

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 365  
OFFERED BY MRS. ADAMS OF FLORIDA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

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

**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.

1           (4) LAW ENFORCEMENT OFFICER.—The term  
2           “law enforcement officer” shall have the same mean-  
3           ing as in section 1204 of the Omnibus Crime Con-  
4           trol and Safe Streets Act of 1968 (42 U.S.C.  
5           3796b(6)).

6           (5) NETWORK.—The term “network” means  
7           the Blue Alert communications network established  
8           by the Attorney General under section 3.

9           (6) STATE.—The term “State” means each of  
10          the 50 States, the District of Columbia, the Com-  
11          monwealth of Puerto Rico, the United States Virgin  
12          Islands, Guam, American Samoa, and the Common-  
13          wealth of the Northern Mariana Islands.

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

15          The Attorney General shall establish a national Blue  
16          Alert communications network within the Department of  
17          Justice to issue Blue Alerts through the initiation, facilita-  
18          tion, and promotion of Blue Alert plans, in coordination  
19          with States, units of local government, law enforcement  
20          agencies, and other appropriate entities.

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

22          (a) COORDINATION WITHIN DEPARTMENT OF JUST-  
23          TICE.—The Attorney General shall assign an existing offi-  
24          cer of the Department of Justice to act as the national  
25          coordinator of the Blue Alert communications network.

1 (b) DUTIES OF THE COORDINATOR.—The Coordi-  
2 nator shall—

3 (1) provide assistance to States and units of  
4 local government that are using Blue Alert plans;

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

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

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

14 (C) guidelines to protect the privacy, dig-  
15 nity, independence, and autonomy of any law  
16 enforcement officer who may be the subject of  
17 a Blue Alert and the family of the law enforce-  
18 ment officer;

19 (D) guidelines that a Blue Alert should  
20 only be issued with respect to a law enforce-  
21 ment officer if—

22 (i) the law enforcement agency in-  
23 volved—

24 (I) confirms—

1 (aa) the death or serious in-  
2 jury of the law enforcement offi-  
3 cer; or

4 (bb) the attack on the law  
5 enforcement officer and that  
6 there is an indication of the  
7 death or serious injury of the of-  
8 ficer; or

9 (II) concludes that the law en-  
10 forcement officer is missing in the line  
11 of duty;

12 (ii) there is an indication of serious  
13 injury to or death of the law enforcement  
14 officer;

15 (iii) the suspect involved has not been  
16 apprehended; and

17 (iv) there is sufficient descriptive in-  
18 formation of the suspect involved and any  
19 relevant vehicle and tag numbers;

20 (E) guidelines—

21 (i) that information relating to a law  
22 enforcement officer who is seriously in-  
23 jured or killed in the line of duty should be  
24 provided to the National Crime Informa-  
25 tion Center database operated by the Fed-

1 eral Bureau of Investigation under section  
2 534 of title 28, United States Code, and  
3 any relevant crime information repository  
4 of the State involved;

5 (ii) that a Blue Alert should, to the  
6 maximum extent practicable (as deter-  
7 mined by the Coordinator in consultation  
8 with law enforcement agencies of States  
9 and units of local governments), be limited  
10 to the geographic areas most likely to fa-  
11 cilitate the apprehension of the suspect in-  
12 volved or which the suspect could reason-  
13 ably reach, which should not be limited to  
14 State lines;

15 (iii) for law enforcement agencies of  
16 States or units of local government to de-  
17 velop plans to communicate information to  
18 neighboring States to provide for seamless  
19 communication of a Blue Alert; and

20 (iv) providing that a Blue Alert  
21 should be suspended when the suspect in-  
22 volved is apprehended or when the law en-  
23 forcement agency involved determines that  
24 the Blue Alert is no longer effective; and  
25 (F) guidelines for—

1 (i) the issuance of Blue Alerts  
2 through the network; and

3 (ii) the extent of the dissemination of  
4 alerts issued through the network;

5 (3) develop protocols for efforts to apprehend  
6 suspects that address activities during the period be-  
7 ginning at the time of the initial notification of a  
8 law enforcement agency that a suspect has not been  
9 apprehended and ending at the time of apprehension  
10 of a suspect or when the law enforcement agency in-  
11 volved determines that the Blue Alert is no longer  
12 effective, including protocols regulating—

13 (A) the use of public safety communica-  
14 tions;

15 (B) command center operations; and

16 (C) incident review, evaluation, debriefing,  
17 and public information procedures;

18 (4) work with States to ensure appropriate re-  
19 gional coordination of various elements of the net-  
20 work;

21 (5) establish an advisory group to assist States,  
22 units of local government, law enforcement agencies,  
23 and other entities involved in the network with initi-  
24 ating, facilitating, and promoting Blue Alert plans,  
25 which shall include—

1 (A) to the maximum extent practicable,  
2 representation from the various geographic re-  
3 gions of the United States; and

4 (B) members who are—

5 (i) representatives of a law enforce-  
6 ment organization representing rank-and-  
7 file officers;

8 (ii) representatives of other law en-  
9 forcement agencies and public safety com-  
10 munications;

11 (iii) broadcasters, first responders,  
12 dispatchers, and radio station personnel;  
13 and

14 (iv) representatives of any other indi-  
15 viduals or organizations that the Coordi-  
16 nator determines are necessary to the suc-  
17 cess of the network;

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

19 (A) the development of the network; and

20 (B) regional coordination of Blue Alerts  
21 through the network; and

22 (7) determine—

23 (A) what procedures and practices are in  
24 use for notifying law enforcement and the pub-

1           lic when a law enforcement officer is killed or  
2           seriously injured in the line of duty; and

3                   (B) which of the procedures and practices  
4           are effective and that do not require the ex-  
5           penditure of additional resources to implement.

6           (c) LIMITATIONS.—

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

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

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

24                           (A) provide mechanisms that ensure that  
25          Blue Alerts comply with all applicable Federal,

1 State, and local privacy laws and regulations;  
2 and

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

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

14 (e) RESTRICTIONS ON COORDINATOR.—The Coordi-  
15 nator may not—

16 (1) perform any official travel for the sole pur-  
17 pose of carrying out the duties of the Coordinator;

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

20 (3) host a conference focused solely on the Blue  
21 Alert program that requires the expenditure of Fed-  
22 eral funds.

23 (f) REPORTS.—Not later than 1 year after the date  
24 of enactment of this Act, and annually thereafter, the Co-  
25 ordinator shall submit to Congress a report on the activi-

1 ties of the Coordinator and the effectiveness and status  
2 of the Blue Alert plans that are in effect or being devel-  
3 oped.

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

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

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

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

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

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

20 “(A) developing and implementing edu-  
21 cation and training programs, and associated  
22 materials, relating to Blue Alert plans;

23 “(B) developing and implementing law en-  
24 forcement programs, and associated equipment,  
25 relating to Blue Alert plans; and

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

4 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

8           “(C)(i) Of amounts authorized to be ap-  
9           propriated to carry out part Q in any fiscal  
10          year, \$10,000,000 is authorized to be appro-  
11          priated for grants for the purposes described in  
12          section 1701(b)(17).

13          “(ii) Amounts appropriated pursuant to  
14          clause (i) shall remain available until ex-  
15          pended.”.

