

In the Senate of the United States,

December 21, 2017.

Resolved, That the bill from the House of Representatives (H.R. 195) entitled “An Act to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.”, do pass with the following

AMENDMENT:

At the end, add the following:

1 ***TITLE II—KEVIN AND AVONTE’S***
2 ***LAW OF 2017***

3 ***SEC. 201. SHORT TITLE.***

4 *This title may be cited as the “Kevin and Avonte’s*
5 *Law of 2017”.*

1 ***Subtitle A—Missing Alzheimer’s***
 2 ***Disease Patient Alert Program***
 3 ***Reauthorization***

4 ***SEC. 211. SHORT TITLE.***

5 *This subtitle may be cited as the “Missing Americans*
 6 *Alert Program Act of 2017”.*

7 ***SEC. 212. REAUTHORIZATION OF THE MISSING ALZ-***
 8 ***HEIMER’S DISEASE PATIENT ALERT PRO-***
 9 ***GRAM.***

10 *(a) AMENDMENTS.—Section 240001 of the Violent*
 11 *Crime Control and Law Enforcement Act of 1994 (34*
 12 *U.S.C. 12621) is amended—*

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

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

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

1 “(1) shall award competitive grants to health
2 care agencies, State and local law enforcement agen-
3 cies, or public safety agencies and nonprofit organiza-
4 tions to assist such entities in planning, designing,
5 establishing, or operating locally based, proactive pro-
6 grams to prevent wandering and locate missing indi-
7 viduals with forms of dementia, such as Alzheimer’s
8 Disease, or developmental disabilities, such as autism,
9 who, due to their condition, wander from safe envi-
10 ronments, including programs that—

11 “(A) provide prevention and response infor-
12 mation, including online training resources, and
13 referrals to families or guardians of such indi-
14 viduals who, due to their condition, wander from
15 a safe environment;

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

20 “(i) increase the safety and reduce the
21 incidence of wandering of persons, who, due
22 to their dementia or developmental disabili-
23 ties, may wander from safe environments;

24 “(ii) facilitate the rescue and recovery
25 of individuals who, due to their dementia or

1 *developmental disabilities, wander from safe*
2 *environments; and*

3 “(iii) recognize and respond to and ap-
4 *propriately interact with endangered miss-*
5 *ing individuals with dementia or develop-*
6 *mental disabilities who, due to their condi-*
7 *tion, wander from safe environments;*

8 “(C) provide prevention and response train-
9 *ing and emergency protocols for school adminis-*
10 *trators, staff, and families or guardians of indi-*
11 *viduals with dementia, such as Alzheimer’s Dis-*
12 *ease, or developmental disabilities, such as au-*
13 *tism, to help reduce the risk of wandering by*
14 *such individuals; and*

15 “(D) develop, operate, or enhance a notifi-
16 *cation or communications systems for alerts,*
17 *advisories, or dissemination of other information*
18 *for the recovery of missing individuals with*
19 *forms of dementia, such as Alzheimer’s Disease,*
20 *or with developmental disabilities, such as au-*
21 *tism; and*

22 “(2) shall award grants to health care agencies,
23 *State and local law enforcement agencies, or public*
24 *safety agencies to assist such agencies in designing,*
25 *establishing, and operating locative tracking tech-*

nology programs for individuals with forms of dementia, 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 receive a”;

(B) by inserting “agency or” before “organization” 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 inserting 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.

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 2018 through 2022.*

4 “(e) *GRANT ACCOUNTABILITY.*—All grants awarded by
5 *the Attorney General under this section shall be subject to*
6 *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 General*
11 *of the Department of Justice that the audited*
12 *grantee has utilized grant funds for an unau-*
13 *thorized expenditure or otherwise unallowable*
14 *cost that is not closed or resolved within 12*
15 *months from the date when the final audit report*
16 *is issued.*

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

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

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

1 ent that was erroneously awarded grant
2 funds.

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

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

12 “(B) PROHIBITION.—The Attorney General
13 may not award a grant under this section to a
14 nonprofit organization that holds money in off-
15 shore accounts for the purpose of avoiding pay-
16 ing the tax described in section 511(a) of the In-
17 ternal Revenue Code of 1986.

