

SUBCHAPTER X—PROTECTIONS FOR THE
ELDERLY

§ 12621. Missing Americans Alert Program

(a) Grant program to reduce injury and death of missing Americans with dementia and developmental disabilities

Subject to the availability of appropriations to carry out this section, the Attorney General, through the Bureau of Justice Assistance and in consultation with the Secretary of Health and Human Services—

(1) shall award competitive grants to health care agencies, State and local law enforcement agencies, or public safety agencies and nonprofit organizations to assist such entities in planning, designing, establishing, or operating locally based, proactive programs to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, who, due to their condition, wander from safe environments, including programs that—

(A) provide prevention and response information, including online training resources, and referrals to families or guardians of such individuals who, due to their condition, wander from a safe environment;

(B) provide education and training, including online training resources, to first responders, school personnel, clinicians, and the public in order to—

(i) increase the safety and reduce the incidence of wandering of persons, who, due to their dementia or developmental disabilities, may wander from safe environments;

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

(iii) recognize and respond to and appropriately interact with endangered missing individuals with dementia or developmental disabilities who, due to their condition, wander from safe environments;

(C) provide prevention and response training and emergency protocols for school administrators, staff, and families or guardians of individuals with dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism, to help reduce the risk of wandering by such individuals; and

(D) develop, operate, or enhance a notification or communications systems for alerts, advisories, or dissemination of other information for the recovery of missing individuals with forms of dementia, such as Alzheimer's Disease, or with developmental disabilities, such as autism; and

(2) shall award grants to health care agencies, State and local law enforcement agencies, or public safety agencies to assist such agencies in designing, establishing, and operating locative tracking technology programs for individuals with forms of dementia, such as Alzheimer's Disease, or children with developmental disabilities, such as autism, who have wandered from safe environments.

(b) Application

To be eligible to receive a competitive grant under subsection (a), an agency or organization shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require, including, at a minimum, an assurance that the agency or organization will obtain and use assistance from private nonprofit organizations to support the program. The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.

(c) Preference

In awarding grants under subsection (a)(1), the Attorney General shall give preference to law enforcement or public safety agencies that partner with nonprofit organizations that appropriately use person-centered plans minimizing restrictive interventions and that have a direct link to individuals, and families of individuals, with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2023 through 2027.

(e) Grant accountability

All grants awarded by the Attorney General under this section shall be subject to the following accountability provisions:

(1) Audit requirement

(A) Definition

In this paragraph, the term “unresolved audit finding” means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued.

(B) Audits

Beginning in the first fiscal year beginning after March 23, 2018, and in each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this section to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(C) Mandatory exclusion

A recipient of grant funds under this section that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this section during the first 2 fiscal years beginning after the end of the 12-month period described in subparagraph (A).

(D) Priority

In awarding grants under this section, the Attorney General shall give priority to eligi-

ble applicants that did not have an unresolved audit finding during the 3 fiscal years before submitting an application for a grant under this section.

(E) Reimbursement

If an entity is awarded grant funds under this section during the 2-fiscal-year period during which the entity is barred from receiving grants under subparagraph (C), the Attorney General shall—

- (i) deposit an amount equal to the amount of the grant funds that were improperly 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 recipient that was erroneously awarded grant funds.

(2) Nonprofit organization requirements

(A) Definition of nonprofit organization

For purposes of this paragraph and the grant programs under this section, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of title 26 and is exempt from taxation under section 501(a) of such title.

(B) Prohibition

The Attorney General may not award a grant under this section to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of title 26.

(C) Disclosure

Each nonprofit organization that is awarded a grant under this section and uses the procedures prescribed in regulations 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,¹ provides prior written authorization that the funds may be expended to host the conference.

(B) Written approval

Written approval under subparagraph (A) shall include a written estimate of all costs

associated with the conference, including the cost of all food, beverages, audio-visual equipment, honoraria for speakers, and entertainment.

(C) Report

The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved under this paragraph.

(4) Annual certification

Beginning in the first fiscal year beginning after March 23, 2018, the Attorney General shall submit, to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, an annual certification—

(A) indicating whether—

- (i) all audits issued by the Office of the Inspector General under paragraph (1) have been completed and reviewed by the appropriate Assistant Attorney General or Director;
- (ii) all mandatory exclusions required under paragraph (1)(C) have been issued; and
- (iii) all reimbursements required under paragraph (1)(E) have been made; and

(B) that includes a list of any grant recipients excluded under paragraph (1) from the previous year.

