

**Calendar No. 160**112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 657**

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.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 28, 2011

Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mr. COONS, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. KYL, Mr. BROWN of Ohio, and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

SEPTEMBER 8, 2011

Reported by Mr. LEAHY, with an amendment

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

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Blue Alert  
3 Act of 2011”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **COORDINATOR.**—The term “Coordinator”  
7 means the Blue Alert Coordinator of the Depart-  
8 ment of Justice designated under section 4(a).

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

13 (3) **BLUE ALERT PLAN.**—The term “Blue Alert  
14 plan” means the plan of a State, unit of local gov-  
15 ernment, or Federal agency participating in the net-  
16 work for the dissemination of information received  
17 as a Blue Alert.

18 (4) **NETWORK.**—The term “network” means  
19 the Blue Alert communications network established  
20 by the Attorney General under section 3.

21 (5) **STATE.**—The term “State” means each of  
22 the 50 States, the District of Columbia, the Com-  
23 monwealth of Puerto Rico, the United States Virgin  
24 Islands, Guam, American Samoa, and the Common-  
25 wealth of the Northern Mariana Islands.

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

2 The Attorney General shall establish a national Blue  
3 Alert communications network within the Department of  
4 Justice to issue Blue Alerts through the initiation, facilita-  
5 tion, and promotion of Blue Alert plans, in coordination  
6 with States, units of local government, law enforcement  
7 agencies, and other appropriate entities.

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

9 (a) COORDINATION WITHIN DEPARTMENT OF JUS-  
10 TICE.—The Attorney General shall assign an officer of the  
11 Department of Justice to act as the national coordinator  
12 of the Blue Alert communications network.

13 (b) DUTIES OF THE COORDINATOR.—The Coordi-  
14 nator shall—

15 (1) encourage States and units of local govern-  
16 ment to develop additional Blue Alert plans;

17 (2) establish voluntary guidelines for States and  
18 units of local government to use in developing Blue  
19 Alert plans that will promote compatible and inte-  
20 grated Blue Alert plans throughout the United  
21 States, including—

22 (A) a list of the resources necessary to es-  
23 tablish a Blue Alert plan;

24 (B) criteria for evaluating whether a situa-  
25 tion warrants issuing a Blue Alert;

1           (C) guidelines to protect the privacy, dig-  
2 nity, independence, and autonomy of any law  
3 enforcement officer who may be the subject of  
4 a Blue Alert and the family of the law enforce-  
5 ment officer;

6           (D) guidelines that a Blue Alert should  
7 only be issued with respect to a law enforce-  
8 ment officer if—

9           (i) the law enforcement agency in-  
10 volved—

11           (I) confirms—

12           (aa) the death or serious in-  
13 jury of the law enforcement offi-  
14 cer; or

15           (bb) the attack on the law  
16 enforcement officer and that  
17 there is an indication of the  
18 death or serious injury of the of-  
19 ficer; or

20           (II) concludes that the law en-  
21 forcement officer is missing in the line  
22 of duty;

23           (ii) there is an indication of serious  
24 injury to or death of the law enforcement  
25 officer;

1 (iii) the suspect involved has not been  
2 apprehended; and

3 (iv) there is sufficient descriptive in-  
4 formation of the suspect involved and any  
5 relevant vehicle and tag numbers;

6 ~~(E)~~ guidelines—

7 (i) that information relating to a law  
8 enforcement officer who is seriously in-  
9 jured or killed in the line of duty should be  
10 provided to the National Crime Informa-  
11 tion Center database operated by the Fed-  
12 eral Bureau of Investigation under section  
13 534 of title 28, United States Code, and  
14 any relevant crime information repository  
15 of the State involved;

16 (ii) that a Blue Alert should, to the  
17 maximum extent practicable (as deter-  
18 mined by the Coordinator in consultation  
19 with law enforcement agencies of States  
20 and units of local governments), be limited  
21 to the geographic areas most likely to fa-  
22 cilitate the apprehension of the suspect in-  
23 volved or which the suspect could reason-  
24 ably reach, which should not be limited to  
25 State lines;

1           (iii) for law enforcement agencies of  
2           States or units of local government to de-  
3           velop plans to communicate information to  
4           neighboring States to provide for seamless  
5           communication of a Blue Alert; and

6           (iv) providing that a Blue Alert  
7           should be suspended when the suspect in-  
8           volved is apprehended or when the law en-  
9           forcement agency involved determines that  
10          the Blue Alert is no longer effective; and  
11          (F) guidelines for—

12           (i) the issuance of Blue Alerts  
13           through the network; and

14           (ii) the extent of the dissemination of  
15           alerts issued through the network;

