

115TH CONGRESS
2D SESSION

H. R. 4949

To direct the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the Federal Communications Commission to take certain actions regarding civil defense related to the growing ballistic missile threat and the communications errors in Hawaii on January 13, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Ms. GABBARD (for herself, Mr. YOUNG of Alaska, and Ms. HANABUSA) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Health and Human Services, and the Director of the Federal Communications Commission to take certain actions regarding civil defense related to the growing ballistic missile threat and the communications errors in Hawaii on January 13, 2018, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Civil Defense Account-
3 ability Act of 2018”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) On January 13, 2018, a ballistic missile
7 alert reading: “BALLISTIC MISSILE THREAT
8 INBOUND TO HAWAII. SEEK IMMEDIATE
9 SHELTER. THIS IS NOT A DRILL” was sent in
10 error to individuals in the State of Hawaii, and was
11 not corrected for 38 minutes, traumatizing Hawaii
12 residents and visitors.

13 (2) The National Security Strategy of the
14 President, dated December 18, 2017, noted the fol-
15 lowing:

16 (A) “As missiles grow in numbers, types,
17 and effectiveness, to include those with greater
18 ranges, they are the most likely means for
19 states like North Korea to use a nuclear weap-
20 on against the United States.”.

21 (B) North Korea “has spent hundreds of
22 millions of dollars on nuclear, chemical, and bi-
23 ological weapons that could threaten our home-
24 land”.

1 (C) “North Korea seeks the capability to
2 kill millions of Americans with nuclear weap-
3 ons.”.

4 (3) Due to the heightened threat level of con-
5 flict with North Korea, the State of Hawaii has
6 begun to implement monthly outdoor warning siren
7 system tests for the first time since the end of the
8 Cold War.

9 (4) According to the Hawaii Emergency Man-
10 agement Agency, a North Korean ballistic missile
11 would reach Hawaii approximately 20 minutes after
12 launch.

13 (5) According to the Missile Defense Agency,
14 “sophisticated ballistic missile technology is available
15 on a wider scale than ever to countries hostile to the
16 U.S. and our allies. As those countries continue to
17 develop and exchange this technology, there is also
18 an increasing threat of those technologies falling
19 into the hands of hostile non-state groups.”.

20 **SEC. 3. REPORT REGARDING BALLISTIC MISSILE CIVIL DE-**
21 **FENSE NOTIFICATION PROTOCOLS.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of De-
24 fense, in coordination with the Director of the Federal
25 Communications Commission and the Secretary of Home-

1 land Security, shall submit to Congress a report regarding
2 current notification protocols regarding ballistic missile
3 threats. Such report shall include assessments of notifica-
4 tions required under Federal law or regulations—

5 (1) after a ballistic missile threat is identified,
6 including notifications to Federal and State entities;

7 (2) during a ballistic missile threat, including
8 communications between Federal and State entities;
9 and

10 (3) regarding ballistic missile impact warnings
11 to Federal and State entities and the general public.

12 (b) FORM.—The report required under subsection (a)
13 shall be submitted in unclassified form, but may contain
14 a classified annex.

15 **SEC. 4. CIVIL DEFENSE EMERGENCY BEST PRACTICES.**

16 (a) STUDY.—(1) Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Home-
18 land Security, acting through the Federal Emergency
19 Management Agency, shall conduct a study to identify
20 best practices of the States selected under paragraph (2)
21 regarding civil defense emergencies. Such study shall iden-
22 tify the following:

23 (A) Plans of each State regarding commu-
24 nications between State, local, and Federal enti-

1 ties before, during, and after a civil defense
2 emergency.

3 (B) Plans of each State to communicate
4 with residents before, during, and after a civil
5 defense emergency.

6 (C) Plans of each State to educate resi-
7 dents regarding civil defense emergencies.

8 (D) Security plans of each State and local
9 law enforcement agencies of each State regard-
10 ing civil defense emergencies.

11 (E) Contingency plans of each State to de-
12 liver aid, food, water, and temporary shelter in
13 a civil defense emergency.

