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H. R. 6538

[Report No. 117-]

To create an Active Shooter Alert Communications Network, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2022

Mr. CICILLINE (for himself, Mr. UPTON, Ms. JACKSON LEE, Mrs. SPARTZ, Mr. THOMPSON of California, Mr. MELJER, Mr. DEUTCH, and Ms. MACE) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE --, 2022

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 italics]

[For text of introduced bill, see copy of bill as introduced on February 1, 2022]

A BILL

To create an Active Shooter Alert Communications Network,
and for other purposes.

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 “Active Shooter Alert Act*
5 *of 2022”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *ACTIVE SHOOTER.*—*The term “active shoot-*
9 *er” means an individual who is engaged in killing or*
10 *attempting to kill persons with a firearm in a popu-*
11 *lated area and who is determined to pose an active,*
12 *imminent threat to people in that populated area.*

13 (2) *ADMINISTRATOR OF FEMA.*—*The term “Ad-*
14 *ministrator of FEMA” means the Administrator of*
15 *the Federal Emergency Management Agency.*

16 (3) *CHAIRMAN OF THE FCC.*—*The term “Chair-*
17 *man of the FCC” means the Chairman of the Federal*
18 *Communications Commission.*

19 (4) *COORDINATOR.*—*The term “Coordinator”*
20 *means the Active Shooter Alert Coordinator of the De-*
21 *partment of Justice designated under section 3(a).*

22 (5) *NETWORK.*—*The term “Network” means the*
23 *Active Shooter Alert Communications Network, an*
24 *interconnected system of Federal, State, Tribal, and*
25 *local governments that is organized to provide infor-*

1 *mation to the public, within geographically relevant*
2 *areas, on active shooter situations.*

3 (6) *POPULATED AREA.*—*The term “populated*
4 *area” means a location where one or more persons*
5 *other than the active shooter are present.*

6 (7) *STATE.*—*The term “State” means any of the*
7 *50 States, the District of Columbia, American Samoa,*
8 *Guam, Puerto Rico, the Northern Mariana Islands,*
9 *the Virgin Islands of the United States, and any other*
10 *territory of the United States.*

11 **SEC. 3. NATIONAL COORDINATION OF ACTIVE SHOOTER**
12 **ALERT COMMUNICATIONS NETWORK.**

13 (a) *COORDINATION WITHIN DEPARTMENT OF JUS-*
14 *TICE.*—*The Attorney General shall assign an officer of the*
15 *Department of Justice to act as the national coordinator*
16 *of the Active Shooter Alert Communications Network re-*
17 *garding an emergency involving an active shooter. The offi-*
18 *cer so designated shall be known as the Active Shooter Alert*
19 *Coordinator of the Department of Justice.*

20 (b) *DUTIES.*—*The Coordinator shall—*

21 (1) *encourage Federal, State, Tribal, and local*
22 *government agencies to establish procedures to re-*
23 *spond to an active shooter, including active shooter*
24 *procedures relating to interstate or interjurisdictional*
25 *travel (including airports and border crossing areas*

1 *and checkpoints), and focus on governments that have*
2 *not yet established such procedures; and*

3 *(2) work with State, Tribal, and local govern-*
4 *ments to encourage appropriate regional and inter-*
5 *jurisdictional coordination of various elements of the*
6 *Network.*

7 *(c) GOALS.—The Coordinator shall encourage the*
8 *adoption of best practices established under section 4(a) in*
9 *State, Tribal, and local governments for—*

10 *(1) the development of policies and procedures to*
11 *guide the use of mass alert systems, changeable mes-*
12 *sage signs, or other information systems to notify*
13 *local residents, motorists, travelers, and individuals*
14 *in the vicinity of an active shooter;*

15 *(2) the development of guidance or policies on*
16 *the content and format of alert messages to be con-*
17 *veyed on mass alert systems, changeable message*
18 *signs, or other information systems relating to an ac-*
19 *tive shooter;*

20 *(3) the coordination of State, Tribal, and local*
21 *Active Shooter Alert communications plans within a*
22 *region for the use of mass alert systems relating to an*
23 *active shooter;*

