

114TH CONGRESS
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S. 2614

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2016

Referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

To amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kevin and Avonte’s
 5 Law of 2016”.

6 **TITLE I—MISSING ALZHEIMER’S**
 7 **DISEASE PATIENT ALERT**
 8 **PROGRAM REAUTHORIZA-**
 9 **TION**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Missing Americans
 12 Alert Program Act of 2016”.

13 **SEC. 102. REAUTHORIZATION OF THE MISSING ALZ-**
 14 **HEIMER’S DISEASE PATIENT ALERT PRO-**
 15 **GRAM.**

16 (a) AMENDMENTS.—Section 240001 of the Violent
 17 Crime Control and Law Enforcement Act of 1994 (42
 18 U.S.C. 14181) is amended—

19 (1) in the section header, by striking “**ALZ-**
 20 **HEIMER’S DISEASE PATIENT**” and inserting
 21 “**AMERICANS**”; and

22 (2) by striking subsection (a) and inserting the
 23 following:

24 “(a) GRANT PROGRAM TO REDUCE INJURY AND
 25 DEATH OF MISSING AMERICANS WITH DEMENTIA AND

1 DEVELOPMENTAL DISABILITIES.—Subject to the avail-
2 ability of appropriations to carry out this section, the At-
3 torney General, through the Bureau of Justice Assistance
4 and in consultation with the Secretary of Health and
5 Human Services—

6 “(1) shall award grants to State and local law
7 enforcement or public safety agencies to assist such
8 agencies in designing, establishing, and operating
9 locative tracking technology programs for individuals
10 with forms of dementia, such as Alzheimer’s Dis-
11 ease, or children with developmental disabilities,
12 such as autism, who have wandered from safe envi-
13 ronments; and

14 “(2) shall award competitive grants to State
15 and local law enforcement or public safety agencies
16 and nonprofit organizations to assist such entities in
17 planning, designing, establishing, or operating locally
18 based, proactive programs to prevent wandering and
19 locate missing individuals with forms of dementia,
20 such as Alzheimer’s Disease, or developmental dis-
21 abilities, such as autism, who, due to their condition,
22 wander from safe environments, including programs
23 that—

24 “(A) provide prevention and response in-
25 formation, including online training resources,

1 and referrals to families or guardians of such
2 individuals who, due to their condition, wander
3 from a safe environment;

4 “(B) provide education and training, in-
5 cluding online training resources, to first re-
6 sponders, school personnel, clinicians, and the
7 public in order to—

8 “(i) increase personal safety and sur-
9 vival skills for such individuals who, due to
10 their dementia or developmental disabil-
11 ities, wander from safe environments;

12 “(ii) facilitate the rescue and recovery
13 of individuals who, due to their dementia
14 or developmental disabilities, wander from
15 safe environments; and

16 “(iii) recognize and respond to endan-
17 gered missing individuals with dementia or
18 developmental disabilities who, due to their
19 condition, wander from safe environments;

20 “(C) provide prevention and response
21 training and emergency protocols for school ad-
22 ministrators, staff, and families or guardians of
23 individuals with dementia, such as Alzheimer’s
24 Disease, or developmental disabilities, such as

1 autism, to help reduce the risk of wandering by
2 such individuals; and

3 “(D) develop, operate, or enhance a notifi-
4 cation or communications systems for alerts,
5 advisories, or dissemination of other informa-
6 tion for the recovery of missing individuals with
7 forms of dementia, such as Alzheimer’s Disease,
8 or with developmental disabilities, such as au-
9 tism.”;

10 (3) in subsection (b)—

11 (A) by inserting “competitive” after “to re-
12 ceive a”;

13 (B) by inserting “agency or” before “orga-
14 nization” each place it appears; and

15 (C) by adding at the end the following:
16 “The Attorney General shall periodically solicit
17 applications for grants under this section by
18 publishing a request for applications in the
19 Federal Register and by posting such a request
20 on the website of the Department of Justice.”;
21 and

22 (4) by striking subsections (c) and (d) and in-
23 serting the following:

24 “(c) PREFERENCE.—In awarding grants under sub-
25 section (a)(1), the Attorney General shall give preference

1 to law enforcement or public safety agencies that partner
 2 with nonprofit organizations that have a direct link to in-
 3 dividuals, and families of individuals, with forms of de-
 4 mentia, such as Alzheimer’s Disease, or developmental dis-
 5 abilities, such as autism.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out this section
 8 \$2,000,000 for each of fiscal years 2017 through 2021.

