

torney 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.

(Pub. L. 103-322, title XXIV, §240001, Sept. 13, 1994, 108 Stat. 2080; Pub. L. 115-141, div. Q, title I, §102(a), Mar. 23, 2018, 132 Stat. 1116.)

CODIFICATION

Section was formerly classified to section 14181 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Pub. L. 115-141, §102(a)(1), substituted “Americans” for “Alzheimer’s Disease Patient” in section catchline.

Subsec. (a). Pub. L. 115-141, §102(a)(2), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Attorney General shall, subject to the availability of appropriations, award a grant to an eligible organization to assist the organization in paying for the costs of planning, designing, establishing, and operating a Missing Alzheimer’s Disease Patient Alert Program, which shall be a locally based, proactive program to protect and locate missing patients with Alzheimer’s disease and related dementias.”

Subsec. (b). Pub. L. 115-141, §102(a)(3), inserted “competitive” after “to receive a”, “agency or” before “organization” in two places, and “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.” at end.

Subsecs. (c) to (f). Pub. L. 115-141, §102(a)(4), added subsecs. (c) to (f) and struck out former subsecs. (c) and (d) which related to eligible organization for a grant and authorization of appropriations for fiscal years 1996 to 1998, respectively.

§ 12622. Annual report

Not later than 2 years after March 23, 2018, 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 Program;

(3) the number of State, local, and tribal local law enforcement or public safety agencies that received 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 technology was used by State, local, and tribal law enforcement 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.

(Pub. L. 115-141, div. Q, title I, §102(b), Mar. 23, 2018, 132 Stat. 1119.)

REFERENCES IN TEXT

Subsection (a), referred to in text, is subsec. (a) of section 102 of Pub. L. 115-141, which amended section 12621 of this title.

CODIFICATION

Section was enacted as part of the Missing Americans Alert Program Act of 2018 and also as part of Kevin and Avonte’s Law of 2018 and the Consolidated Appropriations Act, 2018, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

§ 12623. Standards and best practices for use of non-invasive and non-permanent tracking devices

(a) Establishment

(1) In general

Not later than 180 days after March 23, 2018, 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 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 12621 of this title, 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 to or death of the individual wearing the tracking device;

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

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

(iv) protect the civil rights and liberties of the individuals who use tracking devices, including their rights under the Fourth Amendment to the Constitution of the United States and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(v) establish a complaint and investigation process to address—

(I) incidents of noncompliance by recipients of grants under subsection (a)(2) of section 12621 of this title, 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.

(b) Required compliance

(1) In general

Each entity that receives a grant under subsection (a)(2) of section 12621 of this title, as added by this Act, shall comply with any standards and best practices relating to the use of tracking devices established 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 subsection (a)(2) of sec-

tion 12621 of this title, as added by this Act, acts in compliance with the standards and best practices described in paragraph (1).

(c) Applicability of standards and best practices

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 12621 of this title, as added by this Act.

(d) Limitations on program

(1) Data storage

Any tracking data provided 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.

(Pub. L. 115-141, div. Q, title III, §302, Mar. 23, 2018, 132 Stat. 1121.)

REFERENCES IN TEXT

This Act, referred to in text, means div. Q of Pub. L. 115-141, Mar. 23, 2018, 132 Stat. 1115, known as Kevin and Avonte's Law of 2018. For complete classification of div. Q to the Code, see section 1 of div. Q of Pub. L. 115-141, set out as a Short Title of 2018 Amendment note under section 10101 of this title and Tables.

The Civil Rights Act of 1964, referred to in subsec. (a)(2)(B)(iv), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

CODIFICATION

Section was enacted as part of Kevin and Avonte's Law of 2018, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Violent Crime Control and Law Enforcement Act of 1994 which enacted this chapter.

DEFINITIONS

Pub. L. 115-141, div. Q, title III, §301, Mar. 23, 2018, 132 Stat. 1120, provided that: "In this title [enacting this section]:

"(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.”