24 *(4) the planning and designing of mass alert*
25 *systems for multilingual communication with local*

1 *residents, motorists, travelers, and individuals in the*
2 *vicinity of an active shooter, which system may in-*
3 *clude the capability for issuing wide area alerts to*
4 *local residents, motorists, travelers, and individuals*
5 *in the vicinity of an active shooter;*

6 *(5) the planning of systems and protocols to fa-*
7 *cilitate the efficient issuance of active shooter alerts*
8 *and other key information to local residents, motor-*
9 *ists, travelers, and individuals in the vicinity of an*
10 *active shooter during times of day outside of normal*
11 *business hours;*

12 *(6) the provision of training and guidance to*
13 *transportation authorities to facilitate the appro-*
14 *priate use of mass alert systems and other informa-*
15 *tion systems for the notification of local residents, mo-*
16 *torists, travelers, and individuals in the vicinity of*
17 *an active shooter; and*

18 *(7) the development of appropriate mass alert*
19 *systems to ensure that alerts sent to individuals in*
20 *the immediate vicinity of an active shooter do not*
21 *alert the active shooter to the location of individuals*
22 *sheltering in place near the active shooter.*

23 *(d) INTEGRATED PUBLIC ALERT AND WARNING SYS-*
24 *TEM.—In carrying out duties under subsection (b), the Co-*
25 *ordinator shall notify and coordinate with the Adminis-*

1 *trator of FEMA, the Secretary of Transportation, and the*
2 *Chairman of the FCC on using the Integrated Public Alert*
3 *and Warning System to issue alerts for the Network.*

4 *(e) REPORT.—Not later than 18 months after the date*
5 *of enactment of this Act, and every 2 years thereafter until*
6 *such time as each of the State, Tribal, and local govern-*
7 *ments have adopted an active shooter alert protocol, the Co-*
8 *ordinator, in consultation with the Administrator of*
9 *FEMA, Secretary of Transportation, and the Chairman of*
10 *the FCC, shall submit to Congress a report on the activities*
11 *of the Coordinator and the effectiveness and status of the*
12 *Active Shooter Alert communications plan of each State,*
13 *Tribal, and local government within each region that has*
14 *implemented such a plan.*

15 **SEC. 4. STANDARDS FOR ISSUANCE AND DISSEMINATION**
16 **OF ALERTS THROUGH ACTIVE SHOOTER**
17 **ALERT COMMUNICATIONS NETWORK.**

18 *(a) ESTABLISHMENT OF BEST PRACTICES.—*

19 *(1) IN GENERAL.—Subject to subsection (c), the*
20 *Coordinator, using the recommendations of the Advi-*
21 *sory Panel established under subsection (b) and in co-*
22 *ordination with the Administrator of FEMA, the Sec-*
23 *retary of Transportation, the Chairman of the FCC,*
24 *local broadcasters, and Federal, State, Tribal, and*

1 *local law enforcement agencies, shall establish best*
2 *practices for—*

3 *(A) the issuance of alerts through the Net-*
4 *work;*

5 *(B) the extent of the dissemination of alerts*
6 *issued through the Network; and*

7 *(C) the achievement of the goals described in*
8 *section 3(e).*

9 *(2) UPDATING BEST PRACTICES.—The Coordi-*
10 *nator shall review the best practices established under*
11 *paragraph (1) no less frequently than every 5 years*
12 *to ensure the best practices are consistent with up-*
13 *dated data and recommendations on active shooter*
14 *situations and technological advancements in the In-*
15 *tegrated Public Alert and Warning System or other*
16 *technologies. The Coordinator shall convene the Advi-*
17 *sory Panel as necessary to provide updated rec-*
18 *ommendations if the best practices are to be updated.*

19 *(b) ADVISORY PANEL.—*

20 *(1) IN GENERAL.—Not later than 90 days after*
21 *the date of enactment of this Act, the Coordinator*
22 *shall establish an Advisory Panel to make rec-*
23 *ommendations with respect to the establishment of*
24 *best practices under subsection (a).*

1 (2) *MEMBERSHIP.*—*The Advisory Panel shall be*
2 *comprised of at least 9 members, including—*

