

115TH CONGRESS
1ST SESSION

H. R. 4221

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

NOVEMBER 2, 2017

Mr. SMITH of New Jersey (for himself, Ms. MAXINE WATERS of California, and Mr. MICHAEL F. DOYLE of Pennsylvania) 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Kevin and Avonte’s
3 Law of 2017”.

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 2017”.

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 (34
16 U.S.C. 12621) is amended—

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

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

22 “(a) **GRANT PROGRAM TO REDUCE INJURY AND**
23 **DEATH OF MISSING AMERICANS WITH DEMENTIA AND**
24 **DEVELOPMENTAL DISABILITIES.**—Subject to the avail-
25 ability of appropriations to carry out this section, the At-
26 torney General, through the Bureau of Justice Assistance

1 and in consultation with the Secretary of Health and
2 Human Services—

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

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

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

22 “(i) increase the safety and reduce the
23 incidence of wandering of persons, who,
24 due to their dementia or developmental

1 disabilities, may wander from safe environ-
2 ments;

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

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

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

19 “(D) develop, operate, or enhance a notifi-
20 cation or communications systems for alerts,
21 advisories, or dissemination of other informa-
22 tion for the recovery of missing individuals with
23 forms of dementia, such as Alzheimer’s Disease,
24 or with developmental disabilities, such as au-
25 tism; and

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

9 (3) in subsection (b)—

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

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

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

21 (4) by striking subsections (c) and (d) and in-
22 serting the following:

23 “(c) PREFERENCE.—In awarding grants under sub-
24 section (a)(1), the Attorney General shall give preference
25 to law enforcement or public safety agencies that partner

1 with nonprofit organizations that appropriately use per-
2 son-centered plans minimizing restrictive interventions
3 and that have a direct link to individuals, and families of
4 individuals, with forms of dementia, such as Alzheimer’s
5 Disease, or developmental disabilities, such as autism.

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$2,000,000 for each of fiscal years 2018 through 2022.

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

12 “(1) AUDIT REQUIREMENT.—

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

22 “(B) AUDITS.—Beginning in the first fis-
23 cal year beginning after the date of enactment
24 of this subsection, and in each fiscal year there-
25 after, the Inspector General of the Department

1 of Justice shall conduct audits of recipients of
2 grants under this section to prevent waste,
3 fraud, and abuse of funds by grantees. The In-
4 spector General shall determine the appropriate
5 number of grantees to be audited each year.

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

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

19 “(E) REIMBURSEMENT.—If an entity is
20 awarded grant funds under this section during
21 the 2-fiscal-year period during which the entity
22 is barred from receiving grants under subpara-
23 graph (C), the Attorney General shall—

24 “(i) deposit an amount equal to the
25 amount of the grant funds that were im-

1 properly awarded to the grantee into the
2 General Fund of the Treasury; and

3 “(ii) seek to recoup the costs of the
4 repayment to the fund from the grant re-
5 cipient that was erroneously awarded grant
6 funds.

7 “(2) NONPROFIT ORGANIZATION REQUIRE-
8 MENTS.—

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

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

23 “(C) DISCLOSURE.—Each nonprofit orga-
24 nization that is awarded a grant under this sec-
25 tion and uses the procedures prescribed in regu-

1 lations to create a rebuttable presumption of
2 reasonableness for the compensation of its offi-
3 cers, directors, trustees, and key employees,
4 shall disclose to the Attorney General, in the
5 application for the grant, the process for deter-
6 mining such compensation, including the inde-
7 pendent persons involved in reviewing and ap-
8 proving such compensation, the comparability
9 data used, and contemporaneous substantiation
10 of the deliberation and decision. Upon request,
11 the Attorney General shall make the informa-
12 tion disclosed under this subparagraph available
13 for public inspection.

14 “(3) CONFERENCE EXPENDITURES.—

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

1 authorization that the funds may be expended
2 to host the conference.

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

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

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

23 “(A) indicating whether—

24 “(i) all audits issued by the Office of
25 the Inspector General under paragraph (1)

1 have been completed and reviewed by the
2 appropriate Assistant Attorney General or
3 Director;

4 “(ii) all mandatory exclusions required
5 under paragraph (1)(C) have been issued;
6 and

7 “(iii) all reimbursements required
8 under paragraph (1)(E) have been made;
9 and

10 “(B) that includes a list of any grant re-
11 cipients excluded under paragraph (1) from the
12 previous year.

13 “(f) PREVENTING DUPLICATIVE GRANTS.—

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

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

1 “(A) a list of all such grants awarded, in-
2 cluding the total dollar amount of any such
3 grants awarded; and

4 “(B) the reason the Attorney General
5 awarded multiple grants to the same applicant
6 for a similar purpose.”.

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

15 (1) the number of individuals who benefitted
16 from the Missing Americans Alert Program, includ-
17 ing information such as the number of individuals
18 with reduced unsafe wandering, the number of peo-
19 ple who were trained through the program, and the
20 estimated number of people who were impacted by
21 the program;

22 (2) the number of State, local, and tribal law
23 enforcement or public safety agencies that applied
24 for funding under the Missing Americans Alert Pro-
25 gram;

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

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

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

12 (4) the companies, including the location (city
13 and State) of the headquarters and local offices of
14 each company, for which their locative tracking tech-
15 nology was used by State, local, and tribal law en-
16 forcement or public safety agencies;

17 (5) the nonprofit organizations, including the
18 location (city and State) of the headquarters and
19 local offices of each organization, that State, local,
20 and tribal law enforcement or public safety agencies
21 partnered with and the result of each partnership;

22 (6) the number of missing children with autism
23 or another developmental disability with wandering
24 tendencies or adults with Alzheimer's being served

1 by the program who went missing and the result of
2 the search for each such individual; and

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

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

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

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

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

13 Section 404(b)(1)(H) of the Missing Children’s As-
14 sistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by
15 inserting “, including cases involving children with devel-
16 opmental disabilities such as autism” before the semi-
17 colon.

