

HAWAII FALSE MISSILE ALERT: WHAT HAPPENED AND WHAT SHOULD WE DO NEXT?

FIELD HEARING

BEFORE THE

COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

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THURSDAY, APRIL 5, 2018

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Honolulu, HI.

The Committee met, pursuant to notice, at 10:05 a.m. HST, at 1601 East-West Road, East-West Center, Keoni Auditorium, Hon. Brian Schatz, presiding.

Present: Senator Schatz [presiding], Senator Hirono.

OPENING STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

Senator SCHATZ. Good morning. On behalf of the Senate Commerce Committee, I would like to welcome everyone to today's hearing on Hawaii's Emergency Alert System. I want to thank Chairman Thune and Ranking Member Nelson for working with me to convene this hearing, and to the FCC, especially Chairman Pai and Commissioner Rosenworcel for their support, including the resources that they've devoted to the FCC's investigation.

I also want to thank each of the witnesses who are here today to testify, and the members of our delegation—Senator Hirono, Congresswoman Hanabusa, and Congresswoman Gabbard—for being here and for our partnership in the aftermath of the false alarm; and, of course, finally, to the East-West Center for hosting this hearing.

What happened in Hawaii on January 13 raised some basic policy questions. Right now, any city, county, or state can choose to participate in the Emergency Alert System, and when they do, they get the technical capacity to get the word out, but that does not make them experts to know when a missile is coming. That ability rests with the Department of Defense. And it is increasingly clear that if—that we are not going to get all 50 states and 3,007 counties to voluntarily participate in such a program. But even if we did, it is possible, even likely, that we will have another mistaken missile alert as a result of human error or a security breach.

Local officials have the lead on disaster response and recovery, but if the Federal Government knows a missile is coming, they should have the responsibility to inform the public. In other words, a missile attack is not a local question. The people who know first should be the people who tell the rest of us.

Now, I understand that when it comes to natural disasters, we take a different approach, but it's clear that a missile threat is fundamentally different from tsunamis, hurricanes, or other threats

that we routinely face. Congress needs to decide who should be responsible for notifying the public of a missile attack. It is my judgment that there is nothing more Federal than an incoming ICBM.

The false alarm in Hawaii also highlighted some of the weaknesses in the State's Emergency Alert System, which had a poorly designed user interface and did not have a verification system to prevent mistakes. The incident made clear the need for Federal standards in the system and raised basic questions about who should be doing this kind of thing.

And that's why in January, I joined with Senators Harris, Gardner, and Hirono, and others to introduce the ALERT Act. This bill gives the Federal Government the primary responsibility of notifying the public of a missile threat. The bill would also strengthen the way states and counties use IPAWS, the FEMA platform used by emergency management professionals to issue warnings. The ALERT Act is now in the DHS authorization bill, which has been passed by the Senate Homeland Security Committee, and is pending a vote in the full Senate.

The false missile alert also made clear the need for improvements to the distribution side of our Emergency Alert System. So I'm also preparing a companion bill to the ALERT Act called the READI Act. The READI Act would take steps to update the broadcast and mobile phone systems that actually deliver the emergency warnings initiated by government entities. The READI Act would close gaps in these systems so that they don't fall behind as technology advances. It would also require the FCC to set best practices and update the process for creating and approving the State plans that organize these emergency response systems and the networks that deliver the alerts. On the State level, steps have been taken by HI-EMA and others to address some of the issues that caused the false alarm, but questions remain about what happened on that day.

We intend for this hearing to be constructive and clear-eyed. We will not shy away from necessary accountability during this oversight process, but we also need to clarify what to do next in order to keep everyone safe, and most importantly, to ensure that we can all have confidence when future alerts occur.

I'll now turn it over to my colleague in the Senate, Senator Hirono, for her opening remarks.

**STATEMENT OF HON. MAZIE HIRONO,
U.S. SENATOR FROM HAWAII**

Senator HIRONO. Thank you. Thank you, Senator Schatz and all of you, for convening this important field hearing to assess how the Hawaii Emergency Alert System failed on January 13, 2018, and what specific remedies exist to fix the system so that this never happens again. This hearing presents a good opportunity to bring State and Federal officials together to work to regain the public's trust after such a traumatizing event.

