AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6538
OFFERED BY M__. ____________

Strike all that follows after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE.
2 This Act may be cited as the “Active Shooter Alert Act of 2022”.

4 SEC. 2. DEFINITIONS.
5 In this Act:
6 (1) ACTIVE SHOOTER.—The term “active shooter” means an individual who is engaged in killing or attempting to kill persons with a firearm in a populated area and who is determined to pose an active, imminent threat to people in that populated area.

(2) ADMINISTRATOR OF FEMA.—The term “Administrator of FEMA” means the Administrator of the Federal Emergency Management Agency.

(3) CHAIRMAN OF THE FCC.—The term “Chairman of the FCC” means the Chairman of the Federal Communications Commission.

(4) COORDINATOR.—The term “Coordinator” means the Active Shooter Alert Coordinator of the
Department of Justice designated under section 3(a).

(5) NETWORK.—The term “Network” means the Active Shooter Alert Communications Network, an interconnected system of Federal, State, Tribal, and local governments that is organized to provide information to the public, within geographically relevant areas, on active shooter situations.

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

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

SEC. 3. NATIONAL COORDINATION OF ACTIVE SHOOTER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the Active Shooter Alert Communications Network regarding an emergency involving an active shooter. The officer so designated shall be known as the Active Shooter Alert Coordinator of the Department of Justice.
(b) DUTIES.—The Coordinator shall—

(1) encourage Federal, State, Tribal, and local government agencies to establish procedures to respond to an active shooter, including active shooter procedures relating to interstate or interjurisdictional travel (including airports and border crossing areas and checkpoints), and focus on governments that have not yet established such procedures; and

(2) work with State, Tribal, and local governments to encourage appropriate regional and interjurisdictional coordination of various elements of the Network.

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

(1) the development of policies and procedures to guide the use of mass alert systems, changeable message signs, or other information systems to notify local residents, motorists, travelers, and individuals in the vicinity of an active shooter;

(2) the development of guidance or policies on the content and format of alert messages to be conveyed on mass alert systems, changeable message signs, or other information systems relating to an active shooter;
(3) the coordination of State, Tribal, and local Active Shooter Alert communications plans within a region for the use of mass alert systems relating to an active shooter;

(4) the planning and designing of mass alert systems for multilingual communication with local residents, motorists, travelers, and individuals in the vicinity of an active shooter, which system may include the capability for issuing wide area alerts to local residents, motorists, travelers, and individuals in the vicinity of an active shooter;

(5) the planning of systems and protocols to facilitate the efficient issuance of active shooter alerts and other key information to local residents, motorists, travelers, and individuals in the vicinity of an active shooter during times of day outside of normal business hours;

(6) the provision of training and guidance to transportation authorities to facilitate the appropriate use of mass alert systems and other information systems for the notification of local residents, motorists, travelers, and individuals in the vicinity of an active shooter; and

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

(d) INTEGRATED PUBLIC ALERT AND WARNING SYS-
TEM.—In carrying out duties under subsection (b), the
Coordinator shall notify and coordinate with the Adminis-
trator of FEMA, the Secretary of Transportation, and the
Chairman of the FCC on using the Integrated Public Alert
and Warning System to issue alerts for the Network.

(e) REPORT.—Not later than 18 months after the
date of enactment of this Act, and every 2 years thereafter
until such time as each of the State, Tribal, and local gov-
ernments have adopted an active shooter alert protocol,
the Coordinator, in consultation with the Administrator
of FEMA, Secretary of Transportation, and the Chairman
of the FCC, shall submit to Congress a report on the ac-
tivities of the Coordinator and the effectiveness and status
of the Active Shooter Alert communications plan of each
State, Tribal, and local government within each region
that has implemented such a plan.

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

(a) Establishment of Best Practices.—
(1) IN GENERAL.—Subject to subsection (c), the Coordinator, using the recommendations of the Advisory Panel established under subsection (b) and in coordination with the Administrator of FEMA, the Secretary of Transportation, the Chairman of the FCC, local broadcasters, and Federal, State, Tribal, and local law enforcement agencies, shall establish best practices for—

(A) the issuance of alerts through the Network;

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

(C) the achievement of the goals described in section 3(c).

(2) UPDATING BEST PRACTICES.—The Coordinator shall review the best practices established under paragraph (1) no less frequently than every 5 years to ensure the best practices are consistent with updated data and recommendations on active shooter situations and technological advancements in the Integrated Public Alert and Warning System or other technologies. The Coordinator shall convene the Advisory Panel as necessary to provide updated recommendations if the best practices are to be updated.
(b) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Coordinator shall establish an Advisory Panel to make recommendations with respect to the establishment of best practices under subsection (a).

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

(A) at least 5 law enforcement officers, including at least one nonsupervisory law enforcement officer, who have responded to active shooter incidents and who represent rural, suburban, and urban communities;

(B) at least 1 public safety expert who is not a law enforcement officer and who has responded to an active shooter incident;

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

(D) at least 1 city planning expert; and

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

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

(c) LIMITATIONS.—

(1) IN GENERAL.—The best practices estab-
lished under subsection (a) shall—

(A) be adoptable on a voluntary basis only;

and

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

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

(ii) the dissemination of an alert
through the Network be limited to the geo-
graphic areas most likely to be affected by,
or able to respond to, an active shooter sit-
uation.

(2) NO INTERFERENCE.—In establishing best
practices under subsection (a), the Coordinator may
not interfere with systems of voluntary coordination
between local broadcasters and State, Tribal, and
local law enforcement agencies for improving and implementing the Network.

SEC. 5. COMPTROLLER GENERAL STUDY ON STATE RESPONSES TO ACTIVE SHOOTER SITUATIONS REQUIRING THE ISSUANCE OF PUBLIC ALERTS AND WARNINGS.

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

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

(2) The amount of time it takes and the process in each State to receive approval from the State alerting officials after a local law enforcement agency requests the issuance of a public alert or warning, such as an AMBER Alert, a Blue Alert, or an Ashanti alert.

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

(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a
1 report containing the findings of the study conducted
2 under subsection (a).

3 SEC. 6. AUTHORIZATION OF APPROPRIATIONS.
4   (a) IN GENERAL.—There is authorized to be appro-
5      priated to the Attorney General to carry out this Act
6      $2,000,000 for fiscal year 2023.
7      (b) AVAILABILITY OF FUNDS.—Amounts appro-
8      priated under subsection (a) shall remain available until
9      expended.

10 SEC. 7. LIMITATION ON LIABILITY.
11   (a) IN GENERAL.—Nothing in this Act may be con-
12      strued to provide that a participating agency, or an officer,
13      employee, or agent thereof, shall be liable for any act or
14      omission pertaining to the Network.
15   (b) STATE OR OTHER FEDERAL LAW.— Nothing in
16      this section may be construed to limit the application of
17      any State or other Federal law providing for liability for
18      any act or omission pertaining to the Network.