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AN AMBER ALERT NATIONAL SYSTEM

HEARING

BEFORE THE

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

OF THE

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AN AMBER ALERT NATIONAL SYSTEM

WEDNESDAY, SEPTEMBER 4, 2002

U.S. SENATE,
SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:10 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Dianne Feinstein, Chairman of the Subcommittee, presiding.

Present: Senators Feinstein, Hatch, Kyl, and Hutchison [ex officio.]

OPENING STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Chairperson FEINSTEIN. This hearing will come to order.

I would like to begin by welcoming everyone and apologizing for the change of time. This hearing was supposed to be this afternoon, but we got word that Secretary Rumsfeld was going to have a Members-only briefing and so we changed the hearing to this morning. That meant a lot of discomfort for our witnesses, who made a really heroic effort to be here.

I want to particularly thank Nichole and Sharon Timmons, who took the red-eye all the way across the country last night to be with us, and Marc Klaas, who took a train early this morning to get to Washington from New York. We are very delighted to have you here.

I have asked Senator Hutchison, who is the main sponsor—I am the cosponsor and she is the main sponsor of this legislation—to join us on the dais. Senator Kyl, who is the ranking member of this Subcommittee, is on his way.

We are delighted also to have the Ranking Member of the overall Committee present with us today, and that is Senator Orrin Hatch, who has a great interest in this subject and was present yesterday at our press conference.

I have joined in supporting this legislation because I truly believe it is going to save the lives of a number of children who are kidnapped by predators.

What are AMBER Alerts? AMBER Alerts are official bulletins broadcast over the airwaves to enlist the public's help in tracking down abducted children who are facing imminent danger from their kidnappers. AMBER Alerts have really worked. I can give you many examples, but I am not going to do that because we have got living examples right in front of us.

Each year, more than 58,000 children in the United States are abducted by non-family members, often in connection with another crime. The most dangerous type of child abduction, the abduction by a stranger—in that instance, fully 40 percent of children are murdered. Speed is crucial to any effective law enforcement response to these most deadly cases.

According to a study by the United States Department of Justice, 74 percent of children who were abducted and later found murdered were murdered in the first hours after being taken. So AMBER Alerts have become a proven weapon in the fight against stranger abductions, especially in those cases where an abducted child is facing an imminent threat of harm.

The program was named after 9-nine-year-old Amber Hagerman, who was kidnapped and murdered in Arlington, Texas, Senator Hutchison's State, in 1996. Nationally, since 1996, AMBER Alert has been credited with the return of 29 children to their families, including one case in which an abductor reportedly released the child after hearing the alert himself. In other words, he was on the highway with the child and he saw the signs and he stopped and let the child out of the car. That is rather dramatic testimony of how this can also be a deterrent to the crime.

I am delighted that we have representation here from the California Highway Patrol because since the State of California first adopted AMBER Alerts just a month ago, the State has issued 13 AMBER Alerts. Now, of those 13, 8 involved abductions by strangers, 4 involved abductions by family members, and one was a misstep. Twelve of the 13 children were returned. Now, that is unbelievable statistical testimony. Although obviously the numbers are small, the fact that 12 were returned is really extraordinary.

So, today, we are here to discuss a bill. It has three specific points, and I am going to let either Senator Hatch, the Ranking Member, or Senator Hutchison—I want to leave some material for them, so the way we are going to proceed is I am going to ask Senator Hatch if he would like to make a statement, and then Senator Hutchison, and then we will proceed to introduce the panel and hear from those of you who have come so far to be here.

So, Senator Hatch, welcome to our Subcommittee. We are delighted to have you and thank you for your interest in this.

Senator HATCH. Thank you, Madam Chairwoman. Why don't I wait for my statement and let you two major sponsors go first?

Chairperson FEINSTEIN. Well, that is very generous of you.

Senator Hutchison, welcome to the Subcommittee. We are delighted to have you, and thank you so much for your leadership on this issue.

STATEMENT OF HON. KAY BAILEY HUTCHISON, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Well, thank you, Senator Feinstein. I was so heartened when I heard that you were setting a hearing this week. I appreciate very much Chairman Leahy and Senator Hatch, the Ranking Member, agreeing to that because it does mean that we are on a fast track.

It is my fervent wish that we would be able to pass our bill before the end of this session because I would hate to leave in Octo-

ber and have the months that we could be using to organize AMBER Alerts for interstate abductions to pass. So I am very pleased that you are holding this hearing, and I think that with Senator Leahy and Senator Hatch we will be able to make progress.

I, too, want to thank all of the witnesses who have come to talk about this issue. Every single one of you has a personal story. You have had a part in the volunteer efforts so far that have been so successful, and now what Senator Feinstein and I want to do is just make it a little easier.

This is a simple bill. It is not a massive, new bureaucracy. It is not a big expenditure, but it is just making sure that that harried law enforcement officer that is dealing with this crisis can make one phone call and not have to worry about contiguous States getting immediate notification. That is what we want to do and just connect the systems, and also be a resource for States that don't have systems now.

Most States don't have systems. Even my home State of Texas, which started the AMBER Alert on a local level, doesn't have a statewide system. But it really came home to all of us when we saw the statewide system in California be so effective in helping to capture the abductor of the two teenage girls who were probably 5 minutes from being killed, but because of the quick notification and the help of people on the highways, were able to be saved.

Let me just first say that without the National Center for Missing and Exploited Children and the National Association of Broadcasters, we would not have the 28 success stories that Senator Feinstein just mentioned. And that was all done with a little bit of Federal funding, but a whole lot of volunteer effort. We appreciate the National Center and the National Association of Broadcasters working with us to make sure that our bill coordinated and moved forward rather than in any way hampering the efforts that are already in place.

I am particularly pleased that Nichole Timmons is with us today because she is one of our most recent AMBER Alert success stories—10 years old, from Riverside, California. The alert was delivered in California, but also in neighboring States. Of course, we know that Nichole was found in Nevada, and what a wonderful opportunity for us to be able to have Nichole and her mother here with us today. I think that Nichole's case shows the need for the national AMBER network.

What our bill would do is establish an AMBER Alert coordinator within the Department of Justice to assist States with their AMBER Alert plans, all the States that don't have them, and to try also to set minimum voluntary standards that would help the States coordinate.

All of us are very cognizant of the fact that we could overdo this and have so many alerts that people stop looking at the signs. We do not want to do that, so the AMBER Alert coordinator would set standards and make the decision based on those standards.

Also, our bill, second, does provide for a matching program for setting up AMBER Alert programs or necessary equipment, such as signage that was so effective in California and is now being used in other States at a very minimal cost.

The AMBER Alert gives the public a chance to do something positive. We all have this clutch. All of us are parents. We see a missing child story and all of us go, oh, my God. That is the worst thing that could happen to a parent is to find that their child has been abducted. So we wanted to channel this public grief into a positive purpose, and that is what the AMBER Alert has done.

Our AMBER Alert bill actually is named for Amber Hagerman, who was murdered in Arlington, Texas, in 1996. But it also stands for what we are trying to do: Americans Missing Broadcast Emergency Response. That is what our AMBER bill stands for.

So we are very pleased to have introduced our bill yesterday, our first day back in session. We have 26 cosponsors, equally divided between Republicans and Democrats. And my belief is that as soon as this bill is marked up and comes out of Committee, we will pass it unanimously through to the Senate, go to the House, and I think the President will be able to sign this bill that ties everything together.

It is such a minimal effort for such a huge reward. When we can save 1 child or 10 children or 28 children because of a broadcast or a signage, it is so rewarding to be able to say this simple fact and the spirit of the American people wanting to help this family in distress will make a difference.

So I thank you, Senator Feinstein, for moving forward, and once again I thank all of you for the support. I thank Senator Hatch and Senator Leahy for helping us expedite this bill and making it a priority for our country.

Thank you.

Chairperson FEINSTEIN. Thanks very much, Senator.

Senator Hatch.

STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Well, thank you, Madam Chairwoman. I want to thank you and the distinguished Senator from Texas, Senator Hutchison, for your work in this area. It means a lot to me personally and it means a lot to all of my fellow Utahns, and of course I think everybody in this country, to have this very meaningful legislation pass.

I think enough has been said about it, but I just want to say that Elaine and I are parents to 6 children and grandparents of 20. I have to tell you I remember when our kids were being raised, when they were growing up, whenever we went anywhere publicly, I just about went crazy trying to keep track of them at all times.

I think the problems of today are much more problematic than they were back then. I can just sympathize and empathize with parents who are worried about their children in this modern day and age, with some of the people that are doing some of these things. This bill will go a long way toward helping us to try and at least do what we can initially to try and stop what is going on. So I want to thank both of you for holding this hearing.

I will put the rest of my remarks in the record, but I would like to suggest to you, Madam Chairwoman, that you are holding this hearing today. We ought to talk to the Chairman of the Committee

and I will talk to our folks on our side. I think we ought to have this on the markup tomorrow. Is that what you are going to do?

Chairperson FEINSTEIN. Yes, I had mentioned that to my staff and my hope is that we can arrange that. Senator Leahy has been very cooperative and very helpful.

Senator HATCH. I am sure he will be, and I think everybody on the Committee will be. What we should do is mark it up tomorrow, get it immediately reported to the floor, and get it out before this week is over. It will take some time to implement this in the way it should be implemented. That way, we would save every possible minute we can.

I want to just thank you for your leadership in this area. You and Senator Hutchison have just been tremendous leaders on this, and we will do everything in our power to help get this done.

I want to thank our witnesses and welcome all of you here. I know that it has been a very difficult thing for you to come and fly all night, and for, Mr. Klaas, whom we have respected so much on this Committee, to get here this morning. But each one of you has made a real difference in these types of issues throughout our country. I have respect for all of you on this panel and it is tremendous for all of you to be here to help us to understand this better and, of course, to do the things that we need to do.

Thanks, Madam Chairman.

[The prepared statement of Senator Hatch appears as a submission for the record.]

Chairperson FEINSTEIN. Thank you very much, Senator Hatch.

I would now like to acknowledge the presence of the ranking member of this Subcommittee. I came on this Subcommittee when Senator Kyl was the Chair of the Subcommittee, and so we have worked together, I think, for at least 6 years as either Chair or ranking member of the Subcommittee.

There has been no one that has been better for me to work with than Senator Kyl, and I know he is very interested in this issue and I am delighted that you are here. I asked Senator Hutchison to join you and your staff said they were certain you wouldn't mind if she sat right here.

Senator KYL. Absolutely.

Chairperson FEINSTEIN. If you would like to make some remarks, Senator?

STATEMENT OF HON. JON KYL, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator KYL. Thank you, Madam Chairman. Just to say that one reason we have been able to cooperate so well is because Senator Feinstein always has very good ideas. It has been easy to work with Senator Feinstein because of the innovations that she has come up with, including with Senator Hutchison and others on this important issue.

I came to hear the witnesses, not that I don't appreciate my colleagues' comments, but we have talked and I am very supportive and certainly concur with what Senator Hatch was just saying on the speed with which we could try to move this legislation.

Therefore, Madam Chairman, instead of commenting further, I will defer my remarks, commend you for holding the hearing, Sen-

ator Hutchison for her statement, and look forward to hearing from each of you.

Chairperson FEINSTEIN. Well, thank you very much, Senator.

Now, we will proceed to the best part, which is hearing from our witnesses. We are going to begin with Robbie Callaway. Robbie Callaway is the Chairman of the National Center for Missing and Exploited Children. That Center has helped to recover more than 48,000 children and has gained wide recognition as a valuable resource for missing and exploited children.

In the fall of 2001, the Center launched the AMBER Plan to assist cities and towns across the United States in creating emergency alert towns; in other words, just what we are trying to do here. To date, the AMBER Plan has been credited with recovering 30 children.

Robbie is accompanied, I believe, by Joanne Donelan, who is the Center's AMBER program manager.

Mr. Callaway, we are delighted to have you.

