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
2D 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. Adenholt, Ms. Norton, Mr. Joyce, Mr. Meehan, Mr. Rangel, Mr. Brendan F. Boyle of Pennsylvania, Mr. Costello of Pennsylvania, Mr. Garayendi, 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.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

TITLE I—MISSING ALZHEIMER’S
DISEASE PATIENT ALERT
PROGRAM REAUTHORIZA-
TION

SEC. 101. SHORT TITLE.

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

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

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

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

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

“(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 au-
tism; 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 tech-
tology programs for individuals with forms of de-
mentia, such as Alzheimer’s Disease, or children 
with developmental disabilities, such as autism, who 
have wandered from safe environments.”;

(3) in subsection (b)—

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

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

(C) by adding at the end the following: 
“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.”;

and

(4) by striking subsections (c) and (d) and in-
serting the following:
“(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 2017 through 2021.

“(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 the date of enactment of this subsection, 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 eligible 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 part, the term ‘nonprofit organization’ means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

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

“(C) DISCLOSURE.—Each nonprofit orga-
nization that is awarded a grant under this sec-
tion and uses the procedures prescribed in regu-
lations to create a rebuttable presumption of
reasonableness for the compensation of its offi-
cers, directors, trustees, and key employees,
shall disclose to the Attorney General, in the
application for the grant, the process for deter-
mining such compensation, including the inde-
pendent persons involved in reviewing and ap-
proving such compensation, the comparability
data used, and contemporaneous substantiation
of the deliberation and decision. Upon request,
the Attorney General shall make the informa-
tion 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 Gen-
eral, or by any individual or entity awarded dis-
cretionary funds through a cooperative agree-
ment 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, 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 the date of enactment of this subsection, 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 re-
cipients excluded under paragraph (1) from the

previous year.

“(f) PREVENTING DUPLICATIVE GRANTS.—

“(1) IN GENERAL.—Before the Attorney Gen-
eral awards a grant to an applicant under this sec-
tion, the Attorney General shall compare potential
grant awards with other grants awarded by the At-
torney 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.”.

(b) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this Act 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 Pro-
gram;

(3) the number of State, local, and tribal local
law enforcement or public safety agencies that re-
ceived 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 tech-
nology was used by State, local, and tribal law en-
forcement 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.

(c) Table of Contents.—The table of contents in section 2 of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the item relating to section 240001 and inserting the following:

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

TITLE II—EDUCATION AND OUTREACH

SEC. 201. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children’s Assistance Act (42 U.S.C. 5773(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

TITLE III—PRIVACY PROTECTIONS

SEC. 301. DEFINITIONS.

In this title:
(1) **Child.**—The term “child” means an individual who is less than 18 years of age.

(2) **Indian tribe.**—The term “Indian tribe” 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)).

(3) **Law enforcement agency.**—The term “law enforcement agency” means an agency of a State, unit of local government, or Indian tribe that is authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

(4) **State.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

(5) **Unit of local government.**—The term “unit of local government” means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(6) **Non-invasive and non-permanent.**—The term “non-invasive and non-permanent” means, with
regard to any technology or device, that the procedure to install the technology or device does not create an external or internal marker or implant a device or other trackable items.

SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF NON-INVASIVE AND NON-PERMANENT TRACKING DEVICES.

(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 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, in consultation with the individual’s health care provider, 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 240001 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14181), 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 determined necessary by the Attorney General; and
(II) collection, use, and retention
of the data is solely for the purpose of
preventing injury or death to the pa-
tient assigned the tracking device or
caused by the patient assigned the
tracking device;

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

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

(iv) protect the civil rights and lib-
erties 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 inves-
tigation 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.

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

(b) REQUIRED COMPLIANCE.—

(1) IN GENERAL.—Each entity that receives a grant 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, shall comply with any standards and best prac-
tices relating to the use of tracking devices estab-
lished by the Attorney General in accordance with
subsection (a).

(2) **Determination of Compliance.**—The
Attorney General, in consultation with the Secretary
of Health and Human Services, shall determine
whether an entity that receives a grant under sub-
section (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, acts in
compliance with the requirement described in para-
graph (1).

(e) **Applicability of Standards and Best Prac-
tices.**—The standards and best practices established by
the Attorney General under subsection (a) shall apply only
to the grant programs authorized 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.

(d) **Limitations on Program.**—

(1) **Data Storage.**—Any tracking data pro-
vided by tracking devices issued under this program
may not be used by a Federal entity to create a
database.
(2) Voluntary Participation.—Nothing in this Act may be construed to require that a parent or guardian use a tracking device to monitor the location of a child or adult under that parent or guardian’s supervision if the parent or guardian does not believe that the use of such device is necessary or in the interest of the child or adult under supervision.

TITLE IV—MISCELLANEOUS

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

For fiscal year 2017, no funds are authorized to be appropriated for an Edward Byrne Memorial criminal justice innovation program.