

Union Calendar No. 334

112TH CONGRESS
2^D SESSION

H. R. 365

[Report No. 112-478]

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. GRIMM (for himself and Mr. PIERLUISI) introduced the following bill;
which was referred to the Committee on the Judiciary

MAY 11, 2012

Additional sponsors: Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. PLATTS, Mr. DENT, Mr. KING of New York, Mr. MEEKS, Mr. FITZPATRICK, Mrs. MALONEY, Mr. SOUTHERLAND, Ms. CHU, Mr. COURTNEY, Mr. COOPER, Mr. LOBIONDO, Mr. FALCOMA, Ms. BORDALLO, Mr. SABLAN, Mr. NUNES, Mrs. CAPITO, Ms. SUTTON, Mr. BARLETTA, Mr. COBLE, Mr. GIBSON, Mrs. MILLER of Michigan, Mr. DIAZ-BALART, Mr. LONG, Mr. TONKO, Mr. LATOURETTE, Mr. DOGGETT, Mr. SHERMAN, Mr. MEEHAN, Mr. REED, Mr. HEINRICH, Mr. RANGEL, Mr. TOWNS, Mr. REICHERT, Mr. GOSAR, Mr. ELLISON, Mr. SCHOCK, Mr. WEST, Mr. HOLDEN, Mr. DANIEL E. LUNGREN of California, Mr. BERMAN, Ms. RICHARDSON, Mr. RUNYAN, Mr. HANNA, Mr. POE of Texas, Mr. CARSON of Indiana, Mr. CICILLINE, Mr. NUGENT, Mr. JOHNSON of Ohio, Mr. AL GREEN of Texas, Mr. PASCRELL, Mr. COSTA, Mr. AUSTRIA, Mr. CHABOT, Mr. CONYERS, and Mr. GALLEGLY

MAY 11, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 20, 2011]

A BILL

To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

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 “National Blue Alert Act*
5 *of 2012”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *COORDINATOR.*—*The term “Coordinator”*
9 *means the Blue Alert Coordinator of the Department*
10 *of Justice designated under section 4(a).*

11 (2) *BLUE ALERT.*—*The term “Blue Alert” means*
12 *information relating to the serious injury or death of*
13 *a law enforcement officer in the line of duty sent*
14 *through the network.*

15 (3) *BLUE ALERT PLAN.*—*The term “Blue Alert*
16 *plan” means the plan of a State, unit of local govern-*
17 *ment, or Federal agency participating in the network*
18 *for the dissemination of information received as a*
19 *Blue Alert.*

20 (4) *LAW ENFORCEMENT OFFICER.*—*The term*
21 *“law enforcement officer” shall have the same mean-*
22 *ing as in section 1204 of the Omnibus Crime Control*
23 *and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).*

1 (5) *NETWORK.*—*The term “network” means the*
2 *Blue Alert communications network established by the*
3 *Attorney General under section 3.*

4 (6) *STATE.*—*The term “State” means each of the*
5 *50 States, the District of Columbia, the Common-*
6 *wealth of Puerto Rico, the United States Virgin Is-*
7 *lands, Guam, American Samoa, and the Common-*
8 *wealth of the Northern Mariana Islands.*

9 **SEC. 3. BLUE ALERT COMMUNICATIONS NETWORK.**

10 *The Attorney General shall establish a national Blue*
11 *Alert communications network within the Department of*
12 *Justice to issue Blue Alerts through the initiation, facilita-*
13 *tion, and promotion of Blue Alert plans, in coordination*
14 *with States, units of local government, law enforcement*
15 *agencies, and other appropriate entities.*

16 **SEC. 4. BLUE ALERT COORDINATOR; GUIDELINES.**

17 (a) *COORDINATION WITHIN DEPARTMENT OF JUS-*
18 *TICE.*—*The Attorney General shall assign an existing offi-*
19 *cer of the Department of Justice to act as the national coor-*
20 *dinator of the Blue Alert communications network.*

21 (b) *DUTIES OF THE COORDINATOR.*—*The Coordinator*
22 *shall—*

23 (1) *provide assistance to States and units of*
24 *local government that are using Blue Alert plans;*

1 (2) *establish voluntary guidelines for States and*
2 *units of local government to use in developing Blue*
3 *Alert plans that will promote compatible and inte-*
4 *grated Blue Alert plans throughout the United States,*
5 *including—*