(f) Preventing duplicative grants

(1) In general

Before the Attorney General awards a grant to an applicant under this section, the Attorney General shall compare potential grant awards with other grants awarded by the Attorney General to determine if grant awards are or have been awarded for a similar purpose.

(2) Report

If the Attorney General awards grants to the same applicant for a similar purpose the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes—

- (A) a list of all such grants awarded, including the total dollar amount of any such grants awarded; and
- (B) the reason the Attorney General awarded multiple grants to the same applicant for a similar purpose.

(Pub. L. 103-322, title XXIV, §240001, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 115-141, div. Q, title I, §102(a), Mar. 23, 2018, 132 Stat. 1116; Pub. L. 117-263, div. E, title LIX, §5903(b), Dec. 23, 2022, 136 Stat. 3441.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14181 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

¹ So in original. The comma probably should not appear.

AMENDMENTS

2022—Subsec. (d). Pub. L. 117-263 substituted “2023 through 2027” for “2018 through 2022”.

2018—Pub. L. 115-141, §102(a)(1), substituted “Americans” for “Alzheimer’s Disease Patient” in section catchline.

Subsec. (a). Pub. L. 115-141, §102(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Attorney General shall, subject to the availability of appropriations, award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer’s Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer’s disease and related dementias.”

Subsec. (b). Pub. L. 115-141, §102(a)(3), inserted “competitive” after “to receive a”, “agency or” before “organization” in two places, and “The Attorney General shall periodically solicit applications for grants under this section by publishing a request for applications in the Federal Register and by posting such a request on the website of the Department of Justice.” at end.

Subsecs. (c) to (f). Pub. L. 115-141, §102(a)(4), added subsecs. (c) to (f) and struck out former subsecs. (c) and (d) which related to eligible organization for a grant and authorization of appropriations for fiscal years 1996 to 1998, respectively.

§ 12622. Annual report

Not later than 2 years after March 23, 2018, and every year thereafter, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a report on the Missing Americans Alert Program, as amended by subsection (a), which shall address—

(1) the number of individuals who benefitted from the Missing Americans Alert Program, including information such as the number of individuals with reduced unsafe wandering, the number of people who were trained through the program, and the estimated number of people who were impacted by the program;

(2) the number of State, local, and tribal law enforcement or public safety agencies that applied for funding under the Missing Americans Alert Program;

(3) the number of State, local, and tribal local law enforcement or public safety agencies that received funding under the Missing Americans Alert Program, including—

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

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

(4) the companies, including the location (city and State) of the headquarters and local offices of each company, for which their locative tracking technology was used by State, local, and tribal law enforcement or public safety agencies;

(5) the nonprofit organizations, including the location (city and State) of the headquarters and local offices of each organization, that State, local, and tribal law enforcement

or public safety agencies partnered with and the result of each partnership;

(6) the number of missing children with autism or another developmental disability with wandering tendencies or adults with Alzheimer’s being served by the program who went missing and the result of the search for each such individual; and

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

(Pub. L. 115-141, div. Q, title I, §102(b), Mar. 23, 2018, 132 Stat. 1119.)

Editorial Notes

REFERENCES IN TEXT

Subsection (a), referred to in text, is subsec. (a) of section 102 of Pub. L. 115-141, which amended section 12621 of this title.

CODIFICATION

Section was enacted as part of the Missing Americans Alert Program Act of 2018 and also as part of Kevin and Avonte’s Law of 2018 and the Consolidated Appropriations Act, 2018, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 12623. Standards and best practices for use of non-invasive and non-permanent tracking devices**(a) Establishment****(1) In general**

Not later than 180 days after March 23, 2018, the Attorney General, in consultation with the Secretary of Health and Human Services and leading research, advocacy, self-advocacy, and service organizations, shall establish standards and best practices relating to the use of non-invasive and non-permanent tracking technology, where a guardian or parent has determined that a non-invasive and non-permanent tracking device is the least restrictive alternative, to locate individuals as described in subsection (a)(2) of section 12621 of this title, as added by this Act.

(2) Requirements

In establishing the standards and best practices required under paragraph (1), the Attorney General shall—

(A) determine—

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

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

(iii) which non-invasive and non-permanent types of tracking devices can be used in compliance with the standards and best practices; and

(B) establish standards and best practices the Attorney General determines are necessary to the administration of a tracking system, including procedures to—

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

(I) access to the data is restricted to law enforcement and health agencies de-