I am going to ask all the witnesses if you could try and limit your remarks to 5 minutes, we will place any written statements in the record, but it will give us a little more time to ask some questions.

STATEMENT OF ROBBIE CALLAWAY, CHAIRMAN, BOARD OF DIRECTORS, NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, ALEXANDRIA, VIRGINIA

Mr. CALLAWAY. Thank you very much, Madam Chairwoman and members of the Subcommittee.

I can't help but reflect as I sit at this table one of the first times I ever sat at this table I didn't have gray hair and neither did you, Senator Hatch, and it was about 22 years ago when John Walsh lost his son and we came up here to try to get Congress to address the issue.

The difference in then and now is amazing. Listening to you speak and listening to what you are talking about, and having felt the agony of John and knowing the agony that Marc Klaas, and sitting here with joy and looking at this young girl, this is not part of the testimony, but the joy here versus the pain that Marc and John have felt—what you are going to do is help make more of this, the joy. So we are very excited to support it from the National Center.

The recent recoveries of kidnapped children have shown that the AMBER plan works and that communities need to adopt the program. We support the legislation because we think every community should have the same possibility that they had in California with those two young girls that I don't care what anyone says, had it not been for the AMBER plan, those two girls would never have been found alive.

Having been involved in this issue since the original Missing Children's Act, I have seen too much of the other. And to see those two girls survive—you had some commentators criticize the AMBER plan or say should we have done it. Those girls would not have been found alive. You know that.

Statistics will show you that of kidnapped kids, 74 percent of those kids that are found murdered would have been murdered within the first 3 hours. In the old days, we used to think it was a big deal at the National Center for Missing and Exploited Children 18 years ago when we got posters in video stores that were there 45 days after a kid was missing. You have the ability to get that out within the first hour and to save kids. This is about saving lives.

We endorse the legislation because the Center has a major history here, as you know. We have supported successful programs. The AMBER plan was not created at the Center, but it was supported and endorsed by the Center; it was pushed by the Center.

As Senator Hatch knows, this is not my full-time job. I am not paid to say this. This is my volunteer activity. I work for Boys and Girls Clubs of America. I have devoted my life to 3.3 million kids that we are serving. This is my passion, this issue, and I am very excited about it.

Joanne Donelan—as we say, we hired her at the National Center 2 years ago to do nothing but the AMBER plan. She is part of the reason that 30 kids have been found, and that we can smile and see Nichole. I think Sharon is going to talk even more about that than I will.

The National Center created this AMBER Alert kit. I think copies are going to be made available for everybody on the Committee. This has been put out to law enforcement, to the broadcasters, to others, and if you don't have one, we need to get one to each of you.

What does it have in there? Part of what it has in there—and I happened to listen to one of the news stories last night and they said, well, we can't be putting these alerts all the time. Nobody wants to put these alerts out all the time. We are talking about maybe two a week across the entire United States of America. Do you want two Nicholes or do you want the alternative?

In the old days, when a child was found it was the greatest joy we ever had. This helps, you help. What this will do is help law enforcement to confirm that a child has actually been abducted. It is not a runaway, it is not even a parental dispute. The child has been abducted. Law enforcement is fairly certain that there is a chance of serious harm and possibly to the child.

Third, there is descriptive information about the vehicle so that they put it out there, that somebody can actually find the car, or the car that the child is in. The child has to have been threatened. We know that.

The National Center has worked with the National Association of Attorneys General, the National Sheriffs Association, the International Association of Chiefs of Police and the Fraternal Order of Police in an effort to promote the national implementation of this program.

You have already talked about the 30 kids that have been recovered. Today, there are 18 statewide AMBER plans. There are 55 plans, in total; 18 of them are statewide. A lot of that has happened over the last year.

Why do we support this legislation? It allows you to go across State lines. California is a big State. As you know, in some cases kids will be going across State lines—Utah. They may be going into

another State. Texas—I know that was a big issue for you, Senator Hutchison, Texas, and possibly going into another State.

We are encouraged by the AMBER coordinator at the Justice Department. It is a great idea. Honestly, we strongly encourage you before you mark the bill up tomorrow to add one amendment to it and put in there that that AMBER coordinator at the Justice Department work with the National Center for Missing and Exploited Children, possibly even be placed there.

The Center has been doing this for 20 years. Joanne has been hired to do this work. The Justice Department likes working with the Center. And, again, we are talking about 3 hours from the time it takes for the person from the Justice Department to make the call over there. That person should be there. They should be right there with all the resources that the National Center has.

I see the red light is on and I just want to say thank you. Again, it is such a different experience than it was over 20 years ago when we first started talking about this issue. And just for the two of you, it was a woman Senator at the time, Senator Paula Hawkins, who led the way back then, and Senator Hatch and Senator Thurmond and Senator Leahy and Senator Biden jumped on this issue and they have been with us ever since.

Thank you very much.

Chairperson FEINSTEIN. Thank you very much, Mr. Callaway, and let just say this. I didn't mention your Boys and Girls Clubs work, but I wish there were more people like you who really are willing to dedicate their lives to young people. We need that very much in this country. So I just want to say thank you very much.

Mr. CALLAWAY. Thank you.

[The prepared statement of Mr. Callaway appears as a submission for the record.]

Chairperson FEINSTEIN. The next witnesses will be Sharon and Nichole Timmons. Sharon Timmons comes from Riverside, California. She is a sales representative for United Road. That is a trucking company that transports automobiles. She is also the mother of 10-year-old Nichole.

I would like to make a special note that Sharon and Nichole took a red-eye flight, as I mentioned, to be here. That is really tough duty and so I want to give them double thanks.

This summer, both Sharon and Nichole learned firsthand of the importance of statewide coordination of AMBER Alerts. On August 19, an AMBER Alert was sent out to a number of States to help search for Nichole, after she was abducted from her California home by the family's gardener. The suspect was apprehended in Nevada and Nichole was safely returned home.

Sharon, let me thank you very much for being here and we would very much like to hear from you, followed by Nichole.

STATEMENT OF SHARON TIMMONS, RIVERSIDE, CALIFORNIA

Ms. TIMMONS. Thank you for having me. I was very honored to be invited here. I was very excited because I wanted to share with you that my life wouldn't be the same without AMBER Alert. So I wanted to thank everybody and just do something back for the other children.

I was so excited I actually forgot I was afraid of flying. I was like, oh, what am I doing? But we made it, we did good, and I just wanted to let you know that I have been in Riverside for 25 years. I have lived in the same house for 19 years. I have the same neighbors. Up until 5 years ago, I used to be considered the new neighbor. That is how stable and nice our neighborhood is.

And you just never think things will happen, and then all of a sudden you walk into the room—while I was opening up the door, even when I was opening the door I was thinking I didn't shut the door last night. And you just open the door and your whole life changes.

She has a messy room and the room was a different kind of messy. The stuffed dog wasn't in the right place. It was on her bed. It is never on her bed. And the blankets were all different, just different. And you kind of really get lost in confusion, like "hey."

We had a big deal the night before about what Barbie was going to wear to bed, and I was "I want to go to bed, I want to go to bed now." And then you think, OK, what is a couple of minutes? We will fix Barbie up. And then to see Barbie not wearing the dress, flung around the room—everything was different.

She is very much—Barbie sleeps here, Scooby Doo sleeps here, and everybody has to be put to bed. And just to walk in and see the bed and nothing is the same, it rocked my world, it did. Honestly, if it wasn't for the AMBER Alert, it would have shattered my world because I would have never gotten her back.

Chairperson FEINSTEIN. Tell us a little bit about what happened after that.

Ms. TIMMONS. The police came; the original one came and asked me her description and what she was wearing and what kind of conversations we had, trying to determine was there any arguments or anything, so they had a place to look; where my ex-husband lived, people that I have been talking to lately, people that have been in my house lately, any work done in my house. They were overlapping lots of different situations that could have happened. They were making me think a lot, which really helped, because I could see that they were overlapping all different situations.

The second gentleman that came, came to tell me about the bloodhound. They were taping off my house at the time, which is such a strange feeling to see the tape up. Then they told me that Patsy, the bloodhound, would be going into her room. They didn't want to mess up the evidence. So they were trying to make me feel calm about what they were doing. So they dog could be in her bed and get the smell of her.

And then a lot of police came on motorcycles. I live on a little hill and they all kind of came up. I know this sounds strange. They didn't look like people; they looked like big army ants or robots or something, the way they pull up on their bikes. They all turn their wheel at the same time. All the lights went off right in a row and they all kind of kicked back on their bikes and got off their bikes all at the same time and walked up.

I lost it because it was like "oh, my gosh, it is so real." In your brain, you could push it aside and push it aside. No, no, something is not right here; maybe she is playing with a little boy, or some-

thing that you can relate to. But when you see them all walking up your driveway, it is like it is real, it is really real.

Anyway, they actually took me across the street and they had lots of detectives asking me questions and they kept me busy. So there is a piece of it that is easier for me than sitting on the sidelines because they had me working, profiling people that I know, or situations, or thinking, thinking, thinking. I could tell that they were really working hard.

I had this thing in my head that I could not cry; do not cry. I kept going over and over and over, and mix that up with empty cheetah print sheets and an open back door, and then you go back and forth and back and forth like a bad movie.

So they had me across the street where I could be calm, and they would all come and talk to me and they would confer with each other. Then they told me that they were going to do the AMBER Alert, and at this period of time I had no concept of time.

Chairperson FEINSTEIN. How long did it take before they went to the AMBER Alert?

Ms. TIMMONS. Well, the problem was her father went to the Philippines. Her father told me he was living Sunday evening. So I called the office right away and the office girl said, oh, no, he left this morning. So we had to get rid of that first because he could have just taken her and then we would know where she was. So we had to eliminate that.

And then after that was eliminated, I guess a lady had called in to say that she took them personally to the airport and Nichole was not with them. They can eliminate that. Then it was on. They told me, OK, we are going to put it on, because I wanted to make sure I called my parents. I wouldn't call my parents because that makes it real. So once that happened, it seemed like minutes, but I am sure it wasn't. But it seemed like minutes.

Once they told me, it seemed like I had talked to my mother for a while and the next thing I know, the man comes in and he has a big smile on his face and he is saying we have already gotten 200 phone calls. People were calling from all over and I couldn't believe the response.

The calls were from people wanting more information of what they were looking for. I guess a gentleman at Sears had worked on the truck and he thought he would help with an additional description. He had a lift gate on the truck. And, of course, I didn't know what they were calling. I just heard there were 200 calls. But there was a point where I remembered there was a lift gate.

So oh, my gosh, I know the people would help the people better if they could find that one thing on the truck that is different than everybody. And when I told him, he says, oh, no, we already knew that an hour ago, because somebody had called in. So that gave them an extra jump.

Chairperson FEINSTEIN. And then how long was it after the alert went out when you knew Nichole was safe?

Ms. TIMMONS. It had to be less than 3 hours. It was in the 3-hour time—I am not really sure. I tried to ask a couple times what time things were because I really couldn't tell you if it was 5 minutes. Some aspects of your brain are going so fast and then slow motion. It was only hours. And it seemed like really it was only

within the first half hour we got the 200 calls because he came in just really positive.

Chairperson FEINSTEIN. Do you think Nichole now would be willing to tell us what happened to her? I don't want to push her. If she doesn't want to, that is fine.

Ms. TIMMONS. Will it help if I get her started?

Chairperson FEINSTEIN. Don't push her. If she would like to, it would be helpful to us. If not, we understand.

Ms. TIMMONS. She didn't want to talk about it a lot at all and she was pretty adamant about kids asking her questions. I don't know if it is OK if I say this, but 1 day we were driving, just a few days ago, and all of a sudden she blurted out something. She goes, "Hey, mom, do you know you can cry all the way to your feet?" And it was like, oh, my gosh, she was telling me how the tears just jump out and land on her feet.

And I go, "What do you mean?" She goes, "I was crying and crying and crying." Well, that kills me because the whole time she was gone, you don't know what is going on. I don't know how she feels. She hasn't said a lot.