6 (A) *a list of the resources necessary to estab-*
7 *lish a Blue Alert plan;*

8 (B) *criteria for evaluating whether a situa-*
9 *tion warrants issuing a Blue Alert;*

10 (C) *guidelines to protect the privacy, dig-*
11 *nity, independence, and autonomy of any law*
12 *enforcement officer who may be the subject of a*
13 *Blue Alert and the family of the law enforcement*
14 *officer;*

15 (D) *guidelines that a Blue Alert should only*
16 *be issued with respect to a law enforcement offi-*
17 *cer if—*

18 (i) *the law enforcement agency in-*
19 *volved—*

20 (I) *confirms—*

21 (aa) *the death or serious in-*
22 *jury of the law enforcement offi-*
23 *cer; or*

24 (bb) *the attack on the law en-*
25 *forcement officer and that there is*

1 *an indication of the death or seri-*
2 *ous injury of the officer; or*

3 *(II) concludes that the law en-*
4 *forcement officer is missing in the line*
5 *of duty;*

6 *(ii) there is an indication of serious*
7 *injury to or death of the law enforcement of-*
8 *ficer;*

9 *(iii) the suspect involved has not been*
10 *apprehended; and*

11 *(iv) there is sufficient descriptive infor-*
12 *mation of the suspect involved and any rel-*
13 *evant vehicle and tag numbers;*

14 *(E) guidelines—*

15 *(i) that information relating to a law*
16 *enforcement officer who is seriously injured*
17 *or killed in the line of duty should be pro-*
18 *vided to the National Crime Information*
19 *Center database operated by the Federal*
20 *Bureau of Investigation under section 534*
21 *of title 28, United States Code, and any rel-*
22 *evant crime information repository of the*
23 *State involved;*

24 *(ii) that a Blue Alert should, to the*
25 *maximum extent practicable (as determined*

1 by the Coordinator in consultation with law
2 enforcement agencies of States and units of
3 local governments), be limited to the geo-
4 graphic areas most likely to facilitate the
5 apprehension of the suspect involved or
6 which the suspect could reasonably reach,
7 which should not be limited to State lines;

8 (iii) for law enforcement agencies of
9 States or units of local government to de-
10 velop plans to communicate information to
11 neighboring States to provide for seamless
12 communication of a Blue Alert; and

13 (iv) providing that a Blue Alert should
14 be suspended when the suspect involved is
15 apprehended or when the law enforcement
16 agency involved determines that the Blue
17 Alert is no longer effective; and

18 (F) guidelines for—

19 (i) the issuance of Blue Alerts through
20 the network; and

21 (ii) the extent of the dissemination of
22 alerts issued through the network;

23 (3) develop protocols for efforts to apprehend sus-
24 pects that address activities during the period begin-
25 ning at the time of the initial notification of a law

1 *enforcement agency that a suspect has not been appre-*
2 *hended and ending at the time of apprehension of a*
3 *suspect or when the law enforcement agency involved*
4 *determines that the Blue Alert is no longer effective,*
5 *including protocols regulating—*

6 *(A) the use of public safety communications;*

7 *(B) command center operations; and*

8 *(C) incident review, evaluation, debriefing,*
9 *and public information procedures;*

10 *(4) work with States to ensure appropriate re-*
11 *gional coordination of various elements of the net-*
12 *work;*

13 *(5) establish an advisory group to assist States,*
14 *units of local government, law enforcement agencies,*
15 *and other entities involved in the network with initi-*
16 *ating, facilitating, and promoting Blue Alert plans,*
17 *which shall include—*

18 *(A) to the maximum extent practicable, rep-*
19 *resentation from the various geographic regions*
20 *of the United States; and*

21 *(B) members who are—*

22 *(i) representatives of a law enforcement*
23 *organization representing rank-and-file offi-*
24 *cers;*

1 (ii) representatives of other law en-
2 forcement agencies and public safety com-
3 munications;

4 (iii) broadcasters, first responders, dis-
5 patchers, and radio station personnel; and

6 (iv) representatives of any other indi-
7 viduals or organizations that the Coordi-
8 nator determines are necessary to the suc-
9 cess of the network;

10 (6) act as the nationwide point of contact for—

11 (A) the development of the network; and

12 (B) regional coordination of Blue Alerts
13 through the network; and

14 (7) determine—

15 (A) what procedures and practices are in
16 use for notifying law enforcement and the public
17 when a law enforcement officer is killed or seri-
18 ously injured in the line of duty; and

19 (B) which of the procedures and practices
20 are effective and that do not require the expendi-
21 ture of additional resources to implement.

