

114TH CONGRESS  
2D SESSION

# S. 2614

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## **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-

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

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

7                 “(2) NONPROFIT ORGANIZATION REQUIRE-  
8                 MENTS.—

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

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

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

1 lations to create a rebuttable presumption of  
2 reasonableness for the compensation of its offi-  
3 cers, directors, trustees, and key employees,  
4 shall disclose to the Attorney General, in the  
5 application for the grant, the process for deter-  
6 mining such compensation, including the inde-  
7 pendent persons involved in reviewing and ap-  
8 proving such compensation, the comparability  
9 data used, and contemporaneous substantiation  
10 of the deliberation and decision. Upon request,  
11 the Attorney General shall make the informa-  
12 tion disclosed under this subparagraph available  
13 for public inspection.

14 “(3) CONFERENCE EXPENDITURES.—

15 “(A) LIMITATION.—No amounts made  
16 available to the Department of Justice under  
17 this section may be used by the Attorney Gen-  
18 eral, or by any individual or entity awarded dis-  
19 cretionary funds through a cooperative agree-  
20 ment under this section, to host or support any  
21 expenditure for conferences that uses more than  
22 \$20,000 in funds made available by the Depart-  
23 ment of Justice, unless the head of the relevant  
24 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          ipients 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

the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

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

**22 (a) ESTABLISHMENT.—**

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Attorney 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—

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

(I) access to the data is restricted to agencies determined necessary by the Attorney General; and

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

(iii) provide training for law enforcement agencies to recognize signs of abuse during interactions with applicants for tracking devices;

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States;

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181), as added by this Act, with the best practices established by the Attorney General or other applicable law; and

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

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

**16 (b) REQUIRED COMPLIANCE.—**

1                             (2) DETERMINATION OF COMPLIANCE.—The  
2                             Attorney General, in consultation with the Secretary  
3                             of Health and Human Services, shall determine  
4                             whether an entity that receives a grant under sub-  
5                             section (a)(2) of section 240001 of the Violent  
6                             Crime Control and Law Enforcement Act of 1994  
7                             (42 U.S.C. 14181), as added by this Act, acts in  
8                             compliance with the requirement described in para-  
9                             graph (1).

10                             (c) APPLICABILITY OF STANDARDS AND BEST PRAC-  
11                             TICES.—The standards and best practices established by  
12                             the Attorney General under subsection (a) shall apply only  
13                             to the grant programs authorized under subsection (a)(2)  
14                             of section 240001 of the Violent Crime Control and Law  
15                             Enforcement Act of 1994 (42 U.S.C. 14181), as added  
16                             by this Act.

Passed the Senate July 14, 2016.

Attest:

*Secretary.*

114<sup>TH</sup> CONGRESS  
2d Session

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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.