Chairperson FEINSTEIN. Would you be prepared to say, without going into the facts of the case, that it had not been for the AMBER Alert that you may have lost her?

Ms. TIMMONS. Oh, I know it, I know it. Based on what she has told me, they weren't coming back. I don't know exactly where they were going, but he is totally capable of living in the woods for a long time because of his background.

Chairperson FEINSTEIN. Well, thank you, thank you both very, very much.

[The prepared statement of Ms. Timmons appears as a submission for the record.]

Chairperson FEINSTEIN. We will move on to Mr. Edward Fritts. Mr. Fritts come to us from the National Association of Broadcasters. He has held the position of President and CEO for the past 20 years. The Broadcasters represent more than 7,500 local radio and television stations all over the country. He is a former owner of a group of small-market radio stations, where he learned the value of localism and community service performed by broadcasters. We know broadcasters play a major role in the AMBER Alert program.

So, Mr. Fritts, we would love to hear your experience and any thoughts you may have.

STATEMENT OF EDWARD O. FRITTS, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL ASSOCIATION OF BROADCASTERS, WASHINGTON, D.C.

Mr. FRITTS. Thank you, Madam Chair, Senator Hutchison, Senator Hatch, Senator Kyl. I am pleased to be here, and thank you for inviting me to be here and to support this legislation on behalf of the National Association of Broadcasters.

As you mentioned, the NAB represents the local broadcast industry, with member stations in virtually every city and community in this country. We are pleased to support this legislation. We think that in recent weeks, all of us have learned that the issue has never been more relevant. Particularly following the poignant testi-

mony that Sharon and Robbie have presented today, I think that all of us are very touched by the living experience that we have witnessed.

We are also pleased that our colleagues in Texas originally developed this plan as the result of a tragic abduction and murder in their community. Since then, broadcasters have continued to play a central role in this plan, and we are pleased to continue that role by announcing our support for the National AMBER Alert Network Act of 2002.

We believe this legislation can significantly accelerate the adoption of AMBER plans throughout the country. This voluntary AMBER plan harnesses the relationship between local stations and law enforcement to aid in the recovery of abducted children.

As has been mentioned today, over 30 children have been recovered as a result of this particular plan, and I think all of us recognize that you can't put a value on a child's life. Every plan, of course, is unique to its own community, but there are three basic criteria that need to be met before an alert is activated.

First, law enforcement confirms that a child has been abducted. Second, they affirm that the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm. Last, there must be enough descriptive information about the child, the abductor, or a suspect's vehicle to make an imminent broadcast alert productive.

Broadcasters are uniquely positioned to disseminate this information rapidly to the entire community. No other industry is capable of broadcasters' reach in conveying this type of information.

Consider this: while driving their vehicles, as many as 95 percent of adult motorists listen to their local radio stations. This, coupled with television, means that local broadcasters have the ability to get the information to the public with unparalleled immediacy.

Our partners at the National Center for Missing and Exploited Children have statistical evidence to back this case up. But as Robbie said, in the case of an abduction time is absolutely critical. As such, it only makes sense that we use our ability as broadcasters to assist law enforcement in the safe recovery of abducted children.

Recognizing the value of this plan, NAB partnered with the Center and with the Justice Department to develop this AMBER Alert kit. It has been distributed to all broadcasters and to many law enforcement units around the country.

When we began this effort, there were 28 AMBER plans in place last fall. Today, there are 55 community, State or regional plans, and we expect more to be rolled out by year's end. I believe the AMBER plan is especially significant because its growth and success have exemplified the twin traditions that have historically guided our industry, namely localism and commitment to public service.

In terms of localism, the system has been effective precisely because it is flexible to the local community. Depending on the information that law enforcement provides, stations can send out alerts in a single community or statewide, or even regionally when interstate travel may be involved.

Again, Madam Chair, our industry is proud today to endorse this legislation. However, anyone who has been in Washington for any length of time knows that good bills sometimes can be poorly implemented. So I would like to touch upon three principles that have guided the AMBER plan thus and that this legislation recognizes and we hope will continue.

First, broadcasters are central to the plan because of our ability to disseminate this information on a moment's notice.

Second, the AMBER plan remains voluntary and flexible, thereby allowing local law enforcement to work closely with local stations in each of our local communities.

Third, it is critical that the plan be used only in cases of abduction where there is an imminent threat of harm.

Let me reemphasize that we stand ready to work with you as this legislation moves through the Committee and through the Congress. As someone once said, children are the flowers of life. As a father and a grandfather of four myself, I could not agree more. Protecting the most valuable of our society, our children, must be a top priority for all of us.

Thanks again for having me and I look forward to answering questions.

Chairperson FEINSTEIN. Well, let me just say thank you, and I think I speak for all the members present. The broadcasters are vital to this. I have heard some people sort of nip and tuck around the edges by saying, well, you are going to have an interruption of programs four times a day, five times a day; this thing will never last.

But you know what the facts are and it is so important that your participation is as eager and as sensitive as it is. As you have mentioned, in this legislation there is a setting of national standards for what can constitute an AMBER Alert, so I think that problem.

So thank you very much for the support.

Mr. FRITTS. I think it is just a matter of education. The more we get the word out, the more people will be supporting this.

Chairperson FEINSTEIN. That is right, so thank you very much.

[The prepared statement of Mr. Fritts appears as a submission for the record.]

Chairperson FEINSTEIN. Next is Joseph Farrow. Joseph Farrow was recently selected as Deputy Commissioner—that is the No. 2 person—of the California Highway Patrol, which is a huge highway patrol and a very distinguished one. He continues his record with the Highway Patrol. He has been in the department for 22 years. He assists in the commanding of over 10,000 employees and he also oversees California's Child Safety AMBER Alert Network.

So I am very hopeful that you will tell us how California does it and any suggestions that you might have would be very welcome.

Thank you, Mr. Farrow.

STATEMENT OF JOSEPH FARROW, DEPUTY COMMISSIONER, CALIFORNIA HIGHWAY PATROL, SACRAMENTO, CALIFORNIA

Mr. FARROW. Good morning, Madam Chairwoman and Committee members. As the Chair said, my name is Joe Farrow. I am the Deputy Commissioner of the California Highway Patrol. It is an honor to appear before you this morning to discuss California's

Child AMBER Network which has contributed to the safe recovery of several abducted children in the State of California. Our comprehensive AMBER program is a great source of pride for Governor Gray Davis, the California Highway Patrol, and law enforcement agencies throughout California.

As many know, efforts to develop and disseminate tools for States to respond rapidly to stranger abductions have been underway for a few years. The original AMBER Alert program was named after 9-year-old Amber Hagerman, who was abducted and murdered in Arlington, Texas, in 1996.

The nucleus of the California AMBER Alert Network is the Emergency Alert System, which can, with media assistance, temporarily preempt radio and television broadcasts and provide information to the public regarding a child abduction incident. To capture the attention of the public, the emergency messages are to be preceded and concluded with alert tones.

In developing the California Child Safety AMBER Network, Governor Davis directed the California Highway Patrol to serve as the centralized point of contact for the statewide activation of the EAS system. The California Highway Patrol now has the equipment necessary to broadcast to all local law enforcement agencies or do a multi-regional activation of this system.

The goal of our program is to bring the eyes and ears of millions of California residents together with law enforcement officials to maximize search efforts and ensure the safe recovery of abducted children. However, to ensure that the public remains sensitive to the activation of the system, an AMBER Alert will only be initiated in California when the investigating law enforcement agency has confirmed all of the following: first, that an abduction has occurred; second, that the victim of the abduction is 17 years of age or younger, or has a proven mental or physical disability; third, that the victim is in imminent danger of serious bodily injury or death; and, last, that there is information available that, if disseminated to the public, could assist in the safe recovery of the victim or apprehension of the suspect.

This summer, the California Highway Patrol created a notification center which operates 24 hours a day, 7 days a week, which can assist local law enforcement agencies with the immediate initiation of a statewide AMBER Alert. Since California is a large State with an extensive system of highways, we have tied the system to a system that addresses our particular communication needs.

Using our effective changeable message signs and our highway advisory radio system, we now transmit information to the motoring public regarding a confirmed child abduction case, which as proven invaluable in the realization of our basic and most fundamental goal, which is the safe return of children.

The California system also activates the Emergency Digital Information Service. The Emergency Digital Information Service was created in 1989 following the Loma Prieta earthquake to improve communications and serve as a simple, comprehensive means to get detailed emergency information to the public. This service provide local, State and Federal law enforcement agencies with a direct computer link to media outlets and other agencies.

Text messages may be sent via the State's law enforcement telecommunications system, while images and graphics may be sent over the Internet. Emergency Digital Information Service messages provide all relevant information regarding a child abduction, such as child information and suspect and vehicle descriptions, to other law enforcement agencies throughout the State and the media. This information can also be disseminated through text pagers to law enforcement officials and media representatives.

Another tool we use is a computer-based system called Technology to Recover Abducted Kids, or otherwise widely known as TRAK. TRAK technology is an image-based system linking State, county and local law enforcement agencies. The TRAK system can capture and immediately distribute color photographs and images to thousands of law enforcement agencies, media outlets, hospitals, and private organizations. There are approximately 1,200 systems being used by various law enforcement agencies in 32 States. California alone has 488.

Finally, we incorporate Internet sites as part of our alert system. Child abduction information, photographs and descriptions can be posted on Internet sites, including the California Highway Patrol media Web page that is accessed by media outlets throughout the State.

We are learning much in our role as statewide coordinators for rapid response to child abduction cases. We continue to improve our system with deployment of additional TRAK systems, upgrading of alerting technologies, and training for law enforcement, the media and the public.

We have found that partnerships with child abduction groups, such as the Klaas Foundation, the National Center for Missing and Exploited Children, media outlets, and organized highway user groups such as the California State Automobile Association and the commercial trucking industry, are key to a successful alerting system.

We also recognize that we are very fortunate to have a Governor and congressional delegation that care about this issue and have provided us with the resources needed to rapidly consolidate and expand this program.

The California Child Safety AMBER Network should be considered in developing a national model. Although the Emergency Alert System is a nationwide system which can and should be used as part of any child abduction notification process, we believe a comprehensive program which utilizes a variety of resources is critical to the development or deployment of any successful child abduction notification system.

A national coordinator of AMBER Alert programs could prove beneficial, assuming they coordinate and do not mandate, and should be shaped with the input and assistance of State law enforcement and AMBER Alert coordinators.

I was going to share with you a couple of examples—they are in my prepared notes—of some of the success cases that we had in California. But after meeting Nichole, I don't think I really need to do that. I would just add one thing that she left out. When that AMBER Alert went out, it went out statewide and it went out within the first hour after the abduction.

The individual that saw this on the television was a motel owner in Hawthorne, Nevada. He saw the vehicle and immediately notified the Nevada Highway Patrol, which had an officer in position who apprehended the suspect and returned Nichole safely all within a few hours. If it wasn't for the AMBER Alert program, I fear the worst.

So this is a success story. I have other stories in my prepared notes that you can read later. The incidents that you will see in my prepared notes highlight the benefit of a statewide, and in the case of Nichole, interstate notification system to recover abducted children.

In California, this program is intended to unite all of our residents in the search for an abducted child. When a child is abducted and an AMBER Alert is initiated, every parent, media representative, police officer, highway worker, and member of the community are called into action. Although a comprehensive nationwide notification system cannot always guarantee a safe recovery in every instance, it significantly increases our chances of a safe and timely recovery.

In short, we have an obligation to use every resource available in a coordinated and cooperative fashion to ensure the safety of our most precious resource—our children.

Madam Chair, I thank you for the opportunity to testify before you and this distinguished Committee. I would be pleased to answer any questions that you might have.

[The prepared statement of Mr. Farrow appears as a submission for the record.]

Chairperson FEINSTEIN. Thanks very much, Mr. Farrow. We appreciate your testimony.