22 (c) LIMITATIONS.—

23 (1) VOLUNTARY PARTICIPATION.—The guidelines
24 established under subsection (b)(2), protocols devel-
25 oped under subsection (b)(3), and other programs es-

1 *tablished under subsection (b), shall not be manda-*
2 *tory.*

3 (2) *DISSEMINATION OF INFORMATION.—The*
4 *guidelines established under subsection (b)(2) shall, to*
5 *the maximum extent practicable (as determined by*
6 *the Coordinator in consultation with law enforcement*
7 *agencies of States and units of local government),*
8 *provide that appropriate information relating to a*
9 *Blue Alert is disseminated to the appropriate officials*
10 *of law enforcement agencies, public health agencies,*
11 *and other agencies.*

12 (3) *PRIVACY AND CIVIL LIBERTIES PROTEC-*
13 *TIONS.—The guidelines established under subsection*
14 *(b) shall—*

15 (A) *provide mechanisms that ensure that*
16 *Blue Alerts comply with all applicable Federal,*
17 *State, and local privacy laws and regulations;*
18 *and*

19 (B) *include standards that specifically pro-*
20 *vide for the protection of the civil liberties, in-*
21 *cluding the privacy, of law enforcement officers*
22 *who are seriously injured or killed in the line of*
23 *duty and the families of the officers.*

24 (d) *COOPERATION WITH OTHER AGENCIES.—The Co-*
25 *ordinator shall cooperate with the Secretary of Homeland*

1 *Security, the Secretary of Transportation, the Chairman of*
2 *the Federal Communications Commission, and appropriate*
3 *offices of the Department of Justice in carrying out activi-*
4 *ties under this Act.*

5 (e) *RESTRICTIONS ON COORDINATOR.—The Coordi-*
6 *nator may not—*

7 (1) *perform any official travel for the sole pur-*
8 *pose of carrying out the duties of the Coordinator;*

9 (2) *lobby any officer of a State regarding the*
10 *funding or implementation of a Blue Alert plan; or*

11 (3) *host a conference focused solely on the Blue*
12 *Alert program that requires the expenditure of Fed-*
13 *eral funds.*

14 (f) *REPORTS.—Not later than 1 year after the date of*
15 *enactment of this Act, and annually thereafter, the Coordi-*
16 *nator shall submit to Congress a report on the activities*
17 *of the Coordinator and the effectiveness and status of the*
18 *Blue Alert plans that are in effect or being developed.*

19 **SEC. 5. GRANT PROGRAM FOR SUPPORT OF BLUE ALERT**
20 **PLANS.**

21 *Section 1701(b) of title I of the Omnibus Crime Con-*
22 *trol and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b))*
23 *is amended—*

24 (1) *in paragraph (16), by striking “and” at the*
25 *end;*

1 (2) by redesignating paragraph (17) as para-
2 graph (18); and

3 (3) by inserting after paragraph (16) the fol-
4 lowing:

5 “(17) to assist a State in the development or en-
6 hancement of programs and activities in support of
7 a Blue Alert plan and the network (as those terms are
8 defined in section 2 of the National Blue Alert Act of
9 2012), including—

10 “(A) developing and implementing edu-
11 cation and training programs, and associated
12 materials, relating to Blue Alert plans;

13 “(B) developing and implementing law en-
14 forcement programs, and associated equipment,
15 relating to Blue Alert plans; and

16 “(C) developing and implementing new
17 technologies to improve the communication of
18 Blue Alerts; and”.

19 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 1001(a)(11) of the Omnibus Crime Control
21 and Safe Streets Act of 1968 is amended by adding at the
22 end the following:

23 “(C)(i) Of amounts authorized to be appropriated to
24 carry out part Q in any fiscal year, \$10,000,000 is author-

1 *ized to be appropriated for grants for the purposes described*
2 *in section 1701(b)(17).*
3 *“(ii) Amounts appropriated pursuant to clause (i)*
4 *shall remain available until expended.”.*

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