

114TH CONGRESS
2D SESSION

S. _____

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

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

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”.

1 **TITLE I—MISSING ALZHEIMER’S**
2 **DISEASE PATIENT ALERT**
3 **PROGRAM REAUTHORIZA-**
4 **TION**

5 **SEC. 101. SHORT TITLE.**

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

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

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

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

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

19 “(a) GRANT PROGRAM TO REDUCE INJURY AND
20 DEATH OF MISSING AMERICANS WITH DEMENTIA AND
21 DEVELOPMENTAL DISABILITIES.—Subject to the avail-
22 ability of appropriations to carry out this section, the At-
23 torney General, through the Bureau of Justice Assistance
24 and in consultation with the Secretary of Health and
25 Human Services—

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

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

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

24 “(B) provide education and training, in-
25 cluding online training resources, to first re-

1 sponders, school personnel, clinicians, and the
2 public in order to—

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

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

11 “(iii) recognize and respond to endan-
12 gered missing individuals with dementia or
13 developmental disabilities who, due to their
14 condition, 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.”;

4 (3) in subsection (b)—

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

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

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

16 (4) by striking subsections (c) and (d) and in-
17 serting the following:

18 “(c) PREFERENCE.—In awarding grants under sub-
19 section (a)(1), the Attorney General shall give preference
20 to law enforcement or public safety agencies that partner
21 with nonprofit organizations that have a direct link to in-
22 dividuals, and families of individuals, with forms of de-
23 mentia, such as Alzheimer’s Disease, or developmental dis-
24 abilities, such as autism.

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

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

7 “(1) AUDIT REQUIREMENT.—

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

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

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

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

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

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

23 “(ii) seek to recoup the costs of the
24 repayment to the fund from the grant re-

1 cipient that was erroneously awarded grant
2 funds.

3 “(2) NONPROFIT ORGANIZATION REQUIRE-
4 MENTS.—

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

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

19 “(C) DISCLOSURE.—Each nonprofit orga-
20 nization that is awarded a grant under this sec-
21 tion and uses the procedures prescribed in regu-
22 lations to create a rebuttable presumption of
23 reasonableness for the compensation of its offi-
24 cers, directors, trustees, and key employees,
25 shall disclose to the Attorney General, in the

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

10 “(3) CONFERENCE EXPENDITURES.—

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

23 “(B) WRITTEN APPROVAL.—Written ap-
24 proval under subparagraph (A) shall include a
25 written estimate of all costs associated with the

1 conference, including the cost of all food, bev-
2 erages, audio-visual equipment, honoraria for
3 speakers, and entertainment.

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

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

18 “(A) indicating whether—

19 “(i) all audits issued by the Office of
20 the Inspector General under paragraph (1)
21 have been completed and reviewed by the
22 appropriate Assistant Attorney General or
23 Director;

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

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

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

10 “(f) PREVENTING DUPLICATIVE GRANTS.—

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

17 “(2) REPORT.—If the Attorney General awards
18 grants to the same applicant for a similar purpose
19 the Attorney General shall submit to the Committee
20 on the Judiciary of the Senate and the Committee
21 on the Judiciary of the House of Representatives a
22 report that includes—

23 “(A) a list of all such grants awarded, in-
24 cluding the total dollar amount of any such
25 grants awarded; and

1 “(B) the reason the Attorney General
2 awarded multiple grants to the same applicant
3 for a similar purpose.”.

4 (b) TABLE OF CONTENTS.—The table of contents in
5 section 2 of the Violent Crime Control and Law Enforce-
6 ment Act of 1994 is amended by striking the item relating
7 to section 240001 and inserting the following:

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

8 **TITLE II—EDUCATION AND**
9 **OUTREACH**

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

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

16 **TITLE III—PRIVACY**
17 **PROTECTIONS**

18 **SEC. 301. DEFINITIONS.**

19 In this title:

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

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

1 shall establish standards and best practices relating
2 to the use of tracking technology to locate individ-
3 uals as described in subsection (a)(2) of section
4 240001 of the Violent Crime Control and Law En-
5 forcement Act of 1994 (42 U.S.C. 14181), as added
6 by this Act.

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

10 (A) determine—

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

14 (ii) who should have direct access to
15 the tracking system; and

16 (iii) which types of tracking devices
17 can be used in compliance with the stand-
18 ards and best practices; and

19 (B) establish standards and best practices
20 the Attorney General determines are necessary
21 to the administration of a tracking system, in-
22 cluding procedures to—

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

1 (I) access to the data is re-
2 stricted to agencies determined nec-
3 essary by the Attorney General; and

4 (II) use of the data is solely for
5 the purpose of preventing injury or
6 death;

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 (b) REQUIRED COMPLIANCE.—

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

23 (2) DETERMINATION OF COMPLIANCE.—The
24 Attorney General, in consultation with the Secretary
25 of Health and Human Services, shall determine

1 whether an entity that receives a grant under sub-
2 section (a)(2) of section 240001 of the Violent
3 Crime Control and Law Enforcement Act of 1994
4 (42 U.S.C. 14181), as added by this Act, acts in
5 compliance with the requirement described in para-
6 graph (1).

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