It bears repeating that it took the Hawaii Emergency Management Agency 38 minutes from the initial emergency alert being sent for them to officially notify the public that there was no inbound missile, that it was a false alarm, and that the alert had been sent in error. While the relief was palpable, it gave way to

real visceral anger, anger that there was a false alarm, anger that it took 38 minutes to alert the public, anger that we faced a missile threat in the first place.

The fact that the people of Hawaii and the hundreds of thousands of visitors in the State that day immediately presumed the missile originated from North Korea speaks to the broader concern about the potential for conflict and the threat that North Korea poses to Hawaii and the Nation. And this threat is real, and people across Hawaii and our country need to have confidence in the government to provide accurate information about potential threats. It's one of the reasons why today's hearing and discussion is important.

Our congressional delegation is of one mind in getting to the bottom of what happened and making sure that it never happens again. With each of us sitting on different committees of jurisdiction, we've been able to engage with a full range of stakeholders on this important issue.

Over the past 3 months, I have focused on clarifying what role the Federal Government can play in supporting State level emergency preparedness and response and what it can do to prevent the incident, this kind of incident, from occurring again.

Through my work on the Armed Services Committee and in conversations with senior officials, like Secretary of Defense Mattis, then Secretary of State Tillerson, and Admiral Harris, of PACOM, I've emphasized the critical role of diplomacy in deescalating tensions with North Korea so that we can prevent a missile strike from coming our way in the first place.

I've also engaged with the Secretary of Department of Homeland Security Nielsen about how to strengthen Federal-State cooperation on emergency alerts and secure the commitment from the Department's Inspector General's Office to examine the Federal Emergency Management Agency's oversight of the Emergency Alert System, and our entire Nation will benefit if key Federal agencies work with states to close gaps in training and communication, institute best practices, and ensure that our states and local governments have the appropriate resources to prevent an incident like this from happening again.

Once again, mahalo to Senator Schatz for convening this hearing today, and to all of our witnesses for coming together to address this important issue. It will take all of us working together to ensure that we've learned the right lessons from this incident and that longstanding improvements have been made to the Emergency Alert System.

Mahalo.

Senator SCHATZ. Thank you.

Congresswoman Hanabusa.

**STATEMENT OF HON. COLLEEN HANABUSA,
U.S. REPRESENTATIVE FROM HAWAII**

Ms. HANABUSA. Thank you, Senator Schatz. I do want to say again the appreciation for you and the convening of this hearing, and for the Senate for taking the lead on this. It is very important for the people of Hawaii.

Let us understand why we are all here. It really is the public confidence of the people. We have elected officials, but as government itself, the most important thing we have to do is to ensure that the public believes that we know what we're doing, and it is a situation like this that causes them pause, causes them to question, but more critically than all of that is when they wonder whether we even know what we're doing or what did we do.

This hearing is so important because we need to assuage all those fears and those questions, the anger, as Senator Hirono pointed out. There was a lot of anger, but imagine the anxiety that many of them went through. That father, that image that flashed across the whole Nation of him placing his child in a storm drain. What—what do we do now to say, “Look, we have learned”? And that's what this is about. It is about what we have learned. And it also is about, How do we begin to address so that it will not happen again, not of this type of situation where people are saying, “Why did it take 38 minutes?” or, “Why is it that we couldn't have been told immediately?”

It is not the intent of all of us to point fingers or to say this person was wrong or that person was wrong or this government entity failed, but it is to say, How do we now come back to all of you and say to the public that we are addressing the major mishaps? Part of addressing the major mishaps is not simply identifying what happened, it is giving people the sense of security that we really do know what we're doing.

I share the sentiment that Senator Schatz initially stated, which is that maybe when it comes to natural disasters, or disasters period, or warning, or HI-EMA's jurisdiction, maybe it is time for us to draw the distinction between that which is a, quote, natural disaster—hurricanes, basically tsunamis, floods—maybe that's one category, but when it comes to ballistic missiles, maybe that should be a separate category.

And I still recall that day. What caused so many people pause was when that banner went up on one of the television stations that says, “PACOM confirms.” That I think set a different tone for everything that was happening. And we have subsequently learned that PACOM is part of this system. So the sirens went off in Pearl Harbor. The Pearl Harbor workers also ran off the base and drove off the base. So the question becomes, Why? And who should address it?

Representative Gabbard and I have asked the House Armed Services Committee to look into that because we do believe that there is a role that the military has to play, and the role that the military has to play is one of really assuring the people across the United States, but especially in Hawaii, when we look at PACOM, that in fact it is a true situation versus, quote, a drill.