18 “(C) DISCLOSURE.—Each nonprofit organi-
19 zation that is awarded a grant under this section
20 and uses the procedures prescribed in regulations
21 to create a rebuttable presumption of reasonable-
22 ness for the compensation of its officers, direc-
23 tors, trustees, and key employees, shall disclose to
24 the Attorney General, in the application for the
25 grant, the process for determining such com-

1 *compensation, including the independent persons in-*
2 *volved in reviewing and approving such com-*
3 *ensation, the comparability data used, and con-*
4 *temporaneous substantiation of the deliberation*
5 *and decision. Upon request, the Attorney General*
6 *shall make the information disclosed under this*
7 *subparagraph available for public inspection.*

8 “(3) *CONFERENCE EXPENDITURES.*—

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

21 “(B) *WRITTEN APPROVAL.*—Written ap-
22 *proval under subparagraph (A) shall include a*
23 *written estimate of all costs associated with the*
24 *conference, including the cost of all food, bev-*

1 *erages, audio-visual equipment, honoraria for*
2 *speakers, and entertainment.*

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

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

17 “(A) *indicating whether—*

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

23 “(ii) *all mandatory exclusions required*
24 *under paragraph (1)(C) have been issued;*
25 *and*

1 “(iii) all reimbursements required
2 under paragraph (1)(E) have been made;
3 and

4 “(B) that includes a list of any grant re-
5 cipients excluded under paragraph (1) from the
6 previous year.

7 “(f) *PREVENTING DUPLICATIVE GRANTS.*—

8 “(1) *IN GENERAL.*—Before the Attorney General
9 awards a grant to an applicant under this section,
10 the Attorney General shall compare potential grant
11 awards with other grants awarded by the Attorney
12 General to determine if grant awards are or have
13 been awarded for a similar purpose.

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

20 “(A) a list of all such grants awarded, in-
21 cluding the total dollar amount of any such
22 grants awarded; and

23 “(B) the reason the Attorney General
24 awarded multiple grants to the same applicant
25 for a similar purpose.”.

1 (b) *ANNUAL REPORT*.—Not later than 2 years after the
2 date of enactment of this Act and every year thereafter, the
3 Attorney General shall submit to the Committee on the Ju-
4 diciary and the Committee on Appropriations of the Senate
5 and the Committee on the Judiciary and the Committee on
6 Appropriations of the House of Representatives a report on
7 the Missing Americans Alert Program, as amended by sub-
8 section (a), which shall address—

9 (1) *the number of individuals who benefitted*
10 *from the Missing Americans Alert Program, including*
11 *information such as the number of individuals with*
12 *reduced unsafe wandering, the number of people who*
13 *were trained through the program, and the estimated*
14 *number of people who were impacted by the program;*

15 (2) *the number of State, local, and tribal law en-*
16 *forcement or public safety agencies that applied for*
17 *funding under the Missing Americans Alert Program;*

18 (3) *the number of State, local, and tribal local*
19 *law enforcement or public safety agencies that re-*
20 *ceived funding under the Missing Americans Alert*
21 *Program, including—*

22 (A) *the number of State, local, and tribal*
23 *law enforcement or public safety agencies that*
24 *used such funding for training; and*

1 (B) the number of State, local, and tribal
 2 law enforcement or public safety agencies that
 3 used such funding for designing, establishing, or
 4 operating locative tracking technology;

5 (4) the companies, including the location (city
 6 and State) of the headquarters and local offices of
 7 each company, for which their locative tracking tech-
 8 nology was used by State, local, and tribal law en-
 9 forcement or public safety agencies;

10 (5) the nonprofit organizations, including the lo-
 11 cation (city and State) of the headquarters and local
 12 offices of each organization, that State, local, and
 13 tribal law enforcement or public safety agencies
 14 partnered with and the result of each partnership;

15 (6) the number of missing children with autism
 16 or another developmental disability with wandering
 17 tendencies or adults with Alzheimer's being served by
 18 the program who went missing and the result of the
 19 search for each such individual; and

20 (7) any recommendations for improving the
 21 Missing Americans Alert Program.

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

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

Subtitle B—Education and Outreach

SEC. 231. ACTIVITIES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.