Now, last, but far from least, is Marc Klaas. I remember, because I was in California in 1993, the kidnapping and murder of his daughter. It was one of the first times we had ever seen someone come into a home, into a bedroom, and take a child. And it was such an egregious case, it was so heinous and horrendous that it really, I think, mesmerized the entire State, and there are very few of us who will ever forget Polly Klaas.

The one good thing to come out of it really has been what Marc Klaas has done since, and that is to really dedicate his life to becoming, I think, a very eloquent and knowledgeable spokesperson, as well as the head of an organization called Klaas Kids that is really dedicated to the singular mission of stopping crimes against children. We need more people like him because this is what is going to make predators really think twice. His daughter was assaulted and murdered by perhaps the most vicious predator that I have ever seen.

So, Marc, you are welcome here. We are delighted to have you. I thank you, and I know the Committee does, for all your work and we are very eager to hear your comments.

STATEMENT OF MARC KLAAS, SAUSALITO, CALIFORNIA

Mr. KLAAS. Thank you, Senator, for those extremely kind words. I appreciate it, and I appreciate your steadfast support throughout the years.

Before I get started, you know, Nichole, I know that it is sometimes very difficult to speak up in front of a situation like this, with the microphones and the lights and the extremely important people. But if an image is valued at a thousand words, then your presence here today is valued at life itself and I don't think you could have made a more eloquent statement than your mere presence in this room this morning.

When my daughter, Polly, was kidnapped from her own bedroom in front of witnesses, the Petaluma, California, Police Department dispatched an all-points bulletin, stipulating that disbursement was not for press release. Unfortunately, another local agency interpreted that to mean that they should not notify deputies in patrol cars, as the press might monitor those frequencies.

One hour after Polly was kidnapped, two local sheriff's deputies had the kidnapper in their custody. But because they were unaware that a crime had been committed, they helped him to pull his vehicle out of a ditch and sent him on his way instead of arresting him. We then spent the next 65 days searching for Polly.

My goodness, we have come so far. When two Lancaster, California, teenagers were recently kidnapped at gunpoint, the responding agency pulled out all the stops and immediately alerted the media and the public by utilizing a variety of pre-determined communication tools. That decision to implement what is commonly known as the AMBER Alert has been credited with saving the lives of those teenagers. As the Kern County Sheriff dramatically stated on television, "The girls were within 10 minutes of being murdered. The AMBER Alert saved their lives."

In the ensuing years since the implementation of the AMBER Alert in 1996, three distinct versions of the program have been adopted. Many States, like Utah—Texas does have an AMBER Alert now, actually, Senator. They implemented it with Nancy Chavez, the little 1-year-old who was kidnapped out of the Wal-Mart recently.

California, Colorado, Oklahoma, Michigan, Pennsylvania—those are all statewide systems. Some AMBER Alert programs, such as Cincinnati's Child Abduction Alert Program which includes parts of Ohio, Kentucky and Indiana, or the St. Louis Regional Abduction Alert which extends across the river into Bellville, Illinois, have adopted a more regional approach.

Finally, more localized or city-based systems, like the original in Dallas-Fort Worth or the local Washington, D.C., AMBER Alert, serve the needs of young families and those in other American communities. Basically, these programs all have to be population-based and they have to be able to disregard the State borders.

But despite growing pains and variations on the theme, the AMBER Alert has been credited with saving numerous children. As long as strict criteria are followed, the AMBER Alert can continue to evolve as an effective and powerful weapon in the war to rescue America's stolen children.

I believe that common elements of the system have to include a couple of other things that have been mentioned: certainly that the child is 17 years of age or younger; the jurisdictional law enforcement agency believes that the child has been abducted—that is, unwillingly taken from their environment without permission from

the child's parent or legal guardian. No. 3, there is reason to believe that the victim is in immediate danger of serious bodily injury or death.

No. 4, it is confirmed that an investigation has taken place that verifies the abduction and has eliminated alternative explanations for the missing child. Finally, there is sufficient information available to disseminate to the public that could assist in locating the child, suspect, or vehicle used in the abduction.

I think that the one exception that should be considered is cases of international abduction, when we know that the implementation of the Hague Convention is so very difficult and oftentimes those children are never recovered.

Although there are those who complain that the attention paid to the issue of missing children during this so-called Year of Abduction is spreading fear throughout our society, I counter that the attention is appropriate. If statistics relating to crimes against children affected any other segment of our society, we would declare epidemic status, pass emergency legislation, and adopt a bunker mentality.

Unfortunately, since the statistics apply to children, we accept this as status quo. Now, however, with the Nation's attention riveted on abductions, we have a better understanding of the issue and we are better prepared to respond in a variety of ways. For instance, just as an aside, we now know that stranger scenarios are not the only ones that pose a predatory risk to children.

Our evolving attitude is further illustrated by recent AMBER Alert innovations. When the young women in Lancaster were kidnapped, the AMBER Alert concept was expanded through the utilization of electronic billboards that advertised a description of the getaway vehicle, including the license plate number, in more than 500 locations through California.

This innovation was immediately adopted by the State of Texas as an important component of their newly created AMBER Alert system. I predict that other States will quickly follow suit and the use of electronic highway signs will soon be utilized throughout the country.

I have also personally been approached by truck drivers, gas station and convenience store owners, and others who are eager to become proactively and officially involved in the AMBER Alert.

Now that the FCC has authorized the use of the Emergency Alert System for missing child alerts, further innovations are occurring. As the commissioner said, the Emergency Digital Information Service in California can immediately activate 50,000 communication devices, including cell phones, e-mail accounts, and pagers of citizens who voluntarily participate when an AMBER Alert is activated. Where this idea takes us next is limited only by imagination.

I believe that the next logical step in the evolution of the AMBER Alert is to extend it across the country with broad-based local, regional, statewide and Federal support. Society will be best served when a system that disregards State borders, focuses on logical population centers, and extends from the Golden Gate Bridge to the Statute of Liberty, and from Galveston, Texas, to Bangor, Maine, is fully implemented.

This goal is best achieved through realization of an Internet-based system that establishes a standardized communication platform and utilizes existing hardware and software. This approach is cost-effective and easily implemented with a minimal investment.

Although the AMBER Alert concept has been in existence for 7 years, it is only now gaining the recognition that it deserves. When the Kern County Sheriff dramatically declared the impending doom of the young Lancaster women on "Larry King Live," America suddenly realized the power of the AMBER Alert.

When three more children, one of whom is sitting with us today, were quickly recovered through subsequent AMBER Alerts, America experienced a social epiphany, realizing for the first time that there are occasions on which we can beat evil on its own turf and that not every child taken by an abductor is a doomed child.

The attention currently being paid to this important program will surely pass. However, if we continue to buildupon current successes that have been achieved, then none of the recent victims of predatory abduction will have died in vain. Our timeframe may be short and our attention span may be easily diverted, but we will succeed if we seize the moment.

I want to thank Senators Hutchison and Feinstein—the women always step up to the plate—for authoring and supporting AMBER Alert legislation. Their effort elevates the AMBER Alert debate in important ways. They are advocating and promoting a successful weapon in the battle to recover kidnapped children. You are setting an important precedent that can be duplicated throughout the country. You are seizing the moment.

Madam Chairman, members of the Committee, the entire Senate, the entire Congress, and the entire country—I urge everybody to support this important legislative effort, for if it becomes law—and I cannot say this in more definitive terms—children's lives will be saved.

Thank you for your time.

[The prepared statement of Mr. Klaas appears as a submission for the record.]

Chairperson FEINSTEIN. Thank you very much, Marc, and thank you, ladies and gentlemen, for your testimony. I think it has been very, very helpful.

Senator Hutchison has other things to attend to and so I just want to thank her for sitting with the Subcommittee today. We appreciate it very much, and again thank you for your leadership.

Senator HUTCHISON. Thank you. Every one of you contributed something very significant to our process and we appreciate it.

Chairperson FEINSTEIN. Now, just a few questions.

Marc, let me ask you this. You mentioned that the person it is hard to even think of him as a person—who murdered your daughter had his car run into a ditch and the police actually helped him out.

Was there sufficient evidence, do you think, at the time whereby an AMBER Alert would have been useful in that situation?

Mr. KLAAS. Senator, I believe that if an AMBER Alert had been activated—and this could have been done very, very quickly—he may not ever have arrived at that location. It was 20 miles from the location where Polly had been kidnapped and, as you know,

Sonoma County has quite a few cities. It has a rather large sheriff's department and on a Friday night there are a lot of deputies out and there are a lot of cars out on the road. So I think he wouldn't have gotten to that location.

We will never know if Polly was alive when the deputies finally did arrive. Certainly, he says that she was, but anything that that individual would have to say is totally self-serving.

Chairperson FEINSTEIN. You are saying, then, that he went back after that and killed her?

Mr. KLAAS. He came back and recovered her after that, yes, ma'am. In what state I don't know.

Chairperson FEINSTEIN. Well, thank you very much.

Let me ask just one question and then I would like to turn it over to Senator Kyl. My understanding that stranger abductions still, despite everything that we see and read, are relatively rare. For example, there were 57 witnessed child abductions by a stranger in California in 2001. The National Center for Missing and Exploited Children tracked 1,529 kidnappings involving parental abductions.

So my question to you, Mr. Callaway, and others on the panel is would it make sense to include parental abductions in AMBER Alerts?

Mr. CALLAWAY. I think only in the case that it can be established that the child is in danger. To be honest with you, I think that if you included the broad-based parental abductions, many times those children are not in immediate danger and the AMBER Alert would get over-used. I think that is the fear that some people have. Now, there are some cases in parental abduction that that child is in great and imminent danger, and if the police have determined that, then I think it should be used.

Chairperson FEINSTEIN. Does anybody disagree with that? Marc?

Mr. KLAAS. I don't disagree, but I think that we should totally recategorize the issue. For instance, of the recent abductions, Danielle vanDam, Ashley Pond, Miranda Gaddis, Elizabeth Smart, Cassandra Williams, Nichole, and Nicholas Farber were all thought to have been victimized by neighbors or acquaintances, but in most of these cases they were predatory situations.

We should activate AMBER Alerts whenever a predatory situation is in play, and I think it does a disservice by calling it stranger abductions because none of these children would have applied in those kinds of situations. Yet, as we now know, the vast majority, if not all of them, their lives were very, very much in danger.

Chairperson FEINSTEIN. So what are you saying?

Mr. KLAAS. What I am saying, Senator, is I don't think we should be categorizing the abductions of children as stranger and non-stranger situations. I think we should be categorizing them as predatory and non-predatory. I know so many families that are broken-hearted because some perverted uncle decided to have his way with his little niece by marriage.

Chairperson FEINSTEIN. That is an excellent point, I think.

Mr. Callaway?

Mr. CALLAWAY. We don't classify them as stranger abductions. It is non-family abductions, is what we would call it. The stranger/

danger thing has never been anything that the National Center has used.

Chairperson FEINSTEIN. Mr. Farrow, do you have a view on that?

Mr. FARROW. Yes, I do. The way the AMBER system works in California is we classify it as just an abduction, and that is the first criteria. Is the child abducted? If it is by a parent, the next criteria says if the child is in immediate danger of serious bodily injury or death. Then we will activate the AMBER system. I think that is what Mr. Callaway was talking about, but that is the second criteria. Is the child is in danger?

They are not always in danger of physical harm when you have a parental abduction. Sometimes it is a custody battle, so we have to make sure that we understand. So we leave that up to the investigating agency that first arrives on the scene to make that determination. So we have crafted criteria that we use, the four components, to make sure that the system is not over-used.

Chairperson FEINSTEIN. Senator Kyl, this legislation leaves up to the Justice Department the setting of minimum standards for use, which really become very important in this kind of a conversation. What are the standards? So I think it is very important, because I think we have a reasonable certainty that this bill is going to pass, that people weigh in with the Justice Department who are knowledgeable to see that the standards are such that it covers the spectrum properly.

Senator would you like to ask questions?

Senator KYL. Thank you, Madam Chairman. I think the record of this hearing will help to establish for the Justice Department the foundation for these decisions, and I think the point that you made, Mr. Klaas, is very well taken.

