

Suspend the Rules and Pass the Bill, HR. 4919, with An Amendment**(The amendment strikes all after the enacting clause and inserts a new text)**114TH CONGRESS
2^D SESSION**H. R. 4919**

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 HOUSE OF REPRESENTATIVES

APRIL 12, 2016

Mr. SMITH of New Jersey (for himself, Ms. MAXINE WATERS of California, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. HASTINGS, Mr. CHABOT, Mr. KING of New York, Ms. BROWN of Florida, Mr. LARSON of Connecticut, Mr. ADERHOLT, Ms. NORTON, Mr. JOYCE, Mr. MEEHAN, Mr. RANGEL, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. COSTELLO of Pennsylvania, Mr. GARAMENDI, Mr. SEAN PATRICK MALONEY of New York, and Mr. CARSON of Indiana) introduced the following bill; which was 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

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,*

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

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

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

1 “(i) increase the safety and reduce the
2 incidence of wandering of persons, who,
3 due to their dementia or developmental
4 disabilities, may wander from safe environ-
5 ments;

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

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

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

22 “(D) develop, operate, or enhance a notifi-
23 cation or communications systems for alerts,
24 advisories, or dissemination of other informa-
25 tion for the recovery of missing individuals with

1 forms of dementia, such as Alzheimer’s Disease,
2 or with developmental disabilities, such as au-
3 tism; and

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

12 (3) in subsection (b)—

13 (A) by inserting “competitive” after “to re-
14 ceive a”;

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

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

24 (4) by striking subsections (c) and (d) and in-
25 serting the following:

1 “(c) PREFERENCE.—In awarding grants under sub-
2 section (a)(1), the Attorney General shall give preference
3 to law enforcement or public safety agencies that partner
4 with nonprofit organizations that appropriately use per-
5 son-centered plans minimizing restrictive interventions
6 and that have a direct link to individuals, and families of
7 individuals, with forms of dementia, such as Alzheimer’s
8 Disease, or developmental disabilities, such as autism.

9 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$2,000,000 for each of fiscal years 2017 through 2021.

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

15 “(1) AUDIT REQUIREMENT.—

16 “(A) DEFINITION.—In this paragraph, the
17 term ‘unresolved audit finding’ means a finding
18 in the final audit report of the Inspector Gen-
19 eral of the Department of Justice that the au-
20 dited grantee has utilized grant funds for an
21 unauthorized expenditure or otherwise unallow-
22 able cost that is not closed or resolved within
23 12 months from the date when the final audit
24 report is issued.

1 “(B) AUDITS.—Beginning in the first fis-
2 cal year beginning after the date of enactment
3 of this subsection, and in each fiscal year there-
4 after, the Inspector General of the Department
5 of Justice shall conduct audits of recipients of
6 grants under this section to prevent waste,
7 fraud, and abuse of funds by grantees. The In-
8 spector General shall determine the appropriate
9 number of grantees to be audited each year.

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

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

23 “(E) REIMBURSEMENT.—If an entity is
24 awarded grant funds under this section during
25 the 2-fiscal-year period during which the entity

1 is barred from receiving grants under subpara-
2 graph (C), the Attorney General shall—

3 “(i) deposit an amount equal to the
4 amount of the grant funds that were im-
5 properly awarded to the grantee into the
6 General Fund of the Treasury; and

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

11 “(2) NONPROFIT ORGANIZATION REQUIRE-
12 MENTS.—

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

21 “(B) PROHIBITION.—The Attorney Gen-
22 eral may not award a grant under this part to
23 a nonprofit organization that holds money in
24 offshore accounts for the purpose of avoiding

1 paying the tax described in section 511(a) of
2 the Internal Revenue Code of 1986.

3 “(C) DISCLOSURE.—Each nonprofit orga-
4 nization that is awarded a grant under this sec-
5 tion and uses the procedures prescribed in regu-
6 lations to create a rebuttable presumption of
7 reasonableness for the compensation of its offi-
8 cers, directors, trustees, and key employees,
9 shall disclose to the Attorney General, in the
10 application for the grant, the process for deter-
11 mining such compensation, including the inde-
12 pendent persons involved in reviewing and ap-
13 proving such compensation, the comparability
14 data used, and contemporaneous substantiation
15 of the deliberation and decision. Upon request,
16 the Attorney General shall make the informa-
17 tion disclosed under this subparagraph available
18 for public inspection.

19 “(3) CONFERENCE EXPENDITURES.—

20 “(A) LIMITATION.—No amounts made
21 available to the Department of Justice under
22 this section may be used by the Attorney Gen-
23 eral, or by any individual or entity awarded dis-
24 cretionary funds through a cooperative agree-
25 ment under this section, to host or support any

1 expenditure for conferences that uses more than
2 \$20,000 in funds made available by the Depart-
3 ment of Justice, unless the head of the relevant
4 agency or department, provides prior written
5 authorization that the funds may be expended
6 to host the conference.

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

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

19 “(4) ANNUAL CERTIFICATION.—Beginning in
20 the first fiscal year beginning after the date of en-
21 actment of this subsection, the Attorney General
22 shall submit, to the Committee on the Judiciary and
23 the Committee on Appropriations of the Senate and
24 the Committee on the Judiciary and the Committee

1 on Appropriations of the House of Representatives,
2 an annual certification—

3 “(A) indicating whether—

4 “(i) all audits issued by the Office of
5 the Inspector General under paragraph (1)
6 have been completed and reviewed by the
7 appropriate Assistant Attorney General or
8 Director;

9 “(ii) all mandatory exclusions required
10 under paragraph (1)(C) have been issued;
11 and

12 “(iii) all reimbursements required
13 under paragraph (1)(E) have been made;
14 and

15 “(B) that includes a list of any grant re-
16 cipients excluded under paragraph (1) from the
17 previous year.