16          (3) develop protocols for efforts to apprehend  
17          suspects that address activities during the period be-  
18          ginning at the time of the initial notification of a  
19          law enforcement agency that a suspect has not been  
20          apprehended and ending at the time of apprehension  
21          of a suspect or when the law enforcement agency in-  
22          volved determines that the Blue Alert is no longer  
23          effective; including protocols regulating—

24           (A) the use of public safety communica-  
25           tions;

1                   ~~(B)~~ command center operations; and

2                   ~~(C)~~ incident review, evaluation, debriefing,  
3                   and public information procedures;

4                   ~~(4)~~ work with States to ensure appropriate re-  
5                   gional coordination of various elements of the net-  
6                   work;

7                   ~~(5)~~ establish an advisory group to assist States,  
8                   units of local government, law enforcement agencies,  
9                   and other entities involved in the network with initi-  
10                  ating, facilitating, and promoting Blue Alert plans,  
11                  which shall include—

12                   ~~(A)~~ to the maximum extent practicable,  
13                   representation from the various geographic re-  
14                   gions of the United States; and

15                   ~~(B)~~ members who are—

16                   ~~(i)~~ representatives of law enforcement  
17                   organizations, law enforcement agencies,  
18                   and public safety communications;

19                   ~~(ii)~~ broadcasters, first responders, dis-  
20                   patchers, and radio station personnel; and

21                   ~~(iii)~~ representatives of any other indi-  
22                   viduals or organizations that the Coordi-  
23                   nator determines are necessary to the suc-  
24                   cess of the network; and

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

- 1                   (A) the development of the network; and  
 2                   (B) regional coordination of Blue Alerts  
 3                   through the network.

4           (c) LIMITATIONS.—

5                   (1) VOLUNTARY PARTICIPATION.—The guide-  
 6                   lines established under subsection (b)(2), protocols  
 7                   developed under subsection (b)(3), and other pro-  
 8                   grams established under subsection (b), shall not be  
 9                   mandatory.

10                   (2) DISSEMINATION OF INFORMATION.—The  
 11                   guidelines established under subsection (b)(2) shall,  
 12                   to the maximum extent practicable (as determined  
 13                   by the Coordinator in consultation with law enforce-  
 14                   ment agencies of States and units of local govern-  
 15                   ment); provide that appropriate information relating  
 16                   to a Blue Alert is disseminated to the appropriate  
 17                   officials of law enforcement agencies, public health  
 18                   agencies, and other agencies.

19                   (3) PRIVACY AND CIVIL LIBERTIES PROTEC-  
 20                   TIONS.—The guidelines established under subsection  
 21                   (b) shall—

22                           (A) provide mechanisms that ensure that  
 23                   Blue Alerts comply with all applicable Federal,  
 24                   State, and local privacy laws and regulations;  
 25                   and



1           (B) include standards that specifically pro-  
2           vide for the protection of the civil liberties, in-  
3           cluding the privacy, of law enforcement officers  
4           who are seriously injured or killed in the line of  
5           duty and the families of the officers.

6           (d) **COOPERATION WITH OTHER AGENCIES.**—The  
7           Coordinator shall cooperate with the Secretary of Home-  
8           land Security, the Secretary of Transportation, the Chair-  
9           man of the Federal Communications Commission, and ap-  
10          propriate offices of the Department of Justice in carrying  
11          out activities under this Act.

12          (e) **REPORTS.**—Not later than 1 year after the date  
13          of enactment of this Act, and annually thereafter, the Co-  
14          ordinator shall submit to Congress a report on the activi-  
15          ties of the Coordinator and the effectiveness and status  
16          of the Blue Alert plans that are in effect or being devel-  
17          oped.

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

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

23                   (1) in paragraph (16), by striking “and” at the  
24                   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  
6 enhancement of programs and activities in support  
7 of a Blue Alert plan and the network (as those  
8 terms are defined in section 2 of the National Blue  
9 Alert Act of 2010), 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  
22 the 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 de-  
2 scribed in section 1701(b)(17).

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

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “National Blue Alert Act*  
7 *of 2011”.*

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

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

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

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

22 (4) *LAW ENFORCEMENT OFFICER.*—*The term*  
23 *“law enforcement officer” shall have the same mean-*  
24 *ing as in section 1204 of the Omnibus Crime Control*  
25 *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 2011), 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 appro-  
24 priated to carry out part Q in any fiscal year,  
25 \$10,000,000 is authorized to be appropriated for

1           *grants for the purposes described in section*  
2           *1701(b)(17).*

3           *“(i) Amounts appropriated pursuant to*  
4           *clause (i) shall remain available until ex-*  
5           *pended.”.*

**Calendar No. 160**

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**S. 657**

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**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.

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SEPTEMBER 8, 2011

Reported with an amendment