

INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT  
OF 2011

JULY 29, 2011.—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. 2076]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R.2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

CONTENTS

	Page
The Amendments .....	1
Purpose and Summary .....	2
Background and Need for the Legislation .....	2
Hearings .....	3
Committee Consideration .....	3
Committee Votes .....	3
Committee Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Performance Goals and Objectives .....	4
Advisory on Earmarks .....	4
Section-by-Section Analysis .....	4
Changes in Existing Law Made by the Bill, as Reported .....	5

**The Amendments**

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 2, line 5, by striking “inserting” and all that follows through the end of the line and inserting “\$3,000,000;”

Page 2, strike lines 15 through 17 and insert the following:

(A) in the section heading, by striking “**Investigation of certain violent crimes;**” and inserting “**Investigation of certain violent crimes;**”.

### **Purpose and Summary**

H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011, specifically allows the Federal Bureau of Investigation (FBI) to provide State and local law enforcement with assistance they request in responding to a violent crime when that violent crime does not appear to otherwise violate a Federal law. The bill also clarifies that the authority of the FBI to conduct or assist in such investigations at the request of State and local law enforcement includes the authority to deploy crisis-management assets. The concern that this bill addresses often arises when the FBI is asked to assist local authorities with shootings and mass killings resulting from violent rampages at some public place, such as a shopping mall or a school.

Additionally, this bill raises from \$2,000,000 to \$3,000,000, the maximum amount of a reward that could be paid pursuant to public advertisements for assistance to the Department of Justice. The offering or awarding of an amount of \$250,000 or more will still require the personal approval of the President or the Attorney General and requires written notice to Congress including to the Chairman and Ranking Member of the House Judiciary Committee.

### **Background and Need for the Legislation**

The FBI does not currently have specific statutory authority to assist in the investigation of mass killings, attempted mass killings, or other violent crimes occurring in venues such as schools, colleges, universities, non-federal office buildings, malls and/or other public places. The FBI receives requests for such assistance from State and local law enforcement, and, while this assistance is specifically requested and generally granted, there is the possibility that Federal officers could be found to be acting outside of their scope of employment.

On July 18, 2011, the FBI Agents Association, representing over 12,000 active and retired-duty agents, sent a letter of support for this legislation. Their letter stated in part: “FBI Agents have a long history of working closely with state and local law enforcement officials to investigate crimes. Unfortunately, the current statutory language granting authority to the FBI to provide investigative assistance for certain “non-federal” crimes, such as mass killings, is ambiguous and the FBI must often find indirect grants of authority in order to assist with investigations. H.R. 2076 would help clarify statutory ambiguity by explicitly granting the FBI the authority to provide investigative assistance, when requested by appropriate state or local law enforcement officials, in cases where those officials are investigating violent acts and shootings at venues such as

schools, non-federal office buildings, and shopping malls. Absent this statutory change, law enforcement officials face questions about whether the FBI can appropriately provide such aid, often resulting in delay.”

### **Hearings**

The Committee on the Judiciary held no hearings on H.R. 2076.

### **Committee Consideration**

On July 20, 2011, the Committee met in open session and ordered the bill H.R. 2076 favorably reported without amendment, 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. 2076.

### **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. 2076, 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, July 28, 2011.*

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. 2076, the “Investigative Assistance for Violent Crimes Act of 2011.”

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. 2076—Investigative Assistance for Violent Crimes Act of 2011.*

CBO estimates that implementing H.R. 2076 would have no significant cost to the Federal Government. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 2076 would clarify the authority of the Department of Justice (DOJ) to assist State and local governments in investigating certain violent crimes. The bill also would raise, from \$2 million to \$3 million, the maximum reward that DOJ may offer for public assistance in solving crimes. Based on information from DOJ about rewards paid in recent years, CBO expects very few rewards to exceed \$2 million. Thus, we estimate that H.R. 2076 would have no significant effect on department spending (rewards are paid from appropriated funds).

H.R. 2076 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was 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. 2076 is intended to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain violent crimes.

### **Advisory on Earmarks**

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2076 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.

*Section 1. Short Title.* This section cites the short title of the bill as the “Investigative Assistance for Violent Crimes Act of 2011.”

*Section 2. Investigation of Mass Killing or Attempted Mass Killing and other Violent Crimes.* This section amends the Federal criminal code to raise the maximum amount of a reward that could

be paid pursuant to public advertisements for assistance to the Department of Justice. Additionally, this section specifies that at the request of an appropriate State or local law enforcement official, the Attorney General and the Director of the Federal Bureau of Investigation may assist in the investigation of violent acts including mass killings and attempted mass killings in schools, malls or other public places and non-federal office buildings. This section clarifies that the authority to conduct or assist in investigations includes the authority to deploy crisis-management assets and that such conduct or assistance is within the scope of Federal employment.

### **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):

## **TITLE 28, UNITED STATES CODE**

\* \* \* \* \*

### **PART II—DEPARTMENT OF JUSTICE**

\* \* \* \* \*

#### **CHAPTER 31—THE ATTORNEY GENERAL**

\* \* \* \* \*

#### **§ 530C. Authority to use available funds**

(a) \* \* \*

(b) PERMITTED USES.—

(1) GENERAL PERMITTED USES.—Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

(A) \* \* \*

\* \* \* \* \*

(L) payment of rewards (i.e., payments pursuant to public advertisements for assistance to the Department of Justice), in accordance with procedures and regulations established or issued by the Attorney General: Provided, That—

(i) no such reward shall exceed **[\$2,000,000]** *\$3,000,000*, unless—

\* \* \* \* \*

(4) FEDERAL BUREAU OF INVESTIGATION.—Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the United States may be used for the conduct of all its authorized activities. *The authority to conduct or assist in investigations includes the authority to deploy tactical response, command and control, and other crisis-management assets of*

*the Bureau, as appropriate; and any such conduct or assistance shall be understood presumptively to be within the scope of Federal office or employment.*

\* \* \* \* \*

**CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION**

Sec.

531. Federal Bureau of Investigation.

\* \* \* \* \*

**[540A. Investigation of violent crimes against travelers.]**

540A. *Investigation of certain violent crimes.*

\* \* \* \* \*

**§ 540A. [Investigation of violent crimes against travelers]  
*Investigation of certain violent crimes***

(a) IN GENERAL.—At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General and Director of the Federal Bureau of Investigation may assist in the investigation of a felony crime of violence in violation of the law of any State in which the victim appears to have been selected because he or she is a traveler, *in the investigation of violent acts and shootings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls, and other public places, and in the investigation of mass killings and attempted mass killings.*

\* \* \* \* \*

(c) Definitions.—In this section—

(1) \* \* \*

\* \* \* \* \*

(4) “mass killings” means three or more killings in a single incident.

\* \* \* \* \*