

NATIONAL BLUE ALERT ACT OF 2012

MAY 11, 2012.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 365]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 365) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Blue Alert Act of 2012”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **COORDINATOR.**—The term “Coordinator” means the Blue Alert Coordinator of the Department of Justice designated under section 4(a).
- (2) **BLUE ALERT.**—The term “Blue Alert” means information relating to the serious injury or death of a law enforcement officer in the line of duty sent through the network.
- (3) **BLUE ALERT PLAN.**—The term “Blue Alert plan” means the plan of a State, unit of local government, or Federal agency participating in the network for the dissemination of information received as a Blue Alert.
- (4) **LAW ENFORCEMENT OFFICER.**—The term “law enforcement officer” shall have the same meaning as in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(6)).
- (5) **NETWORK.**—The term “network” means the Blue Alert communications network established by the Attorney General under section 3.
- (6) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. BLUE ALERT COMMUNICATIONS NETWORK.

The Attorney General shall establish a national Blue Alert communications network within the Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with States, units of local government, law enforcement agencies, and other appropriate entities.

SEC. 4. BLUE ALERT COORDINATOR; GUIDELINES.

(a) **COORDINATION WITHIN DEPARTMENT OF JUSTICE.**—The Attorney General shall assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network.

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

- (1) provide assistance to States and units of local government that are using Blue Alert plans;
- (2) establish voluntary guidelines for States and units of local government to use in developing Blue Alert plans that will promote compatible and integrated Blue Alert plans throughout the United States, including—
 - (A) a list of the resources necessary to establish a Blue Alert plan;
 - (B) criteria for evaluating whether a situation warrants issuing a Blue Alert;
 - (C) guidelines to protect the privacy, dignity, independence, and autonomy of any law enforcement officer who may be the subject of a Blue Alert and the family of the law enforcement officer;
 - (D) guidelines that a Blue Alert should only be issued with respect to a law enforcement officer if—
 - (i) the law enforcement agency involved—
 - (I) confirms—
 - (aa) the death or serious injury of the law enforcement officer; or
 - (bb) the attack on the law enforcement officer and that there is an indication of the death or serious injury of the officer; or
 - (II) concludes that the law enforcement officer is missing in the line of duty;
 - (ii) there is an indication of serious injury to or death of the law enforcement officer;
 - (iii) the suspect involved has not been apprehended; and
 - (iv) there is sufficient descriptive information of the suspect involved and any relevant vehicle and tag numbers;
 - (E) guidelines—
 - (i) that information relating to a law enforcement officer who is seriously injured or killed in the line of duty should be provided to the National Crime Information Center database operated by the Federal Bureau of Investigation under section 534 of title 28, United States Code, and any relevant crime information repository of the State involved;
 - (ii) that a Blue Alert should, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local governments), be limited to the geographic areas most likely to facilitate the apprehension of the suspect

- involved or which the suspect could reasonably reach, which should not be limited to State lines;
- (iii) for law enforcement agencies of States or units of local government to develop plans to communicate information to neighboring States to provide for seamless communication of a Blue Alert; and
 - (iv) providing that a Blue Alert should be suspended when the suspect involved is apprehended or when the law enforcement agency involved determines that the Blue Alert is no longer effective; and
- (F) guidelines for—
- (i) the issuance of Blue Alerts through the network; and
 - (ii) the extent of the dissemination of alerts issued through the network;
- (3) develop protocols for efforts to apprehend suspects that address activities during the period beginning at the time of the initial notification of a law enforcement agency that a suspect has not been apprehended and ending at the time of apprehension of a suspect or when the law enforcement agency involved determines that the Blue Alert is no longer effective, including protocols regulating—
- (A) the use of public safety communications;
 - (B) command center operations; and
 - (C) incident review, evaluation, debriefing, and public information procedures;
- (4) work with States to ensure appropriate regional coordination of various elements of the network;
- (5) establish an advisory group to assist States, units of local government, law enforcement agencies, and other entities involved in the network with initiating, facilitating, and promoting Blue Alert plans, which shall include—
- (A) to the maximum extent practicable, representation from the various geographic regions of the United States; and
 - (B) members who are—
 - (i) representatives of a law enforcement organization representing rank-and-file officers;
 - (ii) representatives of other law enforcement agencies and public safety communications;
 - (iii) broadcasters, first responders, dispatchers, and radio station personnel; and
 - (iv) representatives of any other individuals or organizations that the Coordinator determines are necessary to the success of the network;
- (6) act as the nationwide point of contact for—
- (A) the development of the network; and
 - (B) regional coordination of Blue Alerts through the network; and
- (7) determine—
- (A) what procedures and practices are in use for notifying law enforcement and the public when a law enforcement officer is killed or seriously injured in the line of duty; and
 - (B) which of the procedures and practices are effective and that do not require the expenditure of additional resources to implement.
- (c) LIMITATIONS.—
- (1) VOLUNTARY PARTICIPATION.—The guidelines established under subsection (b)(2), protocols developed under subsection (b)(3), and other programs established under subsection (b), shall not be mandatory.
 - (2) DISSEMINATION OF INFORMATION.—The guidelines established under subsection (b)(2) shall, to the maximum extent practicable (as determined by the Coordinator in consultation with law enforcement agencies of States and units of local government), provide that appropriate information relating to a Blue Alert is disseminated to the appropriate officials of law enforcement agencies, public health agencies, and other agencies.
 - (3) PRIVACY AND CIVIL LIBERTIES PROTECTIONS.—The guidelines established under subsection (b) shall—
 - (A) provide mechanisms that ensure that Blue Alerts comply with all applicable Federal, State, and local privacy laws and regulations; and
 - (B) include standards that specifically provide for the protection of the civil liberties, including the privacy, of law enforcement officers who are seriously injured or killed in the line of duty and the families of the officers.
- (d) COOPERATION WITH OTHER AGENCIES.—The Coordinator shall cooperate with the Secretary of Homeland Security, the Secretary of Transportation, the Chairman of the Federal Communications Commission, and appropriate offices of the Department of Justice in carrying out activities under this Act.
- (e) RESTRICTIONS ON COORDINATOR.—The Coordinator may not—

