H. R. 6538

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. Meijer, Mr. Deutch, and Ms. Mace) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Active Shooter Alert Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) ACTIVE SHOOTER.—The term “active shooter” means an individual actively engaged in killing
or attempting to kill people with a firearm in a populated area who poses 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 described in section 3(a).

(6) Populated Area.—The term “populated area” means a location where one or more individuals 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.—In acting as the national coordinator of the Network, the Coordinator, in coordination with the Administrator of FEMA, the Secretary of Transportation, and the Chairman of the FCC, shall—

(1) seek to eliminate instances in which States and local governments do not have procedures to respond to an active shooter, including active shooter procedures relating to interstate travel (including airports, maritime ports, border crossing areas and checkpoints, and ports of exit from the United States);

(2) work with States and Tribal governments to encourage the development of additional elements (known as local Active Shooter Alert communications plans) in the Network; and
(3) work with States and Tribal governments to encourage appropriate regional coordination of various elements of the Network.

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

(1) the development of general policies and procedures to guide the use of mass alert systems or other information systems to notify local residents, motorists, travelers, and others in the vicinity when there is 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, regional, and local plans for the use of active shooting alert systems or other emergency response mechanisms;

(4) the development of a secure and reliable communications protocols among law enforcement, public safety, public health, and transportation agencies or the modification of existing communications systems to support the notification of local residents,
motorists, travelers, and those in the vicinity of an active shooter;

(5) the planning and designing of improved systems for multilingual communication with local residents, motorists, travelers, and those individuals in the vicinity of an active shooter, including the capability for issuing wide area alerts to local residents, motorists, travelers, and those individuals in the vicinity of an active shooter;

(6) the planning of systems and protocols to facilitate the efficient issuance of active shooter notifications and other key information to local residents, motorists, travelers, and those individuals in the vicinity of an active shooter during off-hours;

(7) 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 those individuals in the vicinity of an active shooter; and

(8) 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 those individuals sheltering in place around the active shooter.
(d) COORDINATION WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF TRANSPORTATION, AND THE FEDERAL COMMUNICATION COMMISSION.—In carrying out duties under subsection (b), the Coordinator shall notify and coordinate with the Administrator 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) COOPERATION.—The Coordinator shall coordinate with the Administrator of FEMA, the Secretary of Transportation, and the Chairman of the FCC in carrying out activities under this section.

(f) 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 States and Tribal governments have adopted an active shooter alert protocol, the Coordinator, in consultation with the Administrator of FEMA, shall submit to Congress a report on the activities of the Coordinator and the effectiveness and status of the local Active Shooter Alert communications plan of each State and Tribal government 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.—Subject
to subsection (b), the Coordinator, in coordination with
the Administrator of FEMA, the Secretary of Transpor-
tation, and the Chairman of the FCC, shall establish best
practices for—

(1) the issuance of alerts through the Network;
(2) the extent of the dissemination of alerts
issued through the Network; and

(3) the goals described in section 3(c).

(b) 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 geographic areas most likely to be affected by, or able to respond to, an active shooter situation.

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

(c) Coordination.—The Coordinator shall coordinate with local broadcasters and Federal, State, Tribal, and local law enforcement agencies in establishing best practices under this section.

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 “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 local law enforcement agencies request the issuance of a public alert or warning, such as an AMBER Alert, Blue Alert, or Ashanti alert.

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

(b) REPORT TO CONGRESS.—Not later than 24 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the findings of the study conducted under subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Attorney General $2,000,000 for fiscal year 2023 to carry out this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) shall remain available until expended.
SEC. 7. LIMITATION ON LIABILITY.

Nothing in this Act shall be construed to create, or serve as the basis for, additional liability for any participating agency, or their officers, employees, or agents, beyond existing applicable State and Federal laws and regulations.