9 “(e) GRANT ACCOUNTABILITY.—All grants awarded
 10 by the Attorney General under this section shall be subject
 11 to the following accountability provisions:

12 “(1) AUDIT REQUIREMENT.—

13 “(A) DEFINITION.—In this paragraph, the
 14 term ‘unresolved audit finding’ means a finding
 15 in the final audit report of the Inspector Gen-
 16 eral of the Department of Justice that the au-
 17 dited grantee has utilized grant funds for an
 18 unauthorized expenditure or otherwise unallow-
 19 able cost that is not closed or resolved within
 20 12 months from the date when the final audit
 21 report is issued.

22 “(B) AUDITS.—Beginning in the first fis-
 23 cal year beginning after the date of enactment
 24 of this subsection, and in each fiscal year there-
 25 after, the Inspector General of the Department

1 of Justice shall conduct audits of recipients of
2 grants under this section to prevent waste,
3 fraud, and abuse of funds by grantees. The In-
4 spector General shall determine the appropriate
5 number of grantees to be audited each year.

6 “(C) MANDATORY EXCLUSION.—A recipi-
7 ent of grant funds under this section that is
8 found to have an unresolved audit finding shall
9 not be eligible to receive grant funds under this
10 section during the first 2 fiscal years beginning
11 after the end of the 12-month period described
12 in subparagraph (A).

13 “(D) PRIORITY.—In awarding grants
14 under this section, the Attorney General shall
15 give priority to eligible applicants that did not
16 have an unresolved audit finding during the 3
17 fiscal years before submitting an application for
18 a grant under this section.

19 “(E) REIMBURSEMENT.—If an entity is
20 awarded grant funds under this section during
21 the 2-fiscal-year period during which the entity
22 is barred from receiving grants under subpara-
23 graph (C), the Attorney General shall—

24 “(i) deposit an amount equal to the
25 amount of the grant funds that were im-

properly awarded to the grantee into the
General Fund of the Treasury; and

“(ii) seek to recoup the costs of the
repayment to the fund from the grant re-
cipient that was erroneously awarded grant
funds.

“(2) NONPROFIT ORGANIZATION REQUIRE-
MENTS.—

“(A) DEFINITION OF NONPROFIT ORGANI-
ZATION.—For purposes of this paragraph and
the grant programs under this part, the term
‘nonprofit organization’ means an organization
that is described in section 501(c)(3) of the In-
ternal Revenue Code of 1986 and is exempt
from taxation under section 501(a) of such
Code.

“(B) PROHIBITION.—The Attorney Gen-
eral may not award a grant under this part to
a nonprofit organization that holds money in
offshore accounts for the purpose of avoiding
paying the tax described in section 511(a) of
the Internal Revenue Code of 1986.

“(C) DISCLOSURE.—Each nonprofit orga-
nization that is awarded a grant under this sec-
tion and uses the procedures prescribed in regu-

lations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees, and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subparagraph available for public inspection.

“(3) CONFERENCE EXPENDITURES.—

“(A) LIMITATION.—No amounts made available to the Department of Justice under this section may be used by the Attorney General, or by any individual or entity awarded discretionary funds through a cooperative agreement under this section, to host or support any expenditure for conferences that uses more than \$20,000 in funds made available by the Department of Justice, unless the head of the relevant agency or department, provides prior written

1 authorization that the funds may be expended
2 to host the conference.

3 “(B) WRITTEN APPROVAL.—Written ap-
4 proval under subparagraph (A) shall include a
5 written estimate of all costs associated with the
6 conference, including the cost of all food, bev-
7 erages, audio-visual equipment, honoraria for
8 speakers, and entertainment.

9 “(C) REPORT.—The Deputy Attorney Gen-
10 eral shall submit an annual report to the Com-
11 mittee on the Judiciary of the Senate and the
12 Committee on the Judiciary of the House of
13 Representatives on all conference expenditures
14 approved under this paragraph.