(1) perform any official travel for the sole purpose of carrying out the duties of the Coordinator;

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

(3) host a conference focused solely on the Blue Alert program that requires the expenditure of Federal funds.

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

SEC. 5. GRANT PROGRAM FOR SUPPORT OF BLUE ALERT PLANS.

Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

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

(2) by redesignating paragraph (17) as paragraph (18); and

(3) by inserting after paragraph (16) the following:

“(17) to assist a State in the development or enhancement of programs and activities in support of a Blue Alert plan and the network (as those terms are defined in section 2 of the National Blue Alert Act of 2012), including—

“(A) developing and implementing education and training programs, and associated materials, relating to Blue Alert plans;

“(B) developing and implementing law enforcement programs, and associated equipment, relating to Blue Alert plans; and

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

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

“(C)(i) Of amounts authorized to be appropriated to carry out part Q in any fiscal year, \$10,000,000 is authorized to be appropriated for grants for the purposes described in section 1701(b)(17).

“(ii) Amounts appropriated pursuant to clause (i) shall remain available until expended.”

Purpose and Summary

H.R. 365 directs the formation of a national Blue Alert communications network within the Department of Justice (DOJ) to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty and a suspect has not been apprehended. An existing DOJ officer shall act as the national coordinator of the Blue Alert communications network. The bill sets forth the duties of the national coordinator, including 1) encouraging states and local governments to develop additional Blue Alert plans, 2) establishing voluntary guidelines for states and local governments to use in developing such plans, 3) developing protocols for efforts to apprehend suspects, and 4) establishing an advisory group to assist states, local governments, law enforcement agencies, and other entities in initiating, facilitating, and promoting Blue Alert plans. The bill amends the Omnibus Crime Control and Safe Streets Act to require the use of public safety and community policing grants to assist states in developing and enhancing a Blue Alert plan and communications network.

Background and Need for the Legislation

This bill would encourage and enhance an integrated Blue Alert communications network throughout the United States in order to disseminate information and speed apprehension of violent criminals when a law enforcement officer is seriously injured or killed in the line of duty. Blue Alerts would use the same infrastructure

as Amber Alerts (missing children) and Silver Alerts (missing seniors).

Each year, hundreds of law enforcement officers are killed or seriously injured in the line of duty. Despite this, law enforcement officers put their lives on the line every day, working long and irregular hours in demanding and dangerous conditions. These officers run a high risk of being injured or killed by the same criminals that prey on us. Since 1791, nearly 21,000 law enforcement officers have been killed in the line of duty in the United States.

The Blue Alert system is a cooperative effort among local, state and Federal authorities, law enforcement agencies and the general public. A Blue Alert provides a description of an offender who is still at large and may include a description of the offender's vehicle and license plate information.

The bill directs the Department of Justice to designate a Blue Alert national coordinator who will encourage states that have not already done so to develop Blue Alert plans and establish voluntary guidelines.

Like Amber Alerts, Blue Alerts help hinder the offender's ability to flee and will facilitate a speedy capture. However, Blue Alerts further help to eliminate the grave threat which each offender poses to the general public and to law enforcement personnel.

Fourteen states currently have Blue Alert networks in place, and Ohio will implement its network in June.

The bill authorizes the use of existing COPS funding to the states for Blue Alert implementation, and therefore does not increase costs to carry out the program.

Hearings

The Committee on the Judiciary held no hearings on H.R. 365.

Committee Consideration

On April 25, 2012, the Committee met in open session and ordered the bill H.R. 365 favorably reported with an amendment in the nature of a substitute by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 365.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 365, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 10, 2012.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 365, the “National Blue Alert Act of 2012.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 365—National Blue Alert Act of 2012.