So this hearing, I hope, will help all of you understand and get the people at least some sense of public confidence again that government can do this right and government is asking the right questions.

So again, Senator Schatz, thank you so very much, and Senator Hirono as well, for the Senate's leadership in this matter.

Mahalo.

Senator SCHATZ. Thank you.

Congresswoman Gabbard.

**STATEMENT OF HON. TULSI GABBARD,
U.S. REPRESENTATIVE FROM HAWAII**

Ms. GABBARD. Thank you, Senator Schatz and your Committee, for convening this very important hearing today. It's important that these conversations not only happen in Washington, but that they happen here in Hawaii.

Mahalo to our witnesses for coming and joining us today. And thanks to the East-West Center for hosting us.

What happened on January 13 was a wake-up call for everyone here in Hawaii and to leaders across the country, really showing barely the stark reality of what the chaos of a nuclear strike on Hawaii would be like. We saw many of those powerful images, and I still hear from constituents across the state now about what they did during those minutes following that false missile alert, the tough choices that they were having to make about how they would spend those last—what they thought were those last remaining minutes of their lives.

They remain frustrated with a lack of clear answers and really clear direction on, What do we do? What do people do in this situation? I look forward to the conversations this morning to be able to help provide those answers.

I've heard from many of my colleagues in Congress who have watched closely what happened here in Hawaii, and causing them now to ask questions within their own states, within their own communities, about their level of preparedness, and their actions that they can take now to make sure that something like this does not happen there.

Along with Congresswoman Hanabusa, I have introduced two bills in the House of Representatives to help deal with some of these issues. The first is the Civil Defense Accountability Act, which is really focused and centered around transparency and accountability, requiring public reporting from the Federal agencies involved, including FEMA, the Department of Defense, and the FCC, to make sure that the lessons learned here in Hawaii are shared in communities and states across the country, and requiring the Department of Homeland Security to review the current notification protocols for these ballistic missile threats, studying the best practices regarding civil defense emergencies, to prevent a similar catastrophic mistake from happening again.

The second bill is the Civil Defense Preparedness Act, which would expand existing Department of Homeland Security terrorism and catastrophic event grant programs to include improving nuclear, biological, and chemical attack preparedness. Like I said, this event has really laid bare the lack of preparedness and the lack of response plans in place and the need for resources to our communities and our states to be able to harden the infrastructure and to put these plans in place. The grants could be used for things like training, protective equipment, building reinforcements, and other community preparedness measures to ensure that our local and State governments have the support that they need.

One glaring problem that came to light was that many cell phones and wireless phones did not receive the wireless emergency

alert. Different people in different parts of the state, for one reason or another, did not even know that this false missile alert had gone out. This is something that needs to be resolved. It also again became very clear the lack of response plans in place both at the leadership level as well as within the community on what would happen if this were not a false missile alert, if the alert were real, and we were facing a chemical, biological, radiological, or nuclear attack.

What Hawaii went through in January can never happen again. We must take the corrective actions necessary to make sure that a false alert never goes on, but we also have to make sure that we are prepared in the event of a real attack. We have to improve our emergency alert dissemination to fit with the changing technological environment and ensure that everyone is reached and fully informed. We will continue to work to strengthen our missile defense systems, but most importantly, we have to do all that we can to deal with this underlying threat and the fact that we are facing this threat at all. We need to exhaust all diplomatic efforts to continue to work toward denuclearizing North Korea, bring about peace, and prevent an all-out catastrophic war.

Thank you, Senator Schatz. Thank you to our witnesses. I look forward to our conversation.

Senator SCHATZ. Thank you, Congresswoman Gabbard.

We will start with our first panel. We're going to have 5 minutes of testimony and 5-minute rounds of questions from each of the members of the delegation. And we want to thank Jessica Rosenworcel, FCC Commissioner, for being here.

Ms. Rosenworcel.

**STATEMENT OF HON. JESSICA ROSENWORCEL,
COMMISSIONER, FEDERAL COMMUNICATIONS COMMISSION**

Ms. ROSENWORCEL. Good morning to the members of the Senate Commerce Committee in absentia, and in particular to Senator Schatz, whose leadership has brought us all here today.

Years ago, I had the privilege of serving as Counsel to the late Senator Inouye, who was then the Chairman of this Committee, so it's a special treat to be back here in the Aloha state.