The only question that I had—and it is predicated on the foundation for this Subcommittee's jurisdiction, the use of technology in law enforcement. We are just seeing so many new ways in which technology can be used, and because time is of the essence in these particular kinds of crimes, the use of this technology then enhances law enforcement's opportunities significantly.

What we are trying to do here, as I understand it, is to acknowledge the interstate nature of these crimes, frequently, including in your case, and therefore to have a system which is uniform which all law enforcement understands and therefore can implement quickly, and also to take advantage of the different media of communication—the broadcasters, the signs that we see above the highways, usually operated by the State department of transportation, whoever that might be, but to coordinate that with the local communities, as well.

I think it is great and a testament to the volunteer spirit of this country that this system basically developed without government prodding. But there is a point at which the Government, because of the interstate nature of the problem, and so on, can now assist in bringing this to fulfillment. And that is what this legislation, as I understand it, is really designed to do, and with the specific involvement of the Department of Justice, it does have a nationwide reach.

I was going to ask one question of Mr. Farrow, but anybody would be able to jump in here, whether there are any other media

here that perhaps we are overlooking in terms of getting the message out in a very quick way that has the broadest application to the citizenry.

Is there something that we are not focused on here that in your law enforcement experience we could add to the mix?

Mr. FARROW. I think in California alone, we have covered most of the media. But when we go national, I think one of the things that we have to look at and I would expect the Department of Justice to look at is the NLETS, the National Law Enforcement Telecommunications System, to make that if there is abduction, say, in California that it is put into this system so it goes nationally from minute one. In California, you could literally be in Arizona or you could be in Nevada or you could be in Oregon in just a matter of minutes, depending upon what location you go from. So I think that is the first part.

There are other technologies that are now going on the market that we are looking at and that we are trying to do the research on to find out their applicability to what we have. So I would imagine that as the bill goes forward or the bill is signed and the Department of Justice steps forward that there would be some way that local law enforcement and the States can get together and actually discuss some of those technologies so it is standardized, so if we use something it in California, they use it Texas or they use it in Oklahoma, so we are not all just piecemealing the system. So that is why the bill, to us, is so enticing because it does bring it all together so we are all working together versus independently.

Senator KYL. Marc?

Mr. KLAAS. I believe that the Internet could be an extremely powerful tool in implementing a national AMBER Alert simply because it does create a standard platform that can be utilized by all agencies. And if it is a password-protected system, then it can be accessed from any browser-based computer that sits on a table.

I think e-mail also would be a good way to disseminate information because one can freely and instantaneously transmit the highest graphic text and image information to virtually anywhere in the planet within moments.

Senator KYL. Those are all great suggestions. Again, I think the record of this hearing will help the Justice Department appreciate what we intend with respect to the implementation here. Obviously, it is an ongoing process, so your continued input will be enormously helpful.

Again, Madam Chairman, I really appreciate your very quick scheduling of this hearing. I have already expressed to Senator Hutchison how much I appreciate her leadership, too.

I appreciate all of you being here and I certainly agree with Marc Klaas that just having Nichole here is a great inspiration to all of us.

Chairperson FEINSTEIN. Senator, you have raised a good question because Senator Clinton was saying at the press conference yesterday that, for example, ticker tapes and things like that that flash up—every State has different ways. I gather there is advertising in New York for the State lottery that flicks up. All those kinds of things have to be involved in it, as well. So I think we have to be

very flexible to see that we keep adding to the compendium of media exposure so that we can get the broadest possible attention.

Marc?

Mr. KLAAS. Yes, Senator. We have been approached by gas stations, we have been approached by convenience stores. These are huge data bases of industry, I guess, that could be involved in this very easily. By faxing a flyer of a missing child to a convenience store or a gas station and putting that up in the window, it can be of huge benefit because even kidnappers have to stop for gas and even kidnappers have to stop for food on occasion.

Chairperson FEINSTEIN. That is a good point.

Does anyone else have a comment they would like to make about the legislation before we end the hearing?

If not, then let me just thank everybody once again. I think the legislation will move. We are very grateful to you, and for more than just being here today, but really grateful for your care and concern on this issue and the fact that it has been longstanding and continuing and will continue. We can stop these things if we all come together.

So thank you, and this hearing is adjourned.

[Whereupon, at 11:23 a.m., the Subcommittee was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

TESTIMONY OF

ROBBIE CALLAWAY
Chairman of the Board of Directors

NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

On

AN AMBER ALERT NATIONAL SYSTEM

For the

U.S. Senate Judiciary Committee
Subcommittee on Technology, Terrorism and Government Information

September 4, 2002

Madam Chairperson and members of the Committee, I am honored to appear before your Subcommittee today and express the views of the National Center for Missing & Exploited Children (NCMEC) regarding the proposed AMBER Alert legislation introduced by Senators Kay Bailey Hutchison of Texas and Dianne Feinstein of California.

It seems most appropriate for these two senators to introduce this legislation. Texas is where the AMBER Plan was pioneered. And California is where the program has most recently made national and international headlines for saving the lives of six children, according to data collected by NCMEC. These recent recoveries truly show the power of the AMBER plan and why national legislation offers a great opportunity to prompt every community in America to adopt this worthwhile program.

The National Center for Missing & Exploited Children is here today to support the passage of this legislation. We know all too well that when a child is kidnapped, time is the enemy, and we need every available resource to bring that child home. The National Center strongly believes every community needs a rapid response when a child is abducted.

Statistics show that the few hours are critical to the outcome of the case. According to the Justice Department, 74 percent of the children who were kidnapped and later found murdered were killed within the first three hours after being taken, so we don't have time to waste. We need to mobilize quickly and get a description of the child and suspect out to the public immediately, so they can be the ears and eyes that will assist law enforcement. The AMBER Plan provides this rapid response. It's an innovative, investigative tool that is literally revolutionizing the way we fight serious child abductions in the United States.

As we endorse this legislation, let me share with the Committee some history of the Center, the AMBER Plan and why we became involved with this life-saving program.

NCMEC is non-profit organization congressionally mandated under the Missing Children's Act of 1984. We work in partnership with the U.S. Department of Justice as the official national resource center and clearinghouse on the issue of missing and exploited children. Our funding supports specific operational functions mandated by Congress, including:

1) a national 24-hour toll-free hotline;
2) a photo distribution system to generate leads regarding missing children;
3) a system of case management and technical assistance to the nation's 18,000 law enforcement agencies and families in the search for and recovery of missing children;
4) training programs for federal, state and local law enforcement. NCMEC has worked with law enforcement on more than 83,000 missing child cases, resulting in the recovery of nearly 67,000 children.

In our 18-year history, the Center's mission has been carried out by creating, as well as promoting successful programs, such as the AMBER Plan – America's Missing: Broadcast Emergency Response.

The AMBER Plan is a voluntary partnership between law enforcement agencies and broadcasters to send urgent bulletins to the public when a child has been abducted and the life of the child is in grave danger. Under the Plan, area radio and television stations, or emergency management offices initially activate the alert using the Emergency Alert System. This is the same system used for severe weather emergencies. Instantly, the AMBER Alert engages the entire community to search for both the child and the suspect.

The AMBER Plan was created in 1996 as a powerful legacy to 9-year-old Amber Hagerman, a bright, little girl who was kidnapped and brutally murdered while riding her bicycle in Arlington. Texas. The tragedy outraged the entire community but inspired them to take action. Residents contacted radio stations in the Dallas area and suggested they broadcast special alerts over the airwaves for child abductions just like it's done for tornadoes and hurricanes. In response, the Dallas/Ft. Worth Association of Radio Managers worked tirelessly with local law enforcement agencies in northern Texas and developed this early warning system that's making a big difference in saving children's lives.

In 1999, the AMBER Plan started to show amazing results by assisting in the recovery of 7 children in the Dallas/Ft. Worth community. In response to the program's success, the National Center for Missing & Exploited Children recognized the AMBER Plan as a vital resource for communities when a child is kidnapped. We then decided to spearhead a national campaign to

put this program into the hands of every city and town across America. At that time, only a few communities had adopted the program but interest was mounting. Publicity in Reader's Digest had also given the program a big boost on the national front. Soon, the Arlington, Texas Police Department was overwhelmed with requests for the program.

In 2000, the Center hired a full time AMBER Plan Manager to coordinate our nationwide AMBER Alert campaign. And we teamed up with the Texas creators of the AMBER Plan, the National Association of Broadcasters and the Justice Department to develop the necessary protocols and procedures to assist communities with creating strong AMBER Plans. The National Center has even taken steps to protect the AMBER Alert name by registering it as a trademark.

To make sure AMBER Plans are established properly, the Center developed this AMBER Alert Kit that includes a training manual and videotape. It offers a step-by-step guide for implementing effective AMBER Plans. The kit is available free to all law enforcement agencies and broadcasters upon request. NCMEC created the kit so that the AMBER Plan would not be overused and would be optimally successful. The kit was developed from experiences of AMBER Plans in operation in Texas, Oklahoma, Florida and various other locales.

In this kit, NCMEC established strict guidelines for issuing an alert that are based on the original AMBER Plan criteria developed in the Dallas/Ft. Worth area:

1) law enforcement confirms a child has been abducted;

2) law enforcement believes the circumstances surrounding the abduction indicate that the child is in serious danger of bodily harm or death; and

3) there must be enough descriptive information about the child, abductor and suspect's vehicle to believe an immediate broadcast alert will help.

NCMEC emphasizes that an AMBER Alert should only be used for the most serious child abduction cases. The Alert was not designed for runaway cases or most parental abduction cases unless the life of the child is threatened. The Justice Department reports that in 1999, there were approximately 203,900 family abductions cases reported to police. NCMEC does not suggest that an AMBER Alert be used in every missing child case. Every day in the U.S., nearly 2,000 children are reported missing. This alert should not go off 2,000 times a day or the system will make the public numb to the alert.

In 2001, NCMEC advocated that the Federal Communications Commission adopt a special code within the Emergency Alert System to be used strictly for the AMBER Plan. This code ensures that there is no confusion or public alarm when an alert is broadcast. Currently, many of the Alerts go out as Civil Emergencies or Administrative Alerts. In February 2002, the FCC adopted a new Child Abduction Emergency code that may be used within the EAS when a community activates an AMBER Alert. Now we are encouraging all radio and stations to upgrade their EAS equipment to include the new code as quickly as possible.

On October 24, 2001, NCMEC launched an aggressive AMBER Alert campaign along with other important supporters including: the National Association of Attorneys General, National Sheriffs Association, International Association of Chiefs of Police, and Fraternal Order of Police in an effort to promote national implementation of this pioneering program. In the last ten months, NCMEC and the National Association of Broadcasters have distributed 8,000 AMBER Alert kits to law enforcement agencies and broadcasters in the U.S. and abroad.

For the past two years NCMEC has assisted communities with developing successful AMBER Plans. We have served as the nation's AMBER Alert coordinator by tracking Plans throughout the country in order to document the success of the program. Today, we have become the clearinghouse of all AMBER Alert information. At this time last year, there were only 27 AMBER Plans on the local, regional, and statewide levels. Five of those programs were statewide. Today we are pleased to report there are now 55 AMBER Plans around the nation – 18 of those Plans are statewide.

We are confident that by this time next year, most communities will have adopted this program. The Center is proud of this progress and reports getting thousands of requests for information about the program since our launch last year. In direct response to last month's high profile recoveries in California and Texas, we have received up to 500 requests daily for information.

Why does NCMEC support federal legislation?

