

Calendar No. 423114TH CONGRESS
2^D SESSION**S. 2614**

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.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2016

Mr. SCHUMER (for himself, Mr. GRASSLEY, Mr. TILLIS, Mr. DURBIN, Mr. COONS, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 14, 2016

Reported by Mr. GRASSLEY, without amendment

A BILL

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

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

21 “(A) provide prevention and response in-
22 formation, including online training resources,
23 and referrals to families or guardians of such
24 individuals who, due to their condition, wander
25 from a safe environment;

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

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

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

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

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

24 “(D) develop, operate, or enhance a notifi-
25 cation or communications systems for alerts,

1 advisories, or dissemination of other informa-
2 tion for the recovery of missing individuals with
3 forms of dementia, such as Alzheimer’s Disease,
4 or with developmental disabilities, such as au-
5 tism.”;

6 (3) in subsection (b)—

7 (A) by inserting “competitive” after “to re-
8 ceive a”;

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

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

18 (4) by striking subsections (c) and (d) and in-
19 serting the following:

20 “(c) PREFERENCE.—In awarding grants under sub-
21 section (a)(1), the Attorney General shall give preference
22 to law enforcement or public safety agencies that partner
23 with nonprofit organizations that have a direct link to in-
24 dividuals, and families of individuals, with forms of de-

1 mentia, such as Alzheimer’s Disease, or developmental dis-
2 abilities, such as autism.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 \$2,000,000 for each of fiscal years 2017 through 2021.

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

9 “(1) AUDIT REQUIREMENT.—

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

19 “(B) AUDITS.—Beginning in the first fis-
20 cal year beginning after the date of enactment
21 of this subsection, and in each fiscal year there-
22 after, the Inspector General of the Department
23 of Justice shall conduct audits of recipients of
24 grants under this section to prevent waste,
25 fraud, and abuse of funds by grantees. The In-

1 spectator General shall determine the appropriate
2 number of grantees to be audited each year.

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

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

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

21 “(i) deposit an amount equal to the
22 amount of the grant funds that were im-
23 properly awarded to the grantee into the
24 General Fund of the Treasury; and

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

5 “(2) NONPROFIT ORGANIZATION REQUIRE-
6 MENTS.—

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

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

21 “(C) DISCLOSURE.—Each nonprofit orga-
22 nization that is awarded a grant under this sec-
23 tion and uses the procedures prescribed in regu-
24 lations to create a rebuttable presumption of
25 reasonableness for the compensation of its offi-

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

12 “(3) CONFERENCE EXPENDITURES.—

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

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

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

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

21 “(A) indicating whether—

22 “(i) all audits issued by the Office of
23 the Inspector General under paragraph (1)
24 have been completed and reviewed by the

1 appropriate Assistant Attorney General or
2 Director;

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

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

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

12 “(f) PREVENTING DUPLICATIVE GRANTS.—

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

19 “(2) REPORT.—If the Attorney General awards
20 grants to the same applicant for a similar purpose
21 the Attorney General shall submit to the Committee
22 on the Judiciary of the Senate and the Committee
23 on the Judiciary of the House of Representatives a
24 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) TABLE OF CONTENTS.—The table of contents in
 8 section 2 of the Violent Crime Control and Law Enforce-
 9 ment Act of 1994 is amended by striking the item relating
 10 to section 240001 and inserting the following:

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

11 **TITLE II—EDUCATION AND**
 12 **OUTREACH**

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

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

19 **TITLE III—PRIVACY**
 20 **PROTECTIONS**

21 **SEC. 301. DEFINITIONS.**

22 In this title:

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

1 (2) INDIAN TRIBE.—The term “Indian tribe”
2 has the meaning given that term in section 4(e) of
3 the Indian Self-Determination and Education Assist-
4 ance Act (25 U.S.C. 450b(e)).

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

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

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

22 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
23 **TRACKING DEVICES.**

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of enactment of this Act, the Attorney
3 General, in consultation with the Secretary of
4 Health and Human Services and leading research,
5 advocacy, self-advocacy, and service organizations,
6 shall establish standards and best practices relating
7 to the use of tracking technology to locate individ-
8 uals as described in subsection (a)(2) of section
9 240001 of the Violent Crime Control and Law En-
10 forcement Act of 1994 (42 U.S.C. 14181), as added
11 by this Act.

12 (2) REQUIREMENTS.—In establishing the
13 standards and best practices required under para-
14 graph (1), the Attorney General shall—

15 (A) determine—

16 (i) the criteria used to determine
17 which individuals would benefit from the
18 use of a tracking device;

19 (ii) who should have direct access to
20 the tracking system; and

21 (iii) which types of tracking devices
22 can be used in compliance with the stand-
23 ards and best practices; and

24 (B) establish standards and best practices
25 the Attorney General determines are necessary

1 to the administration of a tracking system, in-
2 cluding procedures to—

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

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

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

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

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

22 (iv) protect the civil rights and lib-
23 erties of the individuals who use tracking
24 devices, including their rights under the

1 Fourth Amendment to the Constitution of
2 the United States;

3 (v) establish a complaint and inves-
4 tigation process to address—

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

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

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

18 (b) REQUIRED COMPLIANCE.—

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

1 lished by the Attorney General in accordance with
2 subsection (a).

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

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

Calendar No. 423

114TH CONGRESS
2^D SESSION

S. 2614

A BILL

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.

APRIL 14, 2016

Reported without amendment