I'm also so glad that Senator Hirono, Representative Hanabusa, and Representative Gabbard are here to join this important discussion.

Back in Washington, I serve as a Commissioner at the Federal Communications Commission. Every day I see how communications technology is changing every aspect of civic and commercial life. And when it comes to the most critical aspect of our communications, emergency alerts, I know that we bear a special responsibility.

The FCC sets technical requirements for both the Emergency Alert System and Wireless Emergency Alerts. And our work then informs the work of others across government, including the Federal Emergency Management Agency. But the bottom line for every entity involved in emergency alerts is that the public needs confidence in the systems that warn us when the unthinkable occurs.

Now, as we all know, on January 13, the people of Hawaii woke to ominous messages flashing on their mobile phones, booming in

from radio stations, and lighting up their television screens. These messages commanded all who saw and heard them to seek immediate shelter due to a ballistic missile threat, and they included those haunting words, “This is not a drill.”

Now, from my experience working for Hawaii, I know that the people of this state are resilient, I know that they are keenly aware of old and new global threats to security, especially in the Pacific. So when this incident occurred, I reached out to some of my former colleagues, and they had only harrowing stories to tell. I still can’t quite imagine it, being told you only have minutes left to live, and knowing that everything you hold dear could be destroyed. When the threat was over, I am sure that the people of Hawaii held their children a little bit closer. I know I did the same that night.

After the false missile alert, the Chairman of the FCC swiftly called for an investigation, and this was the right thing to do. The agency’s staff got to work, as did officials in Hawaii, who conducted their own investigation. Those investigations have revealed that this false alert could have been avoided, and its effects could have been mitigated.

There were serious failures at the point of alert origination, the Hawaii Emergency Management Agency. These errors were both human and operational. There appears to have been a miscommunication between personnel that fateful morning. There was an apparent deviation from the script of the agency’s drill procedure. There was a human failure to recognize that a drill was even being conducted. These problems were compounded by a lack of secondary checks to prevent one person from mistakenly sending an alert to the entire state. And there were also no software checks to differentiate between a testing environment and a live environment. And to make matters worse, it took a full 38 minutes to issue an alert correction, and there were no pre-existing systems to do so.

None of this is acceptable. We need to do better. This is true here in this state and across the country because false alerts have happened elsewhere, including in the last year in Polk County, Iowa, and Riverside County, California. In short, it can happen anywhere.

So what can we do about it? We need ideas to fix these problems, so here are some of mine.

For starters, the FCC has conducted an investigation. It now has a final report. It needs to make that report public as soon as possible.

Next, State Emergency Alert System plans are filed with the FCC, and they’re subject to annual confirmation. It’s time to make that process a meaningful one by making sure every plan is up to date. The Hawaii plan filed with the FCC was over a decade old. The FCC should prevent this from happening by serving as a convening force to develop a checklist of best practices, including security protocols, at the local, State, and Federal level, and then support their inclusion in up-to-date annual EAS filings.

Second, the FCC does not now have a reporting system for false alerts. I think we should have one. And I think if we did, we’d be able to study what happens, learn from it, and prevent it from happening again.

I also think the FCC needs to be mindful of future alert capabilities from embedded multimedia to many-to-one communications that allow for public feedback and to explore how to make those viable in the marketplace.

Finally, and I'm stepping out of my jurisdiction here, I do think we need to address failures at the alert origination point. To this end, I know the recently introduced ALERT Act proposes improvements, including clear lines of responsibility, specifically when it comes to missile threats.

So let me close by thanking you for having me at this hearing. I'm happy to answer any questions you might have.

[The prepared statement of Ms. Rosenworcel follows:]

PREPARED STATEMENT OF HON. JESSICA ROSENWORCEL, COMMISSIONER,
FEDERAL COMMUNICATIONS COMMISSION

Good morning, Chairman Thune, Ranking Member Nelson, Members of the Committee and in particular, Senator Schatz. Years ago I had the privilege of serving as counsel to the late Senator Daniel Inouye, who was then Chairman of this Committee. It is a special treat to be back in the Aloha state. I am glad that Senator Schatz has convened this hearing and that Senator Hirono, Representative Hanabusa, and Representative Gabbard are here to join the discussion.