Section 404(b)(1)(H) of the Missing Children’s Assistance Act (34 U.S.C. 11293(b)(1)(H)) is amended by inserting “, including cases involving children with developmental disabilities such as autism” before the semicolon.

Subtitle C—Privacy Protections

SEC. 241. DEFINITIONS.

In this subtitle:

(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. 5304(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) *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, such as a microchip, or other trackable items.

(5) *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.

(6) *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.

**SEC. 242. STANDARDS AND BEST PRACTICES FOR USE OF
NON-INVASIVE AND NON-PERMANENT TRACK-
ING DEVICES.**

(a) *ESTABLISHMENT.*—

(1) *IN GENERAL.*—Not later than 180 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

1 *non-invasive and non-permanent tracking technology,*
2 *where a guardian or parent has determined that a*
3 *non-invasive and non-permanent tracking device is*
4 *the least restrictive alternative, to locate individuals*
5 *as described in subsection (a)(2) of section 240001 of*
6 *the Violent Crime Control and Law Enforcement Act*
7 *of 1994 (34 U.S.C. 12621), as added by this title.*

8 (2) *REQUIREMENTS.—In establishing the stand-*
9 *ards and best practices required under paragraph (1),*
10 *the Attorney General shall—*

11 (A) *determine—*

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

15 (ii) *the criteria used to determine who*
16 *should have direct access to the tracking*
17 *system; and*

18 (iii) *which non-invasive and non-per-*
19 *manent types of tracking devices can be*
20 *used in compliance with the standards and*
21 *best practices; and*

22 (B) *establish standards and best practices*
23 *the Attorney General determines are necessary to*
24 *the administration of a tracking system, includ-*
25 *ing procedures to—*

1 (i) *safeguard the privacy of the data*
2 *used by the tracking device such that—*

3 (I) *access to the data is restricted*
4 *to law enforcement and health agencies*
5 *determined necessary by the Attorney*
6 *General; and*

7 (II) *collection, use, and retention*
8 *of the data is solely for the purpose of*
9 *preventing injury to or death of the in-*
10 *dividual wearing the tracking device;*

11 (ii) *establish criteria to determine*
12 *whether use of the tracking device is the*
13 *least restrictive alternative in order to pre-*
14 *vent risk of injury or death before issuing*
15 *the tracking device, including the previous*
16 *consideration of less restrictive alternatives;*

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

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

(v) *establish a complaint and investigation 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 (34 U.S.C. 12621), as added by this title, 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.

(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 (34 U.S.C. 12621), as added by this title, shall comply with any standards and best practices relat-

1 *ing to the use of tracking devices established by the*
 2 *Attorney General in accordance with subsection (a).*

3 (2) *DETERMINATION OF COMPLIANCE.—The At-*
 4 *torney General, in consultation with the Secretary of*
 5 *Health and Human Services, shall determine whether*
 6 *an entity that receives a grant under subsection*
 7 *(a)(2) of section 240001 of the Violent Crime Control*
 8 *and Law Enforcement Act of 1994 (34 U.S.C. 12621),*
 9 *as added by this title, acts in compliance with the*
 10 *standards and best practices described in paragraph*
 11 *(1).*

12 (c) *APPLICABILITY OF STANDARDS AND BEST PRAC-*
 13 *TICES.—The standards and best practices established by the*
 14 *Attorney General under subsection (a) shall apply only to*
 15 *the grant programs authorized under subsection (a)(2) of*
 16 *section 240001 of the Violent Crime Control and Law En-*
 17 *forcement Act of 1994 (34 U.S.C. 12621), as added by this*
 18 *title.*

19 (d) *LIMITATIONS ON PROGRAM.—*

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

24 (2) *VOLUNTARY PARTICIPATION.—Nothing in*
 25 *this title may be construed to require that a parent*

1 *or guardian use a tracking device to monitor the loca-*
2 *tion of a child or adult under that parent or guard-*
3 *ian's supervision if the parent or guardian does not*
4 *believe that the use of such device is necessary or in*
5 *the interest of the child or adult under supervision.*

Attest:

Secretary.

115TH CONGRESS
1ST SESSION

H.R. 195

AMENDMENT