3 (A) *at least 5 law enforcement officers, in-*
4 *cluding at least one nonsupervisory law enforce-*
5 *ment officer, who have responded to active shoot-*
6 *er incidents and who represent rural, suburban,*
7 *and urban communities;*

8 (B) *at least 1 public safety expert who is*
9 *not a law enforcement officer and who has re-*
10 *sponded to an active shooter incident;*

11 (C) *at least 1 emergency response official*
12 *who is not a law enforcement officer;*

13 (D) *at least 1 city planning expert; and*

14 (E) *at least 1 mental and behavioral health*
15 *expert.*

16 (3) *RECOMMENDATIONS.*—*Not later than 15*
17 *months after the date of enactment of this Act, the*
18 *Advisory Panel shall submit to Coordinator rec-*
19 *ommendations with respect to the establishment of*
20 *best practices under subsection (a).*

21 (c) *LIMITATIONS.*—

22 (1) *IN GENERAL.*—*The best practices established*
23 *under subsection (a) shall—*

24 (A) *be adoptable on a voluntary basis only;*

25 *and*

1 (B) to the maximum extent practicable (as
2 determined by the Coordinator, in consultation
3 with State, Tribal, and local law enforcement
4 agencies), provide that—

5 (i) appropriate information relating to
6 an active shooter response is disseminated
7 to the appropriate law enforcement, public
8 health, communications, and other public
9 officials; and

10 (ii) the dissemination of an alert
11 through the Network be limited to the geo-
12 graphic areas most likely to be affected by,
13 or able to respond to, an active shooter situ-
14 ation.

15 (2) *NO INTERFERENCE.*—In establishing best
16 practices under subsection (a), the Coordinator may
17 not interfere with systems of voluntary coordination
18 between local broadcasters and State, Tribal, and
19 local law enforcement agencies for improving and im-
20 plementing the Network.

1 **SEC. 5. COMPTROLLER GENERAL STUDY ON STATE RE-**
2 **SPONSES TO ACTIVE SHOOTER SITUATIONS**
3 **REQUIRING THE ISSUANCE OF PUBLIC**
4 **ALERTS AND WARNINGS.**

5 (a) *STUDY.*—*The Comptroller General of the United*
6 *States shall conduct a study on State and local responses*
7 *to active shooters and situations requiring the issuance of*
8 *a public alert or warning. Such study shall address each*
9 *of the following:*

10 (1) *Differences between the definitions of the*
11 *term “active shooter” used by different States.*

12 (2) *The amount of time it takes and the process*
13 *in each State to receive approval from the State alert-*
14 *ing officials after a local law enforcement agency re-*
15 *quests the issuance of a public alert or warning, such*
16 *as an AMBER Alert, a Blue Alert, or an Ashanti*
17 *alert.*

18 (3) *A comparison of the timing and effectiveness*
19 *of the issuance of public alerts and warnings by*
20 *State, Tribal, and local alerting officials.*

21 (b) *REPORT TO CONGRESS.*—*Not later than 2 years*
22 *after the date of enactment of this Act, the Comptroller Gen-*
23 *eral of the United States shall submit to Congress a report*
24 *containing the findings of the study conducted under sub-*
25 *section (a).*

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) *IN GENERAL.*—*There is authorized to be appro-*
3 *priated to the Attorney General to carry out this Act*
4 *\$2,000,000 for fiscal year 2023.*

5 (b) *AVAILABILITY OF FUNDS.*—*Amounts appropriated*
6 *under subsection (a) shall remain available until expended.*

7 **SEC. 7. LIMITATION ON LIABILITY.**

8 (a) *IN GENERAL.*—*Nothing in this Act may be con-*
9 *strued to provide that a participating agency, or an officer,*
10 *employee, or agent thereof, shall be liable for any act or*
11 *omission pertaining to the Network.*

12 (b) *STATE OR OTHER FEDERAL LAW.*—*Nothing in*
13 *this section may be construed to limit the application of*
14 *any State or other Federal law providing for liability for*
15 *any act or omission pertaining to the Network.*