With the expansion of the AMBER Alert program, NCMEC believes that a voluntary system needs to be created and set into motion when an abductor is traveling with a child across state lines. Federal legislation could help coordinate a quick and efficient way states can elect to communicate with each other when time is critical. And creating an AMBER Coordinator within the Department of Justice could help to facilitate this type of rapid response in a more uniform fashion. We would encourage this committee to consider detailing this position to work from the National Center for Missing & Exploited Children so that we can work hand in hand with the

Department of Justice, as we do every day, and continue to play a critical role in the success of this vital program. Since the Center was created, it has become the epicenter of the battle against child abductions and we have a wealth of resources that this coordinator could rely on in a moment's notice. That said, we strongly believe that this bill could be made better by including language to this effect. In addition, we believe that opportunities should be made available to communities where broadcasters might benefit from funds that help them secure the necessary equipment for upgrading their Emergency Alert Systems. While highways signs have proven a successful new component, I cannot emphasize strongly enough how instrumental the role of broadcasters – radio and television – is to the success of this program.

Recently we witnessed an Alert sent out to a number of states to help in the search for 10-year-old Nichole Timmons from Riverside, California. The Alert was not only delivered throughout California, but also activated in neighboring states Oregon, Nevada and Arizona. At the time, it was believed that the abductor was traveling to Colorado. Thanks to the speedy delivery of information, Nichole was recovered. This is a clear example of how alerts can help when a child is taken across state lines.

The Center would like to point out for clarification that AMBER Alerts are currently targeted locally, regionally and statewide. Alerts are not issued nationwide nor should they be. That would defeat the purpose of mobilizing the immediate community from which the child was taken when time is of the essence. It would not be appropriate for radio and TV stations in New York City to interrupt programming to help find a child who was abducted from California - thousands of miles away - unless law enforcement officials had reason to believe the child has been taken there.

We believe national legislation will act as an incentive to communities to develop strong AMBER Plans by providing grant money that could be used for additional equipment such as the Emergency Alert System, which activates the alerts, web sites and highway signage. These added resources could also help communities establish extensive law enforcement training so AMBER Alerts are used properly and mobilize call–in centers to handle the leads and sightings that an AMBER alert generates. The Center believes training and education go hand in hand with establishing an effective AMBER Plan. It should be the number one priority to all those who have created or who will create an AMBER Plan in their community.

The National Center for Missing & Exploited Children was established under the premise that everyone has a role to play in the search for missing and abducted children: law enforcement, the private sector, government and the watchful eyes of the community. This is why the AMBER Plan has been so successful because it brings all of these parties together to

work towards one goal of recovering abducted children. Today, we are proud to say, according to the Center's data, that the AMBER Plan has assisted in the recovery of 30 children nationwide and one of those children is sitting right here at this table. And not only does the program help find abducted children but it acts as a deterrent to this type of crime. In 1999, an abductor actually heard the alert on his car radio as he was driving 60 miles outside Dallas, pulled off the side of the highway and ordered the 9-year-old girl, who he had just abducted, out of his car. Its just one more powerful example of how AMBER Alerts really work.

This year marks the 20th anniversary of the Missing Children's Act, which mandated that information about missing children be entered into the FBI's National Crime Information Center. Twenty years ago, there was no regional, statewide or even national effort to quickly notify law enforcement agencies when a child was abducted. Frankly, it was far easier to track down a stolen car than a stolen child. But today, that's a different story. This AMBER Alert legislation is testament to the unprecedented change that has occurred in our country and to how communities now respond to cases of abducted children.

In conclusion, let me reiterate that the National Center for Missing & Exploited is proud to have played an important role in helping AMBER become a household name. People now know AMBER as the program that finds kidnapped children. They listen for the alert and look for the child and abductor. Communities now understand that they can truly play a critical role when a child is kidnapped. This legislation will act as a reminder that although the AMBER Plan was created out of a tragedy, it continues to be a symbol of hope to families as a way to battle serious child abductions. This legislation will ensure that every community in America has the opportunity to adopt this life-saving program. It will also ensure that Amber will always be remembered as the little girl from Texas who inspired her community and now the nation to create a pioneering program to help rescue other abducted children. There can be no more powerful legacy for Amber Hagerman than that.

Thank you so much for the opportunity to express our views. As always, I hope the Committee will look to the National Center for Missing & Exploited Children as an important resource as you begin this very important legislative process that will help protect our nation's children. We stand ready to assist you and the Justice Department in any way we possible can to promote this essential program.

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Statement of Deputy Commissioner Joseph Farrow
California Highway Patrol
2555 First Avenue, Sacramento, California 95818
September 4, 2002

Good morning, Mr. Chairman and Committee members. My name is Joseph Farrow, Deputy Commissioner of the California Highway Patrol. It is an honor to appear before you this morning to discuss California's Child Safety AMBER Network, which has contributed to the safe recovery of 15 abducted children in the State of California this summer. Our comprehensive AMBER program is a great source of pride for Governor Gray Davis, the California Highway Patrol, and all law enforcement agencies throughout our state.

According to the Department of Justice, three quarters of children who were abducted, and later found murdered, were killed within three hours of being taken. This troubling statistic highlights the need for the immediate dissemination of pertinent information to law enforcement agencies, media outlets, and the public.

Given that California is a large state with an extensive system of highways, we have tried to design a system that addresses our particular communication needs. Using our effective "Changeable Message Signs" and our "Highway Advisory Radio" system, we now transmit information to the motoring public regarding a confirmed child abduction case, which has proven invaluable in the realization of our basic and most fundamental goal, the safe return of our children.

As many know, efforts to develop and disseminate the tools for states to respond rapidly to stranger abductions have been underway for a few years now. The original "Amber" Alert Program was named after 9 year-old Amber Hagerman who was abducted and murdered in Arlington, Texas, in 1996. Following this incident, the state of Texas developed a regional plan, which encouraged law enforcement agencies to alert media outlets following any confirmed child abduction.

Shortly thereafter, California began to implement a regional system, which we call the Child Abduction Regional Emergency Alert (CARE) involving a number of our counties.

Then, in the Fall of 2001, the National Center for Missing & Exploited Children (NCMEC) launched the AMBER (America's Missing: Broadcast Emergency Response) plan nationwide to assist cities and towns across the United States with creating their own emergency alert plan.

Recently, Governor Davis joined with the Polly Klaas Foundation to offer assistance to other states to take the necessary steps to implement an AMBER program in their state, and progress is being made. The number of statewide programs has recently grown to 18, with well over 50 regional and local programs around the country.

Unfortunately, we don't always realize our ultimate goal. On July 15th of this year, 5 year-old Samantha Runnion was abducted in Orange County, California, following which the local AMBER program was activated. Immediately following her abduction, a local alert was broadcast. Information regarding Samantha and her abductor was quickly disseminated throughout the region

to law enforcement agencies, media outlets and the public. Tragically Samantha was not brought home safely in this incident. However, the prompt release of information to the public resulted in thousands of tips from the community, which ultimately led to the timely apprehension of the suspect.

A few weeks later, the Los Angeles County Sheriff's Department requested an AMBER alert in response to the abduction of two teenage girls in Lancaster California. The suspect' s vehicle information was immediately broadcast throughout the state via hundreds of changeable message signs, leading to thousands of tips, two of which actually led to finding the abductor and the safe return of the girls.

The circumstances in these incidents highlight the importance of a cooperative effort among law enforcement agencies, media outlets, and the public in responding to incidents of child abduction.

The nucleus of California's AMBER alert network is the Emergency Alert System, which can, with media assistance, temporarily pre-empt radio and television broadcasts and provide information to the public regarding a child abduction incident. To capture the attention of the public, the emergency messages are to be preceded and concluded with alert tones.

In developing the California Child Safety AMBER Network, Governor Davis directed the California Highway Patrol to serve as the centralized point-of-contact for the statewide activation of the Emergency Alert System and dissemination of child abduction information. The California Highway Patrol now possesses the equipment and broadcast capabilities to assist local law enforcement agencies with statewide or multi-regional activation of the Emergency Alert System.

The goal of our program is to bring the eyes and ears of millions of California residents together with law enforcement officials to maximize search efforts and ensure the safe recovery of abducted children. However, California's AMBER alerts will not normally be initiated for parental abductions unless it is determined that the child faces serious bodily injury or death. To ensure the public remains sensitive to activation of the system, an AMBER alert will only be initiated in California when the investigating law enforcement agency has confirmed all of the following:

First, that an abduction has occurred. This may be accomplished with witness verification and/or an investigation to eliminate alternative explanations for a child's absence.

Second, that the victim of the abduction is 17 years of age or younger, or has a proven mental or physical disability.

Third, that the victim is in imminent danger of serious bodily injury or death.

Last, that there is information available that, if disseminated to the public, can assist in the safe recovery of the victim or apprehension of the suspect.

The California Highway Patrol created a notification center which operates 24-hours a day, seven days per week and can assist local law enforcement agencies with the immediate initiation of

statewide AMBER alerts at any time. As a statewide law enforcement agency with more than 10,000 personnel and 115 local offices, the California Highway Patrol also has the resources to coordinate with local agencies anywhere in California.

California's system also activates the "Emergency Digital Information Service." The Emergency Digital Information Service was created in 1989 following the Loma Prieta earthquake to improve communications and serve as a simple, comprehensive means to get detailed emergency information to the public. The service provides local, state and federal law enforcement agencies with a direct computer link to media outlets and other agencies. Text messages may be sent via the state's Law Enforcement Telecommunications System, while images and graphics may be sent over the Internet. Emergency Digital Information Service messages provide all relevant information regarding a child abduction, such as child information, suspect, and vehicle, descriptions to other law enforcement agencies throughout the state and the media. This information can also be disseminated through text pagers to law enforcement officials and media representatives.

Another tool we use is a computer based system called "Technology to Recover Abducted Kids," or also known as TRAK. TRAK technology is an image based system linking state, county, and local law enforcement agencies. The TRAK system can capture and immediately distribute color photographs and images to thousands of law enforcement agencies, media outlets, hospitals and private organizations. There are approximately 1,228 systems being used by various law enforcement agencies in 32 states. California alone has a total of 488 TRAK terminal systems.

Finally, we incorporate "Internet Sites" as part of our alert system. Child abduction information, photographs and descriptions can be posted on Internet sites, including the California Highway Patrol media web page that is accessed by media outlets throughout the state.

We are learning much in our role as statewide coordinators for rapid response to child abduction cases. We continue to improve our system with deployment of additional TRAK systems, upgrades of alerting technologies, and training for law enforcement, media and the public. We have found that partnerships with local child abduction groups, media outlets, and organized highway user groups such as the California State Automobile Association and commercial trucking industry are key to a successful alerting system. We also recognize that we are very fortunate to have a governor and congressional delegation that care about this issue and have provided us with the resources needed to rapidly consolidate and expand this program, along with the personnel to staff our statewide notification center.

The California Child Safety AMBER Network should be considered in developing a national model. Although the Emergency Alert System is a nationwide system which can and should be used as a part of any child abduction notification process, we believe a comprehensive program which utilizes a variety of resources is critical to the development of any successful child abduction notification system. A national coordinator of Amber Alert programs could prove beneficial, assuming they coordinate and do not mandate. The role of the coordinator should be shaped with the input and assistance of state law enforcement Amber Alert coordinators.

Let me close with reference to one of the more recent success stories involving the abduction of

Nichole Timmons, a 12 year-old girl from Riverside, California. In this case, a cooperative effort among community members, the California Highway Patrol, local law enforcement agencies, and neighboring states was vital in her recovery.

Nichole's case began as every parent's worst nightmare. Nichole's mother woke up and discovered her daughter missing from her bedroom. The Riverside Police Department requested the California Highway Patrol to activate an AMBER alert using our changeable message signs and also provide TRAK bulletins and suspect information to adjoining states. As a result of these efforts, media outlets immediately began broadcasting the information. A hotel owner in Hawthorne, Nevada, observed the suspect's vehicle on Highway 95 and alerted authorities. The AMBER alert, and quick action by the public and law enforcement, resulted in the safe recovery of Nichole and apprehension of her abductor. For those of us in law enforcement, we could not have felt more proud that day in working so closely with the media and our communities to do what we do best – keeping Californians safe.