In Washington, I serve as a Commissioner at the Federal Communications Commission. I have a front row seat at the digital revolution. Every day I see how technology is changing every aspect of civic and commercial life. Every day I am reminded that the future belongs to the connected. And when it comes to the most critical aspect of our communications—those involving emergency alerts—I know that we bear a special responsibility. The agency sets technical requirements for both the Emergency Alert System and Wireless Emergency Alerts. This informs the work of others across government, including the Federal Emergency Management Agency. But the bottom line for every entity involved is that the public needs confidence in the systems that warn us when the unthinkable occurs.

As we all know, on January 13 the people of Hawaii woke to ominous messages flashing on their mobile phones, streaming in from social media, booming from radio stations, and lighting up their television screens. These messages commanded all who saw and heard them to seek immediate shelter due to a ballistic missile threat. They included the haunting words: "This is not a drill."

From my experience working for the people of this state, I know that Hawaiians are resilient. I know that they are keenly aware of old and new global threats to security, including in the Pacific. So when this incident occurred, I reached out to friends and former colleagues in Hawaii to understand what happened. They had only harrowing stories to tell. I still can't quite imagine it—being told you have only minutes left to live and knowing everything you hold dear could be destroyed. When the threat was over I am sure that people in Hawaii held their children a little bit closer. I know I did the same that night.

After the false missile alert, the Chairman of the FCC swiftly called for an investigation. It was the right thing to do. The agency staff got to work, as did officials in Hawaii who conducted their own investigation.

These investigations have revealed that this false alert could have been avoided and its effects could have been mitigated.

There were serious failures at the point of alert origination—the Hawaii Emergency Management Agency. These errors were human and operational. There appears to have been a miscommunication between personnel that fateful morning; there was an apparent deviation from the script of the agency's drill procedure; there was a human failure to recognize that a drill was being conducted. These problems were compounded by a lack of safeguards to ensure that a false alert would not be transmitted. There were no secondary checks to prevent one person from mistakenly sending an alert to the entire state. There were no software checks to differentiate between testing and live alert environments. To make matters worse, it took a full 38 minutes to issue an alert correction—and there were no pre-existing systems to do so.

None of this is acceptable.

We need to do better. This is true in Hawaii and across the country because false alerts have happened elsewhere—including in Polk County, Iowa and Riverside County, California during the past year. In short, it can happen anywhere.

So what can we do about it? We need ideas to fix these problems. Here are mine. First, state Emergency Alert System plans are filed with the FCC. They are subject to annual confirmation. We should make this process a meaningful one by making sure every plan is up to date. The Hawaii plan was over a decade old. The FCC can help prevent this from happening by serving as a convening force to report current best practices—including security protocols—at the local, state, and Federal level and then support their inclusion in annual filings.

Second, the FCC should know when false alerts occur. The FCC should have a reporting system for false alerts—to learn when and where they happen and to prevent them from happening again.

Third, the FCC should explore future alert capabilities, from embedded multimedia to many-to-one communications enabling public feedback. The agency also should also explore the viability of offering alerts to audio and video streaming services.

Fourth—and I'm stepping out of my jurisdiction here—we need to address failures at the alert origination point. To this end, the Authenticating Local Emergencies and Real Threats (ALERT) Act of 2018 proposes important improvements, including clear lines of responsibility when it comes to missile threats.

Let me close by thanking you for having me at this hearing. I look forward to answering any questions you may have.

Senator SCHATZ. Thank you, Commissioner Rosenworcel.

I'll start with the first thing you talked about, the FCC oversees this process in which states submit their plans. And you said it's subject to annual confirmation. Is that just to check to see that something is on file? In other words, it sounds, from your language, that there's not a ton of analysis that goes on, you're just checking to see that it has been submitted and it is complete. Is that correct?

Ms. ROSENWORCEL. You're right.

Senator SCHATZ. OK. So it seems to me that the FCC has a real opportunity to drive change here. And in the development of the specifications for the EAS plan and the WEA plan, that form can follow function—right?—that you can really develop best practices by requiring something meaningful in the specs, and I'm wondering if that's the direction that the Commission is going right now.

Ms. ROSENWORCEL. I think that's a terrific idea, Senator. It's certainly the direction I would like to see the agency go. We're already requiring states to file these plans with us. We should make that process a meaningful one. We can convene all sorts of authorities, identify best practices, create a checklist of those best practices, and induce states to follow them through this filing process. I think that would help make all of us safer going forward.