

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4919
OFFERED BY M. _____**

Strike all that follows after the enacting clause and
insert the following:

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—

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

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

6 “(a) GRANT PROGRAM TO REDUCE INJURY AND
7 DEATH OF MISSING AMERICANS WITH DEMENTIA AND
8 DEVELOPMENTAL DISABILITIES.—Subject to the avail-
9 ability of appropriations to carry out this section, the At-
10 torney General, through the Bureau of Justice Assistance
11 and in consultation with the Secretary of Health and
12 Human Services—

13 “(1) shall award competitive grants to health
14 care agencies, State and local law enforcement agen-
15 cies, or public safety agencies and nonprofit organi-
16 zations to assist such entities in planning, designing,
17 establishing, or operating locally based, proactive
18 programs to prevent wandering and locate missing
19 individuals with forms of dementia, such as Alz-
20 heimer’s Disease, or developmental disabilities, such
21 as autism, who, due to their condition, wander from
22 safe environments, including programs that—

23 “(A) provide prevention and response in-
24 formation, including online training resources,
25 and referrals to families or guardians of such

1 individuals who, due to their condition, wander
2 from a safe environment;

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

7 “(i) increase the safety and reduce the
8 incidence of wandering of persons, who,
9 due to their dementia or developmental
10 disabilities, may wander from safe environ-
11 ments;

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

16 “(iii) recognize and respond to and
17 appropriately interact with endangered
18 missing individuals with dementia or devel-
19 opmental disabilities who, due to their con-
20 dition, wander from safe environments;

21 “(C) provide prevention and response
22 training and emergency protocols for school ad-
23 ministrators, staff, and families or guardians of
24 individuals with dementia, such as Alzheimer’s
25 Disease, or developmental disabilities, such as

1 autism, to help reduce the risk of wandering by
2 such individuals; and

3 “(D) develop, operate, or enhance a notifi-
4 cation or communications systems for alerts,
5 advisories, or dissemination of other informa-
6 tion for the recovery of missing individuals with
7 forms of dementia, such as Alzheimer’s Disease,
8 or with developmental disabilities, such as au-
9 tism; and

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

18 (3) in subsection (b)—

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

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

23 (C) by adding at the end the following:
24 “The Attorney General shall periodically solicit
25 applications for grants under this section by

1 publishing a request for applications in the
2 Federal Register and by posting such a request
3 on the website of the Department of Justice.”;
4 and

5 (4) by striking subsections (c) and (d) and in-
6 serting the following:

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

15 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 \$2,000,000 for each of fiscal years 2017 through 2021.

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

21 “(1) AUDIT REQUIREMENT.—

22 “(A) DEFINITION.—In this paragraph, the
23 term ‘unresolved audit finding’ means a finding
24 in the final audit report of the Inspector Gen-
25 eral of the Department of Justice that the au-

1 dited grantee has utilized grant funds for an
2 unauthorized expenditure or otherwise unallow-
3 able cost that is not closed or resolved within
4 12 months from the date when the final audit
5 report is issued.

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

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

22 “(D) PRIORITY.—In awarding grants
23 under this section, the Attorney General shall
24 give priority to eligible applicants that did not
25 have an unresolved audit finding during the 3

1 fiscal years before submitting an application for
2 a grant under this section.

3 “(E) REIMBURSEMENT.—If an entity is
4 awarded grant funds under this section during
5 the 2-fiscal-year period during which the entity
6 is barred from receiving grants under subpara-
7 graph (C), the Attorney General shall—

8 “(i) deposit an amount equal to the
9 amount of the grant funds that were im-
10 properly awarded to the grantee into the
11 General Fund of the Treasury; and

12 “(ii) seek to recoup the costs of the
13 repayment to the fund from the grant re-
14 cipient that was erroneously awarded grant
15 funds.

16 “(2) NONPROFIT ORGANIZATION REQUIRE-
17 MENTS.—

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

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

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

23 “(3) CONFERENCE EXPENDITURES.—

24 “(A) LIMITATION.—No amounts made
25 available to the Department of Justice under

1 this section may be used by the Attorney Gen-
2 eral, or by any individual or entity awarded dis-
3 cretionary funds through a cooperative agree-
4 ment under this section, to host or support any
5 expenditure for conferences that uses more than
6 \$20,000 in funds made available by the Depart-
7 ment of Justice, unless the head of the relevant
8 agency or department, provides prior written
9 authorization that the funds may be expended
10 to host the conference.