Incidents such as these highlight the benefit of a statewide, and in this case interstate, notification system to recover abducted children. In California, this program is intended to unite all of our residents in the search for an abducted child. When a child is abducted, and an AMBER alert is initiated, every parent, media representative, police officer, highway worker, and member of the community are called to action. Although a comprehensive nationwide notification system cannot always guarantee a safe recovery in every instance, it significantly increases our chances of a safe and timely recovery. In short, we have an obligation to use every resource available in a coordinated and cooperative fashion to ensure the safety of our most precious resource: our children.

Mr. Chairman, I thank you for the opportunity to testify before you and this distinguished Committee. I would be pleased to answer any questions you might have.

TESTIMONY
OF
EDWARD O. FRITTS
PRESIDENT & CEO
NATIONAL ASSOCIATION OF BROADCASTERS
BEFORE
THE U.S. SENATE JUDICIARY COMMITTEE

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

SEPTEMBER 4th, 2002

Madame Chair and Members of the Subcommittee, thank you for inviting me to testify today in support of this legislation on behalf of the National Association of Broadcasters. Let me especially thank the Chair and Senator Hutchison for their leadership on this issue. As we have seen in recent weeks, the issue has never been more relevant.

We're pleased that colleagues in our industry developed this plan as a response to tragic abduction and murder. Since then, broadcasters have continued to play a central role in the AMBER Plan. We are pleased today to continue that role by announcing our support for the "National AMBER Alert Network Act of 2002". We believe the legislation could significantly accelerate adoption of AMBER Plans throughout the country.

The voluntary AMBER Plan harnesses cooperation between local stations and law enforcement to aid in the recovery of abducted children. To date, the program has successfully brought 30 children home.

Although every Plan is unique to its community, there are 3 basic criteria that are met before an Alert is activated. First, law enforcement confirms a child has been abducted. Second, law enforcement affirms that the circumstances surrounding the abduction indicate that the child is in danger of serious bodily harm. Lastly, there must be enough descriptive information about the child, abductor, or a suspect's vehicle to make an immediate broadcast alert productive.

Broadcasters are uniquely positioned to disseminate information rapidly to an entire community. No other industry is capable of broadcasters' reach in conveying this information. Consider this: while driving in their vehicles, as many as 95 percent of adult motorists listen to their local radio stations. This, coupled with television means that local broadcasters have the ability to get information to the public with unparalleled immediacy.

Our partners at the National Center for Missing and Exploited Children have the statistical evidence to back this up: in cases of abduction, time is absolutely critical. As such, it only makes sense that we use our ability to assist law enforcement in the safe recovery of abducted children.

Recognizing the value of the AMBER Plan, in 2001 NAB partnered with the Center and with the Department of Justice to develop an "AMBER kit" which was distributed to law enforcement units and broadcast stations nationwide in order to expand the Plan's reach. When we began this effort last fall, there were twenty-seven AMBER Plans in place. Today, fifty-five communities, states, and regions have Plans and we expect more systems to be rolled out by year's end.

I believe the AMBER Plan is especially significant because its growth and success have exemplified the twin traditions that have historically guided our industry: namely localism and our commitment to voluntary public service.
In terms of localism, the system has been effective precisely because of its flexibility. Depending upon the information law enforcement provides, stations can send out Alerts in a single community, statewide, or even regionally when interstate travel is involved.

Again Madame Chair, our industry is proud today to endorse this legislation. However, anyone who has been in Washington for any length of time knows that good bills can be poorly implemented. I would like to touch upon three principles that have guided the AMBER Plan in the past and must continue to do so.

First, broadcasters are central to the plan because of our ability to disseminate information on a moment's notice.

Second, the AMBER Plan remains voluntary and flexible, thereby allowing local law enforcement to work closely with local stations to most effectively serve communities.

Third, it is critical that the Plan continue to be used only in cases of abduction where there is imminent threat of harm.

Let me reemphasize: we stand ready to work with you closely as this legislation moves through Committee and the entire Congress.

Someone once said, "Children are the flowers of life." As a father and grandfather myself, I could not agree more. Protecting the most vulnerable of our society – children--must be a top priority for all of us.

Thank you again for having me and I look forward to answering your questions.

Statement
United States Senate Committee on the Judiciary
An Amber Alert National System.
September 4, 2002

The Honorable Orrin Hatch
United States Senator , Utah

Madame Chairwoman, I want to thank you for holding this important hearing on a topic of great concern to us all. And I want to commend you and Senator Hutchison for your tireless efforts on behalf of children and families. The recent wave of child abductions that has swept our nation, and included the kidnapping of Elizabeth Smart in my own home state of Utah, has illustrated the tremendous need for legislation in this area.

Without question, when it comes to child abductions, time is of the essence. We are all too aware that child abductors prey on the youngest, most innocent and vulnerable members of our society - often for the purpose of committing other serious violent crimes against them. Too often it is only a matter of hours before a kidnapper abuses, assaults or kills the child victim. According to statistics released by the Bureau of Justice Statistics, almost 75% of the murders that occur following child abductions happen within the first 3 hours.

AMBER Alert systems are critical to successful search and recovery efforts because they enable law enforcement authorities to galvanize entire communities to assist in the safe recovery of child victims. We recently witnessed the success of the AMBER Alert system in California where the system was used to broadcast the disappearance of Nichole Timmons. After she was recognized, Nichole was safely recovered in the neighboring state of Nevada. I want to thank Nichole and her mother, Sharon Timmons, for appearing here today. You give hope to us all.

I also want to thank Marc Klaas for coming here and for his efforts to encourage the development of AMBER systems nationwide.

In another recent California case, the AMBER Alert system was used to broadcast the disappearances of Tamera Brooks and Jaqueline Marris. Just hours after their abduction, and minutes before their possible murder, the two young women were found.
I understand that to date, only 18 states have adopted statewide AMBER Alert systems. Just this year, my home state of Utah adopted a statewide alert program aimed at preventing child abduction called the "Rachel Alert." The program was named after young Rachel Runyan who was kidnapped from behind her home in Sunset, Utah and later found murdered.

I am pleased to see that law enforcement agencies are working closely with broadcasters and the public to develop AMBER Alert systems across our country. And I look forward to hearing from our witnesses on these advancements. Despite these efforts, however, I believe a National AMBER Alert Coordinator in the Department of Justice is needed to assist States in developing effective alert plans that can be coordinated nationwide.

Fortunately, we already have the technology in place to do just that - the Emergency Broadcast System. For years, broadcasters have been cooperating with government officials and reaching Americans across our country by issuing emergency alerts on our televisions and radios. We have all experienced an interruption in regular programing so that a news breaking announcement can be made. With the addition of a National AMBER Alert Coordinator and continued cooperation between

law enforcement officials and broadcasters, we can create an effective national AMBER Alert system.

I am proud to support the "National AMBER Alert Network Act." We have no greater resource than our children, and we need to see to it that we do all we can to protect them from predators of all types.

Again, I want to thank Senator Feinstein for holding this hearing, and I want to thank all of our fine witnesses for being here today. I look forward to hearing your testimony on this critical topic.

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Marc Klaas
Testimony Before
THE SENATE JUDICIARY COMMITTEE
Subcommittee of Technology, Terrorism and Government Information
September 4, 2002

Mr. Chairman and members of the Committee, thank you for allowing me a few moments to testify on behalf of this important piece of legislation. As the father of a child victimized by a violent recidivist offender I can offer a unique perspective on various aspects of the Amber Alert.

When my daughter Polly was kidnapped from her own bedroom in front of witnesses, the Petaluma, California Police Department dispatched an All Points Bulletin (APB) stipulating that disbursement was, *"Nor for press release"*. Unfortunately, another local agency interpreted that to mean that they should not notify deputies in patrol cars as the press might monitor those frequencies. One-hour after Polly was kidnapped two local Sheriff's deputies had the kidnapper in their custody, but because they were unaware that a crime had been committed, they helped him to pull his vehicle out of a ditch and sent him on his way instead of arresting him. We then searched for sixty-five days before we recovered Polly's remains.

My, oh my, look at how far we have come. When two Lancaster, California teenagers were recently kidnapped a gunpoint the responding agency pulled out all the stops and immediately alerted the media and the public by utilizing a variety of pre-determined communication tools. That decision to implement what is commonly known as the Amber Alert has been credited with saving the lives of the teenagers. As the Kern County Sheriff dramatically stated on television, "*The girls were within ten-minutes of being murdered. The Amber Alert saved their lives*".

Like so many successful initiatives, the Amber Alert was born of a personal tragedy. On January 13, 1996 nine-year-old Amber Hagerman was kidnapped from a supermarket parking lot. When her lifeless body was discovered three days later an anonymous caller to a Dallas, Texas radio talk show asked why the public hadn't been alerted since the crime was committed in front of at least one witness. This seemingly innocuous conversation

prompted the Dallas Association of Broadcasters and local law enforcement to create the informal alliance that became the Amber Alert.

In the ensuing years three distinct variations on the program have been adopted. Utah, Oklahoma, California, Colorado, Michigan, Pennsylvania and Texas have all implemented statewide systems. Some Amber Alert programs, such as Cincinnati's Child Abduction Alert Program (C.A.A.P.) which includes parts of Ohio, Kentucky and Indiana or the St. Louis Area Regional Abduction Alert (S.A.R.A.A.) which extends across the river into Bellville, Illinois, have adopted a more regional approach. Finally, more localized or city based systems like the original in Dallas/Ft. Worth or the Washington, DC Amber Alert serve the needs of young families in those and other American communities. Despite growing pains and variations on the theme, the Amber Alert has been credited with saving the lives of many children.

As long as a strict criterion is followed, the Amber Alert can continue to evolve as an effective and powerful weapon in the war to rescue America's stolen children. Common elements in most systems include the following:

- The child is 17 years of age or younger.
- The jurisdictional law enforcement agency believes that the child has been abducted, that is, unwillingly taken from their environment without permission from the child's parent or legal guardian.
- There is reason to believe that the victim is in immediate danger of serious bodily injury or death.
- It is confirmed that an investigation has taken place that verifies the abduction and has eliminated alternative explanations for the missing child.
- There is sufficient information available to disseminate to the public that could assist in locating the child, suspect, or vehicle used in the abduction.

Although there are those who complain that the attendant attention paid to the issue of missing children during this the "*Year of Abduction*" is spreading fear through our society, I counter that the attention is appropriate. If statistics relating to crimes against children affected any other segment of our society, we would declare epidemic status, pass emergency

legislation and adopt a bunker mentality. Unfortunately, since the statistics apply to children we accept it as status quo.[1] Now, however, with the Nation's attention riveted on abductions we have a better understanding of the issue and that we are better prepared to respond in a variety of ways. For instance, we know that stranger scenarios are not the only ones that pose a predatory risk.[2]

Our evolving attitude is further illustrated by recent Amber Alert innovations. When the young women in Lancaster were kidnapped the Amber Alert concept was expanded through the utilization of electronic billboards that advertised a description of the getaway vehicle including license plate in more than 500 locations throughout California. This innovation was immediately adopted by the state of Texas as an important component of their newly created statewide Amber Alert system. I predict that other states will quickly follow suit and that the use of electronic highway signs will soon be utilized throughout the country. I have personally been approached by truck drivers, gas station and convenience store owners and others who are eager to become pro-actively and officially involved in the Amber Alert.

Now that the Federal Communications Commission (FCC) has authorized use of the Emergency Alert System (EAS) for missing child alerts, further innovations are occurring. In California, a component of the EAS called the Emergency Digital Information Service (EDIS) can immediately activate 50,000 communication devices including the cell phones, email accounts and pagers of citizens who voluntarily participate whenever an Amber Alert is activated. Where we take this idea next is limited only by imagination.