18 **TITLE III—PRIVACY**
19 **PROTECTIONS**

20 **SEC. 301. DEFINITIONS.**

21 In this title:

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

24 (2) INDIAN TRIBE.—The term “Indian tribe”
25 has the meaning given that term in section 4(e) of

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 5304(e)).

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

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

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

20 (6) NON-INVASIVE AND NON-PERMANENT.—The
21 term “non-invasive and non-permanent” means, with
22 regard to any technology or device, that the proce-
23 dure to install the technology or device does not cre-
24 ate an external or internal marker or implant a de-
25 vice, such as a microchip, or other trackable items.

1 **SEC. 302. STANDARDS AND BEST PRACTICES FOR USE OF**
2 **NON-INVASIVE AND NON-PERMANENT TRACK-**
3 **ING DEVICES.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Attorney
7 General, in consultation with the Secretary of
8 Health and Human Services and leading research,
9 advocacy, self-advocacy, and service organizations,
10 shall establish standards and best practices relating
11 to the use of non-invasive and non-permanent track-
12 ing technology, where a guardian or parent has de-
13 termined that a non-invasive and non-permanent
14 tracking device is the least restrictive alternative, to
15 locate individuals as described in subsection (a)(2) of
16 section 240001 of the Violent Crime Control and
17 Law Enforcement Act of 1994 (34 U.S.C. 12621),
18 as added by this Act.

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

22 (A) determine—

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

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

4 (iii) which non-invasive and non-per-
5 manent types of tracking devices can be
6 used in compliance with the standards and
7 best practices; and

8 (B) establish standards and best practices
9 the Attorney General determines are necessary
10 to the administration of a tracking system, in-
11 cluding procedures to—

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

14 (I) access to the data is re-
15 stricted to law enforcement and health
16 agencies determined necessary by the
17 Attorney General; and

18 (II) collection, use, and retention
19 of the data is solely for the purpose of
20 preventing injury or death to the indi-
21 vidual wearing the tracking device;

22 (ii) establish criteria to determine
23 whether use of the tracking device is the
24 least restrictive alternative in order to pre-
25 vent risk of injury or death before issuing

1 the tracking device, including the previous
2 consideration of less restrictive alter-
3 natives;

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

8 (iv) protect the civil rights and lib-
9 erties of the individuals who use tracking
10 devices, including their rights under the
11 Fourth Amendment to the Constitution of
12 the United States;

13 (v) establish a complaint and inves-
14 tigation process to address—

15 (I) incidents of noncompliance by
16 recipients of grants under subsection
17 (a)(2) of section 240001 of the Vio-
18 lent Crime Control and Law Enforce-
19 ment Act of 1994 (34 U.S.C. 12621),
20 as added by this Act, with the best
21 practices established by the Attorney
22 General or other applicable law; and

23 (II) use of a tracking device over
24 the objection of an individual; and

1 (vi) determine the role that State
2 agencies should have in the administration
3 of a tracking system.

4 (3) EFFECTIVE DATE.—The standards and best
5 practices established pursuant to paragraph (1) shall
6 take effect 90 days after publication of such stand-
7 ards and practices by the Attorney General.

8 (b) REQUIRED COMPLIANCE.—

9 (1) IN GENERAL.—Each entity that receives a
10 grant under subsection (a)(2) of section 240001 of
11 the Violent Crime Control and Law Enforcement
12 Act of 1994 (34 U.S.C. 12621), as added by this
13 Act, shall comply with any standards and best prac-
14 tices relating to the use of tracking devices estab-
15 lished by the Attorney General in accordance with
16 subsection (a).

17 (2) DETERMINATION OF COMPLIANCE.—The
18 Attorney General, in consultation with the Secretary
19 of Health and Human Services, shall determine
20 whether an entity that receives a grant under sub-
21 section (a)(2) of section 240001 of the Violent
22 Crime Control and Law Enforcement Act of 1994
23 (34 U.S.C. 12621), as added by this Act, acts in
24 compliance with the requirement described in para-
25 graph (1).

1 (c) APPLICABILITY OF STANDARDS AND BEST PRAC-
2 TICES.—The standards and best practices established by
3 the Attorney General under subsection (a) shall apply only
4 to the grant programs authorized under subsection (a)(2)
5 of section 240001 of the Violent Crime Control and Law
6 Enforcement Act of 1994 (34 U.S.C. 12621), as added
7 by this Act.

8 (d) LIMITATIONS ON PROGRAM.—

9 (1) DATA STORAGE.—Any tracking data pro-
10 vided by tracking devices issued under this program
11 may not be used by a Federal entity to create a
12 database.

13 (2) VOLUNTARY PARTICIPATION.—Nothing in
14 this Act may be construed to require that a parent
15 or guardian use a tracking device to monitor the lo-
16 cation of a child or adult under that parent or
17 guardian’s supervision if the parent or guardian
18 does not believe that the use of such device is nec-
19 essary or in the interest of the child or adult under
20 supervision.

○