

113TH CONGRESS  
2D SESSION

# H. R. 5361

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

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IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2014

Mr. MURPHY of Florida (for himself and Mr. JOYCE) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “missing senior” means any indi-  
9 vidual 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; and

7 (2) the term “State” means each of the 50  
8 States, the District of Columbia, the Commonwealth  
9 of Puerto Rico, the United States Virgin Islands,  
10 Guam, American Samoa, and the Commonwealth of  
11 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 communications  
25 network under subsection (a), the Attorney General shall

1 ensure that, when feasible, the Silver Alert communica-  
2 tions network is able to operate in coordination with the  
3 AMBER Alert communications network, established under  
4 subtitle A of title III of the PROTECT Act (42 U.S.C.  
5 5791 et seq.), to maximize the 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 within the Department of Justice to act as the  
10 national coordinator of the Silver Alert communications  
11 network. The individual so designated shall be known as  
12 the Silver Alert Coordinator of the Department of Justice  
13 (referred 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;

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 Silver  
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 the disappearance of the  
11 senior, warrant the issuance of a Silver  
12 Alert; and

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

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

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

24 (3) develop proposed protocols for efforts to re-  
25 cover missing seniors and to reduce the number of

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

7 (A) public safety communications protocol;

8 (B) case management protocol;

9 (C) command center operations;

10 (D) reunification protocol; and

11 (E) incident review, evaluation, debriefing,

12 and public information procedures;

13 (4) work with States to ensure appropriate re-  
14 gional coordination of various elements of the Silver  
15 Alert communications network;

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

21 (A) to the maximum extent practicable,

22 representation from the various geographic re-  
23 gions of the United States; and

24 (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 Silver Alert  
13 communications network; and

14 (B) regional coordination of alerts for  
15 missing seniors through the Silver Alert com-  
16 munications network.

17 (c) COORDINATION.—

18 (1) COORDINATION WITH OTHER AGENCIES.—

19 The Coordinator shall coordinate and consult with  
20 the Secretary of Transportation, the Federal Com-  
21 munications Commission, the Assistant Secretary for  
22 Aging of the Department of Health and Human  
23 Services, the head of the Missing Alzheimer's Dis-  
24 ease Patient Alert Program of the Department of  
25 Justice, and other appropriate offices of the Depart-

1       ment of Justice in carrying out activities under this  
2       Act.

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

9       (d) ANNUAL REPORTS.—

10              (1) IN GENERAL.—Not later than 1 year after  
11       the date of enactment of this Act, and annually  
12       thereafter, the Coordinator shall submit to Congress  
13       a report on the activities of the Coordinator and the  
14       effectiveness and status of the Silver Alert plans of  
15       each State that has established or is in the process  
16       of establishing such a plan.

17              (2) CONTENTS.—Each report submitted under  
18       paragraph (1) shall include—

19                      (A) a list of States that have established  
20       Silver Alert plans;

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

23                      (C) for each State that has established a  
24       Silver Alert plan, to the extent the data is avail-  
25       able—

1 (i) the number of Silver Alerts issued;

2 (ii) the number of individuals located  
3 successfully;

4 (iii) the average period of time be-  
5 tween the issuance of a Silver Alert and  
6 the location of the individual for whom  
7 such Alert was issued;

8 (iv) the State agency or authority  
9 issuing Silver Alerts, and the process by  
10 which Silver Alerts are disseminated;

11 (v) the cost of establishing and oper-  
12 ating the Silver Alert plan;

13 (vi) the criteria used by the State to  
14 determine whether to issue a Silver Alert;  
15 and

16 (vii) the extent to which missing indi-  
17 viduals for whom Silver Alerts were issued  
18 crossed State lines;

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

22 (E) ways that States have facilitated and  
23 improved communication about missing individ-  
24 uals between families, caregivers, law enforce-  
25 ment officials, and other authorities; and



1 (F) any other information the Coordinator  
2 determines to be appropriate.

3 **SEC. 5. MINIMUM STANDARDS FOR ISSUANCE AND DIS-**  
4 **SEMINATION OF ALERTS THROUGH SILVER**  
5 **ALERT COMMUNICATIONS NETWORK.**

6 (a) ESTABLISHMENT OF MINIMUM STANDARDS.—

7 Subject to subsection (b), the Coordinator shall establish  
8 minimum standards for—

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

11 (2) the extent of the dissemination of alerts  
12 issued through the Silver Alert network.

13 (b) LIMITATIONS.—

14 (1) VOLUNTARY PARTICIPATION.—The min-  
15 imum standards established under subsection (a) of  
16 this section, and any other guidelines and programs  
17 established under section 4, shall be adoptable on a  
18 voluntary basis only.

19 (2) DISSEMINATION OF INFORMATION.—The  
20 minimum standards shall, to the maximum extent  
21 practicable (as determined by the Coordinator in  
22 consultation with State and local law enforcement  
23 agencies), provide that appropriate information re-  
24 lating to the special needs of a missing senior (in-  
25 cluding health care needs) is disseminated to the ap-

1 appropriate law enforcement, public health, and other  
2 public officials.

3 (3) GEOGRAPHIC AREAS.—The minimum stand-  
4 ards shall, to the maximum extent practicable (as  
5 determined by the Coordinator in consultation with  
6 State and local law enforcement agencies), provide  
7 that the dissemination of an alert through the Silver  
8 Alert communications network be limited to the geo-  
9 graphic areas which the missing senior could reason-  
10 ably reach, considering the circumstances and phys-  
11 ical and mental condition of the missing senior, the  
12 modes of transportation available to the missing sen-  
13 ior, and the circumstances of the disappearance.

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

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

24 (A) ensure that alerts issued through the  
25 Silver Alert communications network comply

1 with all applicable Federal, State, and local pri-  
2 vacy laws and regulations; and

3 (B) include standards that specifically pro-  
4 vide for the protection of the civil liberties and  
5 sensitive medical information of missing sen-  
6 iors.

7 (6) STATE AND LOCAL VOLUNTARY COORDINA-  
8 TION.—In carrying out the activities under sub-  
9 section (a), the Coordinator may not interfere with  
10 the current system of voluntary coordination be-  
11 tween local broadcasters and State and local law en-  
12 forcement agencies for purposes of the Silver Alert  
13 communications network.

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

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

22 (1) training and educational programs related  
23 to the Silver Alert communication network and the  
24 capabilities, limitations, and anticipated behaviors of  
25 missing seniors, which shall be updated regularly to

1 encourage the use of new tools, technologies, and re-  
2 sources in Silver Alert plans; and

3 (2) informational materials, including bro-  
4 chures, videos, posters, and web sites to support and  
5 supplement such training and educational programs.

6 (b) COORDINATION.—The Coordinator shall coordi-  
7 nate—

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

12 (2) with the head of the Missing Alzheimer’s  
13 Disease Patient Alert Program of the Department of  
14 Justice to determine if any existing material with re-  
15 spect to training programs or educational materials  
16 developed or used as part of the Missing Alzheimer’s  
17 Disease Patient Alert Program are appropriate and  
18 may be used for the programs under subsection (a).

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
20 **SILVER ALERT COMMUNICATIONS NETWORK.**

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

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