15 “(4) ANNUAL CERTIFICATION.—Beginning in
16 the first fiscal year beginning after the date of en-
17 actment of this subsection, the Attorney General
18 shall submit, to the Committee on the Judiciary and
19 the Committee on Appropriations of the Senate and
20 the Committee on the Judiciary and the Committee
21 on Appropriations of the House of Representatives,
22 an annual certification—

23 “(A) indicating whether—

24 “(i) all audits issued by the Office of
25 the Inspector General under paragraph (1)

1 have been completed and reviewed by the
2 appropriate Assistant Attorney General or
3 Director;

4 “(ii) all mandatory exclusions required
5 under paragraph (1)(C) have been issued;
6 and

7 “(iii) all reimbursements required
8 under paragraph (1)(E) have been made;
9 and

10 “(B) that includes a list of any grant re-
11 cipients excluded under paragraph (1) from the
12 previous year.

13 “(f) PREVENTING DUPLICATIVE GRANTS.—

14 “(1) IN GENERAL.—Before the Attorney Gen-
15 eral awards a grant to an applicant under this sec-
16 tion, the Attorney General shall compare potential
17 grant awards with other grants awarded by the At-
18 torney General to determine if grant awards are or
19 have been awarded for a similar purpose.

20 “(2) REPORT.—If the Attorney General awards
21 grants to the same applicant for a similar purpose
22 the Attorney General shall submit to the Committee
23 on the Judiciary of the Senate and the Committee
24 on the Judiciary of the House of Representatives a
25 report that includes—

1 “(A) a list of all such grants awarded, in-
2 cluding the total dollar amount of any such
3 grants awarded; and

4 “(B) the reason the Attorney General
5 awarded multiple grants to the same applicant
6 for a similar purpose.”.

7 (b) ANNUAL REPORT.—Not later than 1 year after
8 the date of enactment of this Act and every year there-
9 after, the Attorney General shall submit to the Committee
10 on the Judiciary and the Committee on Appropriations of
11 the Senate and the Committee on the Judiciary and the
12 Committee on Appropriations of the House of Representa-
13 tives a report on the Missing Americans Alert Program,
14 as amended by subsection (a), which shall address—

15 (1) the number of individuals who benefited
16 from the Missing Americans Alert Program, includ-
17 ing information such as the number of individuals
18 who used tracking devices under the program, the
19 number of people who were trained through the pro-
20 gram, and the estimated number of people who were
21 impacted by the program;

22 (2) the number of State, local, and tribal law
23 enforcement or public safety agencies that applied
24 for funding under the Missing Americans Alert Pro-
25 gram;

1 (3) the number of State, local, and tribal local
2 law enforcement or public safety agencies that re-
3 ceived funding under the Missing Americans Alert
4 Program, including—

5 (A) the number of State, local, and tribal
6 law enforcement or public safety agencies that
7 used such funding for training; and

8 (B) the number of State, local, and tribal
9 law enforcement or public safety agencies that
10 used such funding for designing, establishing,
11 or operating locative tracking technology;

12 (4) the companies, including the location (city
13 and State) of the headquarters and local offices of
14 each company, for which their locative tracking tech-
15 nology was used by State, local, and tribal law en-
16 forcement or public safety agencies;

17 (5) the nonprofit organizations, including the
18 location (city and State) of the headquarters and
19 local offices of each organization, that State, local,
20 and tribal law enforcement or public safety agencies
21 partnered with and the result of each partnership;

22 (6) the number of missing children with autism
23 or another developmental disability with wandering
24 tendencies or adults with Alzheimer's being served

1 by the program who went missing and the result of
 2 the search for each such individual; and

3 (7) any recommendations for improving the
 4 Missing Americans Alert Program.

5 (c) TABLE OF CONTENTS.—The table of contents in
 6 section 2 of the Violent Crime Control and Law Enforce-
 7 ment Act of 1994 is amended by striking the item relating
 8 to section 240001 and inserting the following:

“Sec. 240001. Missing Americans Alert Program.”.