18 “(f) PREVENTING DUPLICATIVE GRANTS.—

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

1 “(2) REPORT.—If the Attorney General awards
2 grants to the same applicant for a similar purpose
3 the Attorney General shall submit to the Committee
4 on the Judiciary of the Senate and the Committee
5 on the Judiciary of the House of Representatives a
6 report that includes—

7 “(A) a list of all such grants awarded, in-
8 cluding the total dollar amount of any such
9 grants awarded; and

10 “(B) the reason the Attorney General
11 awarded multiple grants to the same applicant
12 for a similar purpose.”.

13 (b) ANNUAL REPORT.—Not later than 2 years after
14 the date of enactment of this Act and every year there-
15 after, the Attorney General shall submit to the Committee
16 on the Judiciary and the Committee on Appropriations of
17 the Senate and the Committee on the Judiciary and the
18 Committee on Appropriations of the House of Representa-
19 tives a report on the Missing Americans Alert Program,
20 as amended by subsection (a), which shall address—

21 (1) the number of individuals who benefitted
22 from the Missing Americans Alert Program, includ-
23 ing information such as the number of individuals
24 with reduced unsafe wandering, the number of peo-
25 ple who were trained through the program, and the

1 estimated number of people who were impacted by
2 the program;

3 (2) the number of State, local, and tribal law
4 enforcement or public safety agencies that applied
5 for funding under the Missing Americans Alert Pro-
6 gram;

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

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

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

18 (4) the companies, including the location (city
19 and State) of the headquarters and local offices of
20 each company, for which their locative tracking tech-
21 nology was used by State, local, and tribal law en-
22 forcement or public safety agencies;

23 (5) the nonprofit organizations, including the
24 location (city and State) of the headquarters and
25 local offices of each organization, that State, local,

1 and tribal law enforcement or public safety agencies
2 partnered with and the result of each partnership;

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

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

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

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

14 **TITLE II—EDUCATION AND** 15 **OUTREACH**

16 **SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISS-** 17 **ING AND EXPLOITED CHILDREN.**

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

22 **TITLE III—PRIVACY** 23 **PROTECTIONS**

24 **SEC. 301. DEFINITIONS.**

25 In this title:

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

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

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

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

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

24 (6) NON-INVASIVE AND NON-PERMANENT.—The
25 term “non-invasive and non-permanent” means, with

1 regard to any technology or device, that the proce-
2 dure to install the technology or device does not cre-
3 ate an external or internal marker or implant a de-
4 vice or other trackable items.

5 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
6 **NON-INVASIVE AND NON-PERMANENT TRACK-**
7 **ING DEVICES.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the date of enactment of this Act, the Attorney
11 General, in consultation with the Secretary of
12 Health and Human Services and leading research,
13 advocacy, self-advocacy, and service organizations,
14 shall establish standards and best practices relating
15 to the use of non-invasive and non-permanent track-
16 ing technology, where a guardian or parent, in con-
17 sultation with the individual's health care provider,
18 has determined that a non-invasive and non-perma-
19 nent tracking device is the least restrictive alter-
20 native, to locate individuals as described in sub-
21 section (a)(2) of section 240001 of the Violent
22 Crime Control and Law Enforcement Act of 1994
23 (42 U.S.C. 14181), as added by this Act.

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

4 (A) determine—

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

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

11 (iii) which non-invasive and non-per-
12 manent types of tracking devices can be
13 used in compliance with the standards and
14 best practices; and

15 (B) establish standards and best practices
16 the Attorney General determines are necessary
17 to the administration of a tracking system, in-
18 cluding procedures to—

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

21 (I) access to the data is re-
22 stricted to law enforcement and health
23 agencies determined necessary by the
24 Attorney General; and

1 (II) collection, use, and retention
2 of the data is solely for the purpose of
3 preventing injury or death to the pa-
4 tient assigned the tracking device or
5 caused by the patient assigned the
6 tracking device;

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

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

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

23 (v) establish a complaint and inves-
24 tigation process to address—

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

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

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

14 (3) EFFECTIVE DATE.—The standards and best
15 practices established pursuant to paragraph (1) shall
16 take effect 90 days after publication of such stand-
17 ards and practices by the Attorney General, unless
18 Congress enacts a joint resolution disapproving of
19 the standards and practices.

20 (b) REQUIRED COMPLIANCE.—

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

1 tices relating to the use of tracking devices estab-
2 lished by the Attorney General in accordance with
3 subsection (a).

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

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

20 (d) LIMITATIONS ON PROGRAM.—

21 (1) DATA STORAGE.—Any tracking data pro-
22 vided by tracking devices issued under this program
23 may not be used by a Federal entity to create a
24 database.

1 (2) VOLUNTARY PARTICIPATION.—Nothing in
2 this Act may be construed to require that a parent
3 or guardian use a tracking device to monitor the lo-
4 cation of a child or adult under that parent or
5 guardian’s supervision if the parent or guardian
6 does not believe that the use of such device is nec-
7 essary or in the interest of the child or adult under
8 supervision.

9 **TITLE IV—MISCELLANEOUS**

10 **SEC. 401. NO FUNDS AUTHORIZED FOR BYRNE CRIMINAL**
11 **JUSTICE INNOVATION PROGRAM.**

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