

112TH CONGRESS
1ST SESSION

S. 1263

To encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 23, 2011

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

A BILL

To encourage, enhance, and integrate Silver Alert plans throughout the United States 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 “National Silver Alert
5 Act of 2011”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

3 (B) meets the requirements to be des-
4 ignated as a missing senior, as determined by
5 the State in which the individual is reported or
6 identified as a missing person.

7 (2) STATE.—The term “State” means each of
8 the 50 States, the District of Columbia, the Com-
9 monwealth of Puerto Rico, the United States Virgin
10 Islands, Guam, American Samoa, and the Common-
11 wealth of the Northern Mariana Islands.

12 **SEC. 3. SILVER ALERT COMMUNICATIONS NETWORK.**

13 (a) IN GENERAL.—The Attorney General shall, sub-
14 ject to the availability of appropriations, establish a na-
15 tional Silver Alert communications network within the De-
16 partment of Justice to provide assistance to regional and
17 local search efforts for missing seniors through the initi-
18 ation, facilitation, and promotion of local elements of the
19 network (known as Silver Alert plans) in coordination with
20 States, units of local government, law enforcement agen-
21 cies, and other concerned entities with expertise in pro-
22 viding services to seniors.

23 (b) COORDINATION WITH AMBER ALERT NET-
24 WORK.—In establishing the Silver Alert Network under
25 subsection (a), the Attorney General shall ensure that,

1 when feasible, the Silver Alert Network is able to operate
 2 in coordination with the AMBER Alert communications
 3 network, established under subtitle A of title III of the
 4 PROTECT Act (42 U.S.C. 5791 et seq.), to maximize the
 5 efficiency of both networks.

6 **SEC. 4. SILVER ALERT COORDINATOR.**

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

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

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

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

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

(B) criteria for evaluating whether a situation warrants issuing a Silver Alert, taking into consideration the need for the use of such Alerts to be limited in scope because the effectiveness of the Silver Alert communications network may be affected by overuse, including criteria to determine—

(i) whether the mental capacity of a senior who is missing, and the circumstances of his or her disappearance, warrant the issuance of a Silver Alert; and

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

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

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

(3) develop proposed protocols for efforts to recover missing seniors and to reduce the number of seniors who are reported missing, including protocols

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 Act.

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 5 and in
5 carrying out other activities under this Act, 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. 5. 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 4, shall be adoptable on a
10 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. 6. 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 web sites 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. 7. AUTHORIZATION OF APPROPRIATIONS FOR THE**
13 **SILVER ALERT COMMUNICATIONS NETWORK.**

14 There are authorized to be appropriated to the De-
15 partment of Justice \$500,000 to carry out the Silver Alert
16 communications network as authorized under this Act.

○