I believe that the next logical step in the evolution of the Amber Alert is to extend it across the country with broad based local, regional, statewide and federal support. Society will be best served when a system that disregards state borders, focuses on logical population centers and extends from the Golden Gate Bridge to the Statue of Liberty and from Galveston, Texas to Bangor, Maine is fully implemented. This goal is best achieved through realization of an Internet based system that establishes a standardized communication

[1] Appendix A
[2] Of recent abductions Danielle vanDam, Ashley Pond & Miranda Gaddis, Elizabeth Smart, Nichole Timmons, Cassandra Williamson and Nicholas Farber were all thought to have been victimized by neighbors or acquaintances.

platform and utilizes existing hardware and software. This approach is cost effective and easily implemented with a minimal investment.[3]

Although the Amber Alert concept has been in existence for seven-years it is only now gaining the recognition that it deserves. When the Kern County Sheriff dramatically declared the impending doom of the young Lancaster women on Larry King Live, America suddenly realized the power of the Amber Alert. When three more children were quickly recovered through subsequent Amber Alert's[4] America experienced a social epiphany, realizing for the first time that there are occasions on which we can beat evil on its own turf, and that not every child taken by an abductor is doomed.

The attention currently being paid to this important program will surely pass. However, if we continue to build upon current successes that have been achieved then none of the recent victims of predatory abduction will have died in vain. Our timeframe may be short and our attention span is may be easily diverted, but we will succeed if we seize the moment.

I want to thank Senator's Hutchinson and Feinstein for authoring and supporting Amber Alert legislation. Their effort elevates the Amber Alert debate in important ways. They are advocating and promoting a successful weapon in the battle to recover kidnapped children. They are setting an important precedent that can be duplicated throughout the country. They are seizing the moment.

Mr. Chairman, members of the committee, I urge you to fully support SB____, for if it becomes law, and I cannot say this in more definitive terms, children's lives will be saved.

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[3] Appendix B
[4] Jessica Cortez, Nancy Chavez, Nichole Timmons

Appendix A

Kidnapping: Whenever a person is taken or detained against his or her will, including hostage situations, whether or not the victim is moved. Kidnapping is not limited to the acts of strangers but can be committed by acquaintances, by romantic partners, and, as has been increasingly true in recent years, by parents who are involved in acrimonious custody disputes. Kidnapping involves both short-term and short-distance displacements, acts common to many sexual assaults and robberies.

According to the FBI's National Crime Information Center (NCIC)

- 85% to 90% of the 876,213 persons reported missing to America's law enforcement agencies in 2000 were juveniles (persons under 18 years of age). That means that 2,100 times per day parents or primary care givers felt the disappearance was serious enough to call law enforcement.
- 152,265 of the persons reported missing in 2000 were categorized as either *endangered* or *involuntary*.
- The number of missing persons reported to law enforcement has increased from 154, 341 in 1982 to 876,213 in 2000. That is an increase of 468%.

According to the United States Department of Justice (DOJ), Office of Juvenile Justice Delinquency Prevention (OJJDP) Juvenile Justice Bulletin, June 2000

- Kidnapping makes up less than 2 percent of all violent crimes against juveniles reported to police.
- Based on the identity of the perpetrator, there are three distinct types of kidnapping: kidnapping by a relative of the victim or "family kidnapping" (49%); kidnapping by an acquaintance of the victim or "acquaintance kidnapping (27%); and kidnapping by a stranger to the victim or "stranger kidnapping (24%).
- Family kidnapping is committed primarily by parents, involves a larger percentage of female perpetrators (43%) than other types of kidnapping

offenses, occurs more frequently to children under 6, equally victimizes juveniles of both sexes, and most often originates in the home.

- Acquaintance kidnapping has features that suggest it should not be lumped with stranger kidnapping into the single category of non-family kidnapping, as has been done in the past.

- Acquaintance kidnapping involves a comparatively high percentage of juvenile perpetrators, has the largest percentage of female and teenage victims, is more often associated with other crimes (especially sexual and physical assault), occurs at homes and residences, and has the highest percentage of injured victims.

- Stranger kidnapping victimizes more females than males, occurs primarily at outdoor locations, victimizes both teenagers and school-age children, is associated with sexual assaults in the case of girl victims and robberies in the case of boy victims (although not exclusively so), and is the type of kidnapping most likely to involve the use of a firearm.

According to the National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children study prepared for the USDOJ in 1990, based on data from 1998:

- Approximately 354,100 children are victims of family abduction every year.

- There are approximately 114,600 attempted stranger abductions every year and 3,200-4,600 attempts are successful.

Appendix B

- In 1997, 93% of Sheriff's departments in the United States had computers in the workplace. [5]
- Nearly all local police departments serving a population of 2,500 or more used one or more types of computers during 1997. During that same time about two-thirds of those serving fewer than 2,500 residents used them.[6]
- The percentage of all local police officers employed by a department that used computers increased from 95% in 1993 to 98% in 1997. The type of computer most commonly used in local police facilities in 1997 was the personal computer. [7]
- In 1998, California had 524 local police and sheriff's agencies: 344 local Police Agencies; 58 Sheriff's Agencies; 121 Special Enforcement Agencies.[8]
- There are 482 Sheriff's offices in California and 6,715 Sheriff's offices in the United States.[9]
- There are 19,494 Police Departments in the United States.[10]

[5] Bureau of Justice Statistics; October 1999, NCJ 179011
[6] Bureau of Justice Statistics, February 2000, NCJ 173429
[7] Bureau of Justice Statistics, February 2000, NCJ 173429
[8] Sourcebook of Criminal Justice Statistics 1998, pg. 35
[9] InfoUSA Catalog #50-200: 1st Edition 2000 pg.33
[10] InfoUSA Catalog #50-200: 1st Edition 2000 pg.32

Statement
United States Senate Committee on the Judiciary
An Amber Alert National System.
September 4, 2002

The Honorable Patrick Leahy
United States Senator , Vermont

I am proud to be an original co-sponsor of this legislation to enhance the operation of the AMBER Alert communications network in order to aid the recovery of abducted children, and to provide for enhanced notification on highways of alerts and information on these missing children. I commend Senator Hutchison and Senator Feinstein for their leadership in introducing the National AMBER Alert Network Act of 2002.

I want to recognize the members of the Judiciary Committee who are cosponsors of this bipartisan bill: Ranking Republican Member Hatch, and Senators Biden, Durbin, Edwards, and Kyl. In total, this bill has already garnered 24 co-sponsors from both sides of the aisle.

It is disturbing to see on TV or in the newspapers photo after photo of missing children from every corner of the nation. As the father of three children, as well as a grandfather of one grandson with another grandchild on the way, I know that an abducted child is a parent or grandparent's worst nightmare.

Unfortunately, it appears this nightmare is happening all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

The AMBER Plan was created as a reaction the kidnapping and brutal murder of 9-year-old Amber Hagerman of Arlington, Texas. By coordinating their efforts, law enforcement, emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information – including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect – to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States – since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen states have a statewide plan. It is also a proven success – to date the AMBER Plan has been credited with recovering 30 children.

As authorized by this bipartisan legislation, the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission (FCC), shall appoint a National AMBER Alert Coordinator to oversee the Alert's communication network regarding abducted children. The AMBER Alert Coordinator at the Department of Justice will work with states, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate appropriate regional coordination of AMBER alerts.
This legislation also directs the AMBER Alert Coordinator, in conjunction with the FCC, local broadcasters, and local law enforcement agencies, to establish voluntary guidelines for minimum standards in determining the criteria for AMBER alerts and for the dissemination of those alerts. As a

result, our bipartisan bill helps kidnap victims while preserving flexibility for States in implementing the Alert system.

Because developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone, our bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation for statewide notification and communications systems, including electronic message boards and road signs, along highways for the recovery of abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER Alert communications plans with law enforcement agencies and others in the community.

Our nation's children, parents and grandparents deserve our help to stop the disturbing trend of children abductions. The AMBER Alert National Network Act of 2002 will ensure that our communications systems help rescue abducted children from their kidnappers and return them safely to their families.

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Testimony of Sharon Timmons
September 4th, 2002

I would like to introduce myself to you. My name is Sharon Timmons, a resident of Riverside California. I am a single mom. I work Monday through Friday. I have coffee with the neighbors on the weekends, I mow my yard, and am not always last to bring in my trash cans.

Just two weeks ago my life changed in an instant. It happened the instant I went to wake my daughter, Nichole only to find her missing from her bed. From the very moment I tried to open her bedroom door to wake her, I realized that I did not even shut the door the night before. I stepped into her room and her messy room was a different kind of mess. The stuffed dog that sits in the barber chair was not in her chair, but flung on the end of her bed. Her down-comforter was bunched up in an odd sort-of style. I was so confused. I couldn't see her arms and legs hanging out like usual. I threw the dog to the floor, (big stuffed dog), and with both hands flipped the blanket high into the air. I was so stunned. No Nichole in the bed. I notice that her barbie doesn't have any clothes on.

I am so stuck on confusion. The night before I had wanted to go to bed because I didn't feel very well. I was not in the mood to mess around, she was begging for her barbie to wear a certain dress and have her hair in a pony-tail. I at first was not participating with the idea of a delay, and then I thought what's a couple of minutes. So we dress barbie, fix her hair and finally put her to bed. So for me to see Barbie not even in the bed, or with any clothes on., I couldn't even figure.

Then I notice the back door to her bedroom is open. This door goes to the back yard, to the pool. I am screaming now. We have probably used that door in the 19 years I have lived there 50 times. I have pretty much gone into shear panic by now, I run around in circles screaming her name. I then notice that the back gate to the cul-de-sac is opened with the roll-lock and chain laying on the ground.

From here on the events are a blur. I run to the neighbors house, beat on the door screaming for help. We do a loop around the house, looking in and around everything. We do circles around the yard. I notice that Bryan, my neighbor is not saying one word. I can't take this. I ask him if I should call the police, and he says, " I think you better." Now, I am losing it. No way, how could this happen, who could do this ? I call 911. I am frantic, I can hardly talk, I certainly cannot think. The lady asked me what was Nichole last seen wearing. I couldn't tell her. I could only remember what Barbie was wearing.

The first policeman shows up, and asks me general questions regarding the description of Nichole, last conversations, where her father lived, which I could not even answer. I gave him my

ideas of the only possibilities based on the fact that one time they had been mad at me, but no way could they do this???? They tape off the house, I see motorcycle cops pull up to the front of my house. They looked like robots, doing everything in perfect unison.

Friends and neighbors start to come by and they are crying, they try to hug me. No, I cannot hug anyone. I will crumble. I keep thinking that somewhere inside my head there is a clue. And if I cry, I will miss my opportunity to help Nichole.

Some weird realization comes to mind, I realized that Nichole's shoes are missing, not just one pair , but two. I run and check the floorboards to my truck and they are not there. I have hope.

I meet the policeman and the bloodhound named Patsy. I am excited because my first doll was named Patsy. I have hope. Patsy does a wonderful job and sniffs her way to the freeway, by a familiar path the smells like Glenn. I have hope. Different police agencies were there, Riverside Police Department, the Riverside Detectives, (whom I spoke mostly with), the CHP, the FBI. They asked me lots of questions and they would confer with each other a lot. I noticed that they were so respectful with each other. I noticed that they were so calm and positive. They only spoke about when they found Nichole, not if. There is not a word good enough to describe how awesome they were.

Sometime in my blur, they told me that they were going to use the Amber Alert system. And it seemed like within a short time, that they had received more that 200 calls. I was so excited, the wierdest thing was happening to my arms. It felt like every cell was moving around, I'm even sure how to describe it . I can tell you that when you run out of tears, the pressure of crying or not crying makes you feel like your head is going to explode.

Pretty quick, it seems, I am told that Nichole has been found. My emotions are so all over the board that I cannot even explain. If I said I was thankful for the Amber Alert Program, it would truly not even be enough. It saved Nichole's life, it brought her back to me. I am truly the luckiest woman.

Since this has happened, I have met people from every part of my daily travels, the gas station, the bank, the grocery store. They all kind of say the same thing. They all tell me how happy they are for me. They a lot of times want to hug Nichole and me. They all tell me how they saw the Amber Alert signs, or heard the news, and they all tell me, or show me how they acted while driving looking, looking to find that truck.

This is such a great tool. It will save children. One child is one miracle.

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