a Silver Alert;

23 (3) develop proposed protocols for efforts to re-
24 cover missing seniors and to reduce the number of
25 seniors who are reported missing, including protocols

1 for procedures that are needed from the time of ini-
2 tial notification of a law enforcement agency that
3 the senior is missing through the time of the return
4 of the senior to family, guardian, or domicile, as ap-
5 propriate, including—

6 (A) public safety communications protocol;

7 (B) case management protocol;

8 (C) command center operations;

9 (D) reunification protocol; and

10 (E) incident review, evaluation, debriefing,

11 and public information procedures;

12 (4) work with States to ensure appropriate re-
13 gional coordination of various elements of the net-
14 work;

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

20 (A) to the maximum extent practicable,
21 representation from the various geographic re-
22 gions of the United States; and

23 (B) members who are—

1 (i) representatives of senior citizen ad-
2 vocacy groups, law enforcement agencies,
3 and public safety communications;

4 (ii) broadcasters, first responders, dis-
5 patchers, and radio station personnel; and

6 (iii) representatives of any other indi-
7 viduals or organizations that the Coordi-
8 nator determines are necessary to the suc-
9 cess of the Silver Alert communications
10 network; and

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

12 (A) the development of the network; and

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

15 (c) COORDINATION.—

16 (1) COORDINATION WITH OTHER AGENCIES.—

17 The Coordinator shall coordinate and consult with
18 the Secretary of Transportation, the Federal Com-
19 munications Commission, the Assistant Secretary for
20 Aging of the Department of Health and Human
21 Services, the head of the Missing Alzheimer's Dis-
22 ease Patient Alert Program, and other appropriate
23 offices of the Department of Justice in carrying out
24 activities under this title.

1 (2) STATE AND LOCAL COORDINATION.—The
2 Coordinator shall consult with local broadcasters and
3 State and local law enforcement agencies in estab-
4 lishing minimum standards under section 105 and in
5 carrying out other activities under this title, as ap-
6 propriate.

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

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

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

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

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 plan;

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

14 (5) 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 (6) any other information the Coordinator de-
19 termines to be appropriate.

20 **SEC. 105. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**
21 **SEMINATION OF ALERTS THROUGH SILVER**
22 **ALERT COMMUNICATIONS NETWORK.**

23 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—
24 Subject to subsection (b), the Coordinator shall establish
25 minimum standards for—

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

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

5 (b) LIMITATIONS.—

6 (1) VOLUNTARY PARTICIPATION.—The min-
7 imum standards established under subsection (a) of
8 this section, and any other guidelines and programs
9 established under section 104, shall be adoptable on
10 a voluntary basis only.

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

20 (3) GEOGRAPHIC AREAS.—The minimum stand-
21 ards shall, to the maximum extent practicable (as
22 determined by the Coordinator in consultation with
23 State and local law enforcement agencies), provide
24 that the dissemination of an alert through the Silver
25 Alert communications network be limited to the geo-

1 graphic areas which the missing senior could reason-
2 ably reach, considering the missing senior's cir-
3 cumstances and physical and mental condition, the
4 modes of transportation available to the missing sen-
5 ior, and the circumstances of the disappearance.

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

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

16 (A) ensure that alerts issued through the
17 Silver Alert communications network comply
18 with all applicable Federal, State, and local pri-
19 vacy laws and regulations; and

20 (B) include standards that specifically pro-
21 vide for the protection of the civil liberties and
22 sensitive medical information of missing sen-
23 iors.

24 (6) STATE AND LOCAL VOLUNTARY COORDINA-
25 TION.—In carrying out the activities under sub-

1 section (a), the Coordinator may not interfere with
2 the current system of voluntary coordination be-
3 tween local broadcasters and State and local law en-
4 forcement agencies for purposes of the Silver Alert
5 communications network.

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

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

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

20 (2) informational materials, including bro-
21 chures, videos, posters, and websites to support and
22 supplement such training and educational programs.

23 (b) COORDINATION.—The Coordinator shall coordi-
24 nate—

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

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

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

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

18 **SEC. 108. GRANT PROGRAM FOR SUPPORT OF SILVER**
19 **ALERT PLANS.**

20 (a) GRANT PROGRAM.—Subject to the availability of
21 appropriations to carry out this section, the Attorney Gen-
22 eral shall carry out a program to provide grants to States
23 for the development and enhancement of programs and
24 activities for the support of Silver Alert plans and the Sil-
25 ver Alert communications network.

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

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

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

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

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

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

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

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

1 (f) AUTHORIZATION OF APPROPRIATIONS.—

2 (1) There is authorized to be appropriated to
3 the Department of Justice \$5,000,000 for each of
4 the fiscal years 2009 through 2013 to carry out this
5 section and, in addition, \$5,000,000 for each of the
6 fiscal years 2009 through 2013 to carry out sub-
7 section (b)(3).

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

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

13 **SEC. 201. SHORT TITLE.**

14 This title may be cited as “Kristen’s Act Reauthor-
15 ization of 2009”.

16 **SEC. 202. FINDINGS.**

17 Congress finds the following:

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

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

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

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

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

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

14 (a) GRANTS.—

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

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

23 (B) maintain a national, interconnected
24 database for the purpose of tracking missing
25 adults who are determined by law enforcement

1 to be endangered due to age, diminished mental
2 capacity, or the circumstances of disappearance,
3 when foul play is suspected or circumstances
4 are unknown;

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

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

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

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

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

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

9 There are authorized to be appropriated to carry out
10 this title \$4,000,000 for each of fiscal years 2010 through
11 2020.

Attest: LORRAINE C. MILLER,
Clerk.