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

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

23 “(4) ANNUAL CERTIFICATION.—Beginning in
24 the first fiscal year beginning after the date of en-
25 actment of this subsection, the Attorney General

1 shall submit, to the Committee on the Judiciary and
2 the Committee on Appropriations of the Senate and
3 the Committee on the Judiciary and the Committee
4 on Appropriations of the House of Representatives,
5 an annual certification—

6 “(A) indicating whether—

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

12 “(ii) all mandatory exclusions required
13 under paragraph (1)(C) have been issued;
14 and

15 “(iii) all reimbursements required
16 under paragraph (1)(E) have been made;
17 and

18 “(B) that includes a list of any grant re-
19 cipients excluded under paragraph (1) from the
20 previous year.

21 “(f) PREVENTING DUPLICATIVE GRANTS.—

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

1 torney General to determine if grant awards are or
2 have been awarded for a similar purpose.

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

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

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

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

23 (1) the number of individuals who benefitted
24 from the Missing Americans Alert Program, includ-
25 ing information such as the number of individuals

1 with reduced unsafe wandering, the number of peo-
2 ple who were trained through the program, and the
3 estimated number of people who were impacted by
4 the program;

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

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

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

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

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

1 (5) the nonprofit organizations, including the
2 location (city and State) of the headquarters and
3 local offices of each organization, that State, local,
4 and tribal law enforcement or public safety agencies
5 partnered with and the result of each partnership;

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

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

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

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

17 **TITLE II—EDUCATION AND**
18 **OUTREACH**

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

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

TITLE III—PRIVACY PROTECTIONS

3 SEC. 301. DEFINITIONS.

4 In this title:

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

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

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

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

23 (5) UNIT OF LOCAL GOVERNMENT.—The term
24 “unit of local government” means a county, munici-
25 pality, town, township, village, parish, borough, or

1 other unit of general government below the State
2 level.

3 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
4 **TRACKING DEVICES.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Not later than 120 days
7 after the date of enactment of this Act, the Attorney
8 General, in consultation with the Secretary of
9 Health and Human Services and leading research,
10 advocacy, self-advocacy, and service organizations,
11 shall establish standards and best practices relating
12 to the use of tracking technology to locate individ-
13 uals as described in subsection (a)(2) of section
14 240001 of the Violent Crime Control and Law En-
15 forcement Act of 1994 (42 U.S.C. 14181), as added
16 by this Act.

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

20 (A) determine—

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

24 (ii) who should have direct access to
25 the tracking system; and

1 (iii) which types of tracking devices
2 can be used in compliance with the stand-
3 ards and best practices; and

4 (B) establish standards and best practices
5 the Attorney General determines are necessary
6 to the administration of a tracking system, in-
7 cluding procedures to—

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

10 (I) access to the data is re-
11 stricted to agencies determined nec-
12 essary by the Attorney General; and

13 (II) collection, use, and retention
14 of the data is solely for the purpose of
15 preventing injury or death;

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

23 (iii) provide training for law enforce-
24 ment agencies to recognize signs of abuse

1 during interactions with applicants for
2 tracking devices;

3 (iv) protect the civil rights and lib-
4 erties of the individuals who use tracking
5 devices, including their rights under the
6 Fourth Amendment to the Constitution of
7 the United States;

8 (v) establish a complaint and inves-
9 tigation process to address—

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

18 (II) use of a tracking device over
19 the objection of an individual; and

20 (vi) determine the role that State
21 agencies should have in the administration
22 of a tracking system.

23 (b) REQUIRED COMPLIANCE.—

24 (1) IN GENERAL.—Each entity that receives a
25 grant under subsection (a)(2) of section 240001 of

1 the Violent Crime Control and Law Enforcement
2 Act of 1994 (42 U.S.C. 14181), as added by this
3 Act, shall comply with any standards and best prac-
4 tices relating to the use of tracking devices estab-
5 lished by the Attorney General in accordance with
6 subsection (a).

7 (2) DETERMINATION OF COMPLIANCE.—The
8 Attorney General, in consultation with the Secretary
9 of Health and Human Services, shall determine
10 whether an entity that receives a grant under sub-
11 section (a)(2) of section 240001 of the Violent
12 Crime Control and Law Enforcement Act of 1994
13 (42 U.S.C. 14181), as added by this Act, acts in
14 compliance with the requirement described in para-
15 graph (1).

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

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.