9 **TITLE II—EDUCATION AND** 10 **OUTREACH**

11 **SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISS-** 12 **ING AND EXPLOITED CHILDREN.**

13 Section 404(b)(1)(H) of the Missing Children’s As-
 14 sistance Act (42 U.S.C. 5773(b)(1)(H)) is amended by in-
 15 serting “, including cases involving children with develop-
 16 mental disabilities such as autism” before the semicolon.

17 **TITLE III—PRIVACY** 18 **PROTECTIONS**

19 **SEC. 301. DEFINITIONS.**

20 In this title:

21 (1) CHILD.—The term “child” means an indi-
 22 vidual who is less than 18 years of age.

23 (2) INDIAN TRIBE.—The term “Indian tribe”
 24 has the meaning given that term in section 4(e) of

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 450b(e)).

3 (3) LAW ENFORCEMENT AGENCY.—The term
4 “law enforcement agency” means an agency of a
5 State, unit of local government, or Indian tribe that
6 is authorized by law or by a government agency to
7 engage in or supervise the prevention, detection, in-
8 vestigation, or prosecution of any violation of crimi-
9 nal law.

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

15 (5) UNIT OF LOCAL GOVERNMENT.—The term
16 “unit of local government” means a county, munici-
17 pality, town, township, village, parish, borough, or
18 other unit of general government below the State
19 level.

20 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
21 **TRACKING DEVICES.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—Not later than 120 days
24 after the date of enactment of this Act, the Attorney
25 General, in consultation with the Secretary of

1 Health and Human Services and leading research,
2 advocacy, self-advocacy, and service organizations,
3 shall establish standards and best practices relating
4 to the use of tracking technology to locate individ-
5 uals as described in subsection (a)(2) of section
6 240001 of the Violent Crime Control and Law En-
7 forcement Act of 1994 (42 U.S.C. 14181), as added
8 by this Act.

9 (2) REQUIREMENTS.—In establishing the
10 standards and best practices required under para-
11 graph (1), the Attorney General shall—

12 (A) determine—

13 (i) the criteria used to determine
14 which individuals would benefit from the
15 use of a tracking device;

16 (ii) who should have direct access to
17 the tracking system; and

18 (iii) which types of tracking devices
19 can be used in compliance with the stand-
20 ards and best practices; and

21 (B) establish standards and best practices
22 the Attorney General determines are necessary
23 to the administration of a tracking system, in-
24 cluding procedures to—

1 (i) safeguard the privacy of the data
2 used by the tracking device such that—

3 (I) access to the data is re-
4 stricted to agencies determined nec-
5 essary by the Attorney General; and

6 (II) use of the data is solely for
7 the purpose of preventing injury or
8 death;

9 (ii) establish criteria to determine
10 whether use of the tracking device is the
11 least restrictive alternative in order to pre-
12 vent risk of injury or death before issuing
13 the tracking device, including the previous
14 consideration of less restrictive alter-
15 natives;

16 (iii) provide training for law enforce-
17 ment agencies to recognize signs of abuse
18 during interactions with applicants for
19 tracking devices;

20 (iv) protect the civil rights and lib-
21 erties of the individuals who use tracking
22 devices, including their rights under the
23 Fourth Amendment to the Constitution of
24 the United States;

1 (v) establish a complaint and inves-
2 tigation process to address—

3 (I) incidents of noncompliance by
4 recipients of grants under subsection
5 (a)(2) of section 240001 of the Vio-
6 lent Crime Control and Law Enforce-
7 ment Act of 1994 (42 U.S.C. 14181),
8 as added by this Act, with the best
9 practices established by the Attorney
10 General or other applicable law; and

11 (II) use of a tracking device over
12 the objection of an individual; and

13 (vi) determine the role that State
14 agencies should have in the administration
15 of a tracking system.

16 (b) REQUIRED COMPLIANCE.—

17 (1) IN GENERAL.—Each entity that receives a
18 grant under subsection (a)(2) of section 240001 of
19 the Violent Crime Control and Law Enforcement
20 Act of 1994 (42 U.S.C. 14181), as added by this
21 Act, shall comply with any standards and best prac-
22 tices relating to the use of tracking devices estab-
23 lished by the Attorney General in accordance with
24 subsection (a).

Passed the Senate July 14, 2016.

S 2614 RFH