SUBCHAPTER XI—VIOLENT CRIME REDUCTION TRUST FUND

§ 12631. Creation of Violent Crime Reduction Trust Fund

(a) Violent Crime Reduction Trust Fund

There is established a separate account in the Treasury, known as the “Violent Crime Reduction Trust Fund” (referred to in this section as the “Fund”) into which shall be transferred, in accordance with subsection (b), savings realized from implementation of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note; Public Law 103-226).

(b) Transfers into Fund

On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1995), the following amounts shall be transferred from the general fund to the Fund—

- (1) for fiscal year 1995, \$2,423,000,000;
- (2) for fiscal year 1996, \$4,287,000,000;
- (3) for fiscal year 1997, \$5,000,000,000;
- (4) for fiscal year 1998, \$5,500,000,000;
- (5) for fiscal year 1999, \$6,500,000,000; and
- (6) for fiscal year 2000, \$6,500,000,000.

(c) Appropriations from Fund

(1) Amounts in the Fund may be appropriated exclusively for the purposes authorized in this Act and for those expenses authorized by any Act enacted before this Act that are expressly qualified for expenditure from the Fund.

(2) Amounts appropriated under paragraph (1) and outlays flowing from such appropriations shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 except section 251A¹ of that Act as added by subsection (g), or for purposes of section 665d(b)¹ of title 2. Amounts of new budget authority and outlays under paragraph (1) that are included in concurrent resolutions on the budget shall not be taken into account for purposes of sections 665(b), 665e(b), and 665e(c) of title 2,¹ or for purposes of section 24 of House Concurrent Resolution 218 (One Hundred Third Congress).

(Pub. L. 103-322, title XXXI, § 310001(a)–(c), Sept. 13, 1994, 108 Stat. 2102, 2103.)

REFERENCES IN TEXT

This section, referred to in subsec. (a), is section 310001 of Pub. L. 103-322, which enacted this section and section 901a of Title 2, The Congress, and amended sections 665a and 904 of Title 2 and sections 1105 and 1321 of Title 31, Money and Finance.

This Act, referred to in subsec. (c)(1), is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (c)(2), is title II of

¹ See References in Text note below.

Pub. L. 99-177, Dec. 12, 1985, 99 Stat. 1038, which enacted chapter 20 (§900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. Section 251A of the Act was classified to section 901a of Title 2 and was repealed by Pub. L. 105-33, title X, § 10204(a)(1), Aug. 5, 1997, 111 Stat. 702. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

Sections 665, 665d, and 665e of title 2, referred to in subsec. (c)(2), were repealed by Pub. L. 105-33, title X, § 10118(a), Aug. 5, 1997, 111 Stat. 695.

House Concurrent Resolution 218, referred to in subsec. (c)(2), is H. Con. Res. 218, May 12, 1994, 108 Stat. 5075, which is not classified to the Code.

CODIFICATION

Section was formerly classified to section 14211 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 12632. Extension of authorizations of appropriations for fiscal years for which full amount authorized is not appropriated

If, in making an appropriation under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a certain purpose for a certain fiscal year in a certain amount, the Congress makes an appropriation for that purpose for that fiscal year in a lesser amount, that provision or amendment shall be considered to authorize the making of appropriations for that purpose for later fiscal years in an amount equal to the difference between the amount authorized to be appropriated and the amount that has been appropriated.

(Pub. L. 103-322, title XXXI, § 310003, Sept. 13, 1994, 108 Stat. 2105.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 103-322, Sept. 13, 1994, 108 Stat. 1796, known as the Violent Crime Control and Law Enforcement Act of 1994. For complete classification of this Act to the Code, see Short Title of 1994 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 14213 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§ 12633. Flexibility in making of appropriations

(a) Federal law enforcement

In the making of appropriations under any provision of this Act or amendment made by this Act that authorizes the making of an appropriation for a Federal law enforcement program for a certain fiscal year in a certain amount out of the Violent Crime Reduction Trust Fund, not to exceed 10 percent of that amount is authorized to be appropriated for that fiscal year for any other Federal law enforcement program for which appropriations are authorized by any other Federal law enforcement provision of this Act or amendment made by this Act. The agree-