As ordered reported by the House Committee on the Judiciary on
April 25, 2012.

SUMMARY

H.R. 365 would require the Department of Justice (DOJ) to establish a national communications network to issue alerts (that would be known as “blue alerts”) when a law enforcement officer is killed or seriously injured. The bill also would authorize the appropriation of \$10 million annually for DOJ to make grants to States to cover costs relating to participation in the blue alert program.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 365 would cost \$36 million over the 2013-2017 period. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 365 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 365 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars

	2013	2014	2015	2016	2017	2013– 2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
DOJ Grants						
Authorization Level	10	10	10	10	10	50
Estimated Outlays	1	4	7	9	10	31
DOJ Administrative Costs						
Estimated Authorization Level	1	1	1	1	1	5
Estimated Outlays	1	1	1	1	1	5
Total						
Estimated Authorization Level	11	11	11	11	11	55
Estimated Outlays	2	5	8	10	11	36

Note: DOJ = Department of Justice.

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 365 will be enacted by the end of fiscal year 2012. We assume that the necessary amounts will be appropriated near the start of each fiscal year and that spending will follow historical patterns for similar activities.

H.R. 365 would authorize the appropriation of \$10 million for each fiscal year for DOJ to make grants to States to fund activities that would support participation in the blue alert program. Grants could be used to develop training and education programs and to improve communications technologies for the new alert program.

H.R. 365 would require DOJ to establish and promote a national communications network to issue alerts when a law enforcement officer is seriously injured or killed. Under the bill's provisions, the department would develop guidelines and protocols for State and local governments that participate in the program and provide assistance as necessary to those participants. Based on the costs of similar activities, CBO estimates that it would cost about \$1 million annually for DOJ to establish and administer the new program.

PAY-AS-YOU-GO CONSIDERATIONS: NONE.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 365 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz

Impact on State, Local, and Tribal Governments: Melissa Merrell
 Impact on the Private Sector: Paige Piper/Bach

ESTIMATE APPROVED BY:

Theresa Gullo
 Deputy Assistant Director for Budget Analysis

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 365 will encourage and enhance an integrated Blue Alert communications network throughout the United States in order to disseminate information and speed apprehension of violent criminals when a law enforcement officer is seriously injured or killed in the line of duty.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 365 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1: Short Title

Section 1 provides that the short title of H.R. 365 is the “National Blue Alert Act of 2012.”

Sec. 2: Definitions

Section 2 defines certain terms as used in the bill.

Sec. 3: Blue Alert Communications Network

Section 3 directs the Attorney General to establish a national Blue Alert communications network within the Department of Justice.

Sec. 4: Blue Alert Coordinator; Guidelines

Section 4 requires the Attorney General to assign an existing officer of the Department of Justice to act as the national coordinator of the Blue Alert communications network. The Section also sets forth the coordinator’s duties and limitations.

Sec. 5: Grant Program for Support of Blue Alert Plans

Section 5 allows the issuance of grants in furtherance of Blue Alert plans.

Sec. 6: Authorization of Appropriations

Section 6 authorizes \$10 million per fiscal year to be appropriated from existing COPS funding for grants to develop and implement training and new technologies related to Blue Alert plans.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

**OMNIBUS CRIME CONTROL AND SAFE STREETS ACT
OF 1968**

* * * * *

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * *

PART J—FUNDING

AUTHORIZATION OF APPROPRIATIONS

SEC. 1001. (a)(1) * * *

* * * * *

(11)(A) * * *

* * * * *

(C)(i) Of amounts authorized to be appropriated to carry out part Q in any fiscal year, \$10,000,000 is authorized to be appropriated for grants for the purposes described in section 1701(b)(17).

(ii) Amounts appropriated pursuant to clause (i) shall remain available until expended.

* * * * *

**PART Q—PUBLIC SAFETY AND COMMUNITY
POLICING; “COPS ON THE BEAT”**

SEC. 1701. AUTHORITY TO MAKE PUBLIC SAFETY AND COMMUNITY POLICING GRANTS.

(a) * * *

(b) USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—

(1) * * *

* * * * *

(16) to support the purchase by a law enforcement agency of no more than 1 service weapon per officer, upon hiring for deployment in community-oriented policing or, if necessary, upon existing officers’ initial redeployment to community-oriented policing; **[and]**

(17) to assist a State in the development or enhancement of programs and activities in support of a Blue Alert plan and the network (as those terms are defined in section 2 of the National Blue Alert Act of 2012), including—

(A) developing and implementing education and training programs, and associated materials, relating to Blue Alert plans;

(B) developing and implementing law enforcement programs, and associated equipment, relating to Blue Alert plans; and

(C) developing and implementing new technologies to improve the communication of Blue Alerts; and

[(17)] (18) to permit tribal governments receiving direct law enforcement services from the Bureau of Indian Affairs to access the program under this section for use in accordance with paragraphs (1) through (16).

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