

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4919

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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,*

1 **SECTION 1. SHORT TITLE.**

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

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

8 **SEC. 101. SHORT TITLE.**

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

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

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

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

20 (2) by striking subsection (a) and inserting the  
21 following:

22 “(a) **GRANT PROGRAM TO REDUCE INJURY AND**  
23 **DEATH OF MISSING AMERICANS WITH DEMENTIA AND**  
24 **DEVELOPMENTAL DISABILITIES.**—Subject to the avail-  
25 ability of appropriations to carry out this section, the At-  
26 torney General, through the Bureau of Justice Assistance

1 and in consultation with the Secretary of Health and  
2 Human Services—

3           “(1) shall award competitive grants to health  
4           care agencies, State and local law enforcement agen-  
5           cies, or public safety agencies and nonprofit organi-  
6           zations to assist such entities in planning, designing,  
7           establishing, or operating locally based, proactive  
8           programs to prevent wandering and locate missing  
9           individuals with forms of dementia, such as Alz-  
10          heimer’s Disease, or developmental disabilities, such  
11          as autism, who, due to their condition, wander from  
12          safe environments, including programs that—

13                   “(A) provide prevention and response in-  
14                   formation, including online training resources,  
15                   and referrals to families or guardians of such  
16                   individuals who, due to their condition, wander  
17                   from a safe environment;

18                   “(B) provide education and training, in-  
19                   cluding online training resources, to first re-  
20                   sponders, school personnel, clinicians, and the  
21                   public in order to—

22                           “(i) increase the safety and reduce the  
23                           incidence of wandering of persons, who,  
24                           due to their dementia or developmental

1 disabilities, may wander from safe environ-  
2 ments;

3 “(ii) facilitate the rescue and recovery  
4 of individuals who, due to their dementia  
5 or developmental disabilities, wander from  
6 safe environments; and

7 “(iii) recognize and respond to and  
8 appropriately interact with endangered  
9 missing individuals with dementia or devel-  
10 opmental disabilities who, due to their con-  
11 dition, wander from safe environments;

12 “(C) provide prevention and response  
13 training and emergency protocols for school ad-  
14 ministrators, staff, and families or guardians of  
15 individuals with dementia, such as Alzheimer’s  
16 Disease, or developmental disabilities, such as  
17 autism, to help reduce the risk of wandering by  
18 such individuals; and

19 “(D) develop, operate, or enhance a notifi-  
20 cation or communications systems for alerts,  
21 advisories, or dissemination of other informa-  
22 tion for the recovery of missing individuals with  
23 forms of dementia, such as Alzheimer’s Disease,  
24 or with developmental disabilities, such as au-  
25 tism; and

1           “(2) shall award grants to health care agencies,  
2           State and local law enforcement agencies, or public  
3           safety agencies to assist such agencies in designing,  
4           establishing, and operating locative tracking tech-  
5           nology programs for individuals with forms of de-  
6           mentia, such as Alzheimer’s Disease, or children  
7           with developmental disabilities, such as autism, who  
8           have wandered from safe environments.”;

9           (3) in subsection (b)—

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

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

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

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

23           “(c) PREFERENCE.—In awarding grants under sub-  
24           section (a)(1), the Attorney General shall give preference  
25           to law enforcement or public safety agencies that partner

1 with nonprofit organizations that appropriately use per-  
2 son-centered plans minimizing restrictive interventions  
3 and that have a direct link to individuals, and families of  
4 individuals, with forms of dementia, such as Alzheimer’s  
5 Disease, or developmental disabilities, 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           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 2 years 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 benefitted  
16               from the Missing Americans Alert Program, includ-  
17               ing information such as the number of individuals  
18               with reduced unsafe wandering, the number of peo-  
19               ple who were trained through the program, and the  
20               estimated number of people who were impacted by  
21               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 (6) NON-INVASIVE AND NON-PERMANENT.—The  
21 term “non-invasive and non-permanent” means, with  
22 regard to any technology or device, that the proce-  
23 dure to install the technology or device does not cre-  
24 ate an external or internal marker or implant a de-  
25 vice or other trackable items.

1 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**  
2 **NON-INVASIVE AND NON-PERMANENT TRACK-**  
3 **ING DEVICES.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Not later than 120 days  
6 after the date of enactment of this Act, the Attorney  
7 General, in consultation with the Secretary of  
8 Health and Human Services and leading research,  
9 advocacy, self-advocacy, and service organizations,  
10 shall establish standards and best practices relating  
11 to the use of non-invasive and non-permanent track-  
12 ing technology, where a guardian or parent, in con-  
13 sultation with the individual’s health care provider,  
14 has determined that a non-invasive and non-perma-  
15 nent tracking device is the least restrictive alter-  
16 native, to locate individuals as described in sub-  
17 section (a)(2) of section 240001 of the Violent  
18 Crime Control and Law Enforcement Act of 1994  
19 (42 U.S.C. 14181), as added by this Act.

20 (2) REQUIREMENTS.—In establishing the  
21 standards and best practices required under para-  
22 graph (1), the Attorney General shall—

23 (A) determine—

24 (i) the criteria used to determine  
25 which individuals would benefit from the  
26 use of a tracking device;

1 (ii) the criteria used to determine who  
2 should have direct access to the tracking  
3 system; and

4 (iii) which non-invasive and non-per-  
5 manent types of tracking devices can be  
6 used in compliance with the standards and  
7 best practices; and

8 (B) establish standards and best practices  
9 the Attorney General determines are necessary  
10 to the administration of a tracking system, in-  
11 cluding procedures to—

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

14 (I) access to the data is re-  
15 stricted to law enforcement and health  
16 agencies determined necessary by the  
17 Attorney General; and

18 (II) collection, use, and retention  
19 of the data is solely for the purpose of  
20 preventing injury or death to the pa-  
21 tient assigned the tracking device or  
22 caused by the patient assigned the  
23 tracking device;

24 (ii) establish criteria to determine  
25 whether use of the tracking device is the

1 least restrictive alternative in order to pre-  
2 vent risk of injury or death before issuing  
3 the tracking device, including the previous  
4 consideration of less restrictive alter-  
5 natives;

6 (iii) provide training for law enforce-  
7 ment agencies to recognize signs of abuse  
8 during interactions with applicants for  
9 tracking devices;

10 (iv) protect the civil rights and lib-  
11 erties of the individuals who use tracking  
12 devices, including their rights under the  
13 Fourth Amendment to the Constitution of  
14 the United States;

15 (v) establish a complaint and inves-  
16 tigation process to address—

17 (I) incidents of noncompliance by  
18 recipients of grants under subsection  
19 (a)(2) of section 240001 of the Vio-  
20 lent Crime Control and Law Enforce-  
21 ment Act of 1994 (42 U.S.C. 14181),  
22 as added by this Act, with the best  
23 practices established by the Attorney  
24 General or other applicable law; and

1 (II) use of a tracking device over  
2 the objection of an individual; and  
3 (vi) determine the role that State  
4 agencies should have in the administration  
5 of a tracking system.

6 (3) EFFECTIVE DATE.—The standards and best  
7 practices established pursuant to paragraph (1) shall  
8 take effect 90 days after publication of such stand-  
9 ards and practices by the Attorney General, unless  
10 Congress enacts a joint resolution disapproving of  
11 the standards and practices.

12 (b) REQUIRED COMPLIANCE.—

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

21 (2) DETERMINATION OF COMPLIANCE.—The  
22 Attorney General, in consultation with the Secretary  
23 of Health and Human Services, shall determine  
24 whether an entity that receives a grant under sub-  
25 section (a)(2) of section 240001 of the Violent

1 Crime Control and Law Enforcement Act of 1994  
2 (42 U.S.C. 14181), as added by this Act, acts in  
3 compliance with the requirement described in para-  
4 graph (1).

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

12 (d) LIMITATIONS ON PROGRAM.—

13 (1) DATA STORAGE.—Any tracking data pro-  
14 vided by tracking devices issued under this program  
15 may not be used by a Federal entity to create a  
16 database.

17 (2) VOLUNTARY PARTICIPATION.—Nothing in  
18 this Act may be construed to require that a parent  
19 or guardian use a tracking device to monitor the lo-  
20 cation of a child or adult under that parent or  
21 guardian's supervision if the parent or guardian  
22 does not believe that the use of such device is nec-  
23 essary or in the interest of the child or adult under  
24 supervision.

1       **TITLE IV—MISCELLANEOUS**

2       **SEC. 401. NO FUNDS AUTHORIZED FOR BYRNE CRIMINAL**  
3                       **JUSTICE INNOVATION PROGRAM.**

4       For fiscal year 2017, no funds are authorized to be  
5 appropriated for an Edward Byrne Memorial criminal jus-  
6 tice innovation program.

      Passed the House of Representatives December 8,  
2016.

Attest:

*Clerk.*

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 4919

## 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.