14 (2) The Secretary of Homeland Security shall select
15 not fewer than 13 States to participate in the study under
16 this subsection, including—

17 (A) Hawaii, Alaska, California, and Wash-
18 ington;

19 (B) not fewer than five other States that border
20 on an ocean or the Gulf of Mexico; and

21 (C) not fewer than five other States that do not
22 so border an ocean or the Gulf of Mexico.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Homeland Security shall submit to Con-
2 gress a report regarding the following:

3 (A) The study under subsection (a).

4 (B) Deficiencies identified by the Secretary
5 in existing State practices regarding civil de-
6 fense emergencies.

7 (C) Best practices identified by the Sec-
8 retary regarding civil defense emergencies.

9 (D) Best modes and methods used to pro-
10 vide public instructions once a civil defense
11 emergency is declared.

12 (E) Plans of the Secretary to improve out-
13 reach to the general public regarding civil de-
14 fense emergencies.

15 (2) FORM.—The report required under this
16 subsection shall be submitted in unclassified form,
17 but may contain a classified annex.

18 (3) DISSEMINATION TO THE STATES.—Not
19 later than 270 days after the date of the enactment
20 of this Act, the Secretary of Homeland Security
21 shall disseminate the unclassified portions of the re-
22 port required under this subsection to the chief exec-
23 utive of each State.

1 **SEC. 5. INCIDENT REPORTS REGARDING THE BALLISTIC**
2 **MISSILE FALSE ALARM THAT OCCURRED ON**
3 **JANUARY 13, 2018.**

4 (a) **IN GENERAL.**—Not later than 60 days after the
5 date of the enactment of this Act, each key official shall
6 submit to Congress an unclassified report, with a classified
7 annex if necessary, regarding the actions of the respective
8 Federal department or agency of the key official with re-
9 spect to the ballistic missile false alarm that occurred on
10 January 13, 2018, in the State of Hawaii. Each report
11 under this section shall include recommendations of the
12 key official who submits each such report regarding cor-
13 rective actions that such key official determines will dimin-
14 ish the possibility of another ballistic missile false alarm.

15 (b) **PUBLICATION.**—Each key official who submits a
16 report under subsection (a) shall publish on a publicly
17 available website of the respective Federal department or
18 agency of each such key official the unclassified portion
19 of each such report.

20 (c) **KEY OFFICIAL DEFINED.**—In this section, the
21 term “key official” includes—

22 (1) the Secretary of Defense;

23 (2) the Administrator of the Federal Emer-
24 gency Management Agency; and

25 (3) the Director of the Federal Communications
26 Commission.

1 **SEC. 6. PUBLIC HEALTH RECOMMENDATIONS.**

2 (a) REPORT.—Not later than 180 days after the date
3 of the enactment of this Act, the Secretary of Health and
4 Human Services, acting through the Office of the Assist-
5 ant Secretary for Preparedness and Response of the De-
6 partment of Health and Human Services, shall submit to
7 Congress and publish online a report regarding the ability
8 of the Department and health care providers to respond
9 to attacks in the United States with biological, chemical,
10 radiological, or nuclear weapons. The report under this
11 section shall include the following:

12 (1) Assessments of current readiness of the De-
13 partment and health care providers to respond to
14 such attacks.

15 (2) Recommendations to Congress and to
16 health care providers that the Secretary determines
17 will improve readiness described in paragraph (1).

18 (b) OUTREACH.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of Health
20 and Human Services shall develop and implement a public
21 outreach program in coordination with State and local
22 government entities regarding recommendations contained
23 in the report required under subsection (a).

24 (c) GRANTS.—The Secretary of Health and Human
25 Services shall take into consideration the recommenda-
26 tions in the report required under subsection (a) when

1 issuing grants under the Public Health Emergency Pre-
2 paredness cooperative agreement and the Hospital Pre-
3 paredness Program.

4 **SEC. 7. DEFINITION.**

5 In this Act, the term “State” means each of the sev-
6 eral States of the United States, the District of Columbia,
7 and any territory, commonwealth, or possession of the
8 United States.

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