

117TH CONGRESS  
2D SESSION

# S. 4968

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

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Mr. PADILLA (for himself and Mr. DURBIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## 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  
5 Act 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-

lated area and who is determined to pose an active, imminent threat to people in that populated area.

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

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

(4) ADVISORY PANEL.—The term “Advisory Panel” means the Advisory Panel established under section 4(b).

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

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

1           (7) POPULATED AREA.—The term “populated  
2       area” means a location where 1 or more persons  
3       other than the active shooter are present.

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

9   **SEC. 3. NATIONAL COORDINATION OF ACTIVE SHOOTER**  
10                   **ALERT COMMUNICATIONS NETWORK.**

11       (a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—  
12

13           (1) DESIGNATION OF COORDINATOR.—The At-  
14       torney General shall designate an officer of the De-  
15       partment of Justice to act as the national coordi-  
16       nator of the Active Shooter Alert Communications  
17       Network regarding an emergency involving an active  
18       shooter.

19           (2) TITLE.—The officer designated under para-  
20       graph (1) shall be known as the “Active Shooter  
21       Alert Coordinator of the Department of Justice”.

22       (b) DUTIES.—The Coordinator shall—

23           (1) encourage Federal agencies and State, Trib-  
24       al, and local government agencies to establish proce-  
25       dures to respond to an active shooter, including ac-

1        tive shooter procedures relating to interstate or  
2        interjurisdictional travel (including airports and bor-  
3        der crossing areas and checkpoints), and focus on  
4        Federal agencies and State, Tribal, and local govern-  
5        ments that have not yet established such procedures;  
6        and

7            (2) work with State, Tribal, and local govern-  
8        ments to encourage appropriate regional and inter-  
9        jurisdictional coordination of various elements of the  
10       Network.

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

14            (1) the development of policies and procedures  
15        to guide the use of mass alert systems, changeable  
16        message signs, or other information systems to no-  
17        tify local residents, motorists, travelers, and individ-  
18        uals in the vicinity of an active shooter;

19            (2) the development of guidance or policies on  
20        the content and format of alert messages to be con-  
21        veyed on mass alert systems, changeable message  
22        signs, or other information systems relating to an  
23        active shooter;

24            (3) the coordination of State, Tribal, and local  
25        active shooter alert communications plans within a

1 region for the use of mass alert systems relating to  
2 an active shooter;

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

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

16 (6) the provision of training and guidance to  
17 transportation authorities to facilitate the appro-  
18 priate use of mass alert systems and other informa-  
19 tion systems for the notification of local residents,  
20 motorists, travelers, and individuals in the vicinity of  
21 an active shooter; and

22 (7) the development of appropriate mass alert  
23 systems to ensure that alerts sent to individuals in  
24 the immediate vicinity of an active shooter do not

1 alert the active shooter to the location of individuals  
 2 sheltering in place near the active shooter.

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

9 (e) REPORT.—Not later than 18 months after the  
 10 date of enactment of this Act, and every 2 years thereafter  
 11 until each of State, Tribal, and local government has  
 12 adopted an active shooter alert protocol, the Coordinator,  
 13 in consultation with the Administrator of FEMA, the Sec-  
 14 retary of Transportation, and the Chairman of the FCC,  
 15 shall submit to Congress a report on—

- 16 (1) the activities of the Coordinator; and
- 17 (2) the effectiveness and status of the active  
 18 shooter alert communications plan of each State,  
 19 Tribal, and local government within each region in  
 20 which such governments have coordinated their  
 21 plans.

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

25 (a) ESTABLISHMENT OF BEST PRACTICES.—

1           (1) IN GENERAL.—Subject to subsection (c),  
 2           the Coordinator, using the recommendations of the  
 3           Advisory Panel and in coordination with the Admin-  
 4           istrator of FEMA, the Secretary of Transportation,  
 5           the Chairman of the FCC, local broadcasters, and  
 6           Federal, State, Tribal, and local law enforcement  
 7           agencies, shall establish best practices for—

8                   (A) the issuance of alerts through the Net-  
 9                   work;

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

12                   (C) the achievement of the goals described  
 13                   in section 3(e).

14           (2) UPDATING BEST PRACTICES.—

15                   (A) REVIEW.—Not less frequently than  
 16                   once every 5 years, the Coordinator shall review  
 17                   the best practices established under paragraph  
 18                   (1) to ensure that the best practices are con-  
 19                   sistent with updated data and recommendations  
 20                   on active shooter situations and technological  
 21                   advancements in the Integrated Public Alert  
 22                   and Warning System or other technologies.

23                   (B) CONVENING ADVISORY PANEL.—The  
 24                   Coordinator shall convene the Advisory Panel  
 25                   as necessary to provide updated recommenda-

1           tions if the Coordinator determines under sub-  
2           paragraph (A) that the best practices estab-  
3           lished under paragraph (1) need to be updated.

4       (b) ADVISORY PANEL.—

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

10          (2) MEMBERSHIP.—The Advisory Panel shall  
11          be comprised of not fewer than 9 members, includ-  
12          ing—

13                (A) not fewer than 5 law enforcement offi-  
14                cers, including not less than 1 nonsupervisory  
15                law enforcement officer, who have responded to  
16                active shooter incidents and who represent  
17                rural, suburban, and urban communities;

18                (B) not less than 1 public safety expert  
19                who is not a law enforcement officer and who  
20                has responded to an active shooter incident;

21                (C) not less than 1 emergency response of-  
22                ficial who is not a law enforcement officer;

23                (D) not less than 1 city planning expert;  
24          and

1 (E) not less than 1 mental and behavioral  
 2 health expert.

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

8 (c) LIMITATIONS.—

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

11 (A) be adoptable on a voluntary basis only;  
 12 and

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

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

22 (ii) the dissemination of an alert  
 23 through the Network be limited to the geo-  
 24 graphic areas most likely to be affected by,

1                   or able to respond to, an active shooter sit-  
2                   uation.

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

9   **SEC. 5. COMPTROLLER GENERAL STUDY ON STATE RE-**  
10                   **SPONSES TO ACTIVE SHOOTER SITUATIONS**  
11                   **REQUIRING THE ISSUANCE OF PUBLIC**  
12                   **ALERTS AND WARNINGS.**

13                   (a) STUDY.—

14                   (1) IN GENERAL.—The Comptroller General of  
15                   the United States shall conduct a study on State  
16                   and local responses to active shooters and situations  
17                   requiring the issuance of a public alert or warning.

18                   (2) CONTENTS.—In conducting the study under  
19                   paragraph (1), the Comptroller General shall ad-  
20                   dress each of the following:

21                   (A) Differences between the definitions of  
22                   the term “active shooter” used by different  
23                   States.

24                   (B) The amount of time it takes and the  
25                   process in each State to receive approval from

1 the State alerting officials after a local law en-  
2 forcement agency requests the issuance of a  
3 public alert or warning, such as an AMBER  
4 Alert, a Blue Alert, or an Ashanti alert.

5 (C) A comparison of the timing and effec-  
6 tiveness of the issuance of public alerts and  
7 warnings by State, Tribal, and local alerting of-  
8 ficials.

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

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-  
15 priated to the Attorney General to carry out this Act  
16 \$2,000,000 for fiscal year 2023.

17 (b) AVAILABILITY OF FUNDS.—Amounts appro-  
18 priated under subsection (a) shall remain available until  
19 expended.

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

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

1       (b) STATE OR OTHER FEDERAL LAW.— Nothing in  
2 this section may be construed to limit the application of  
3 any State or other Federal law providing for liability for  
4 any act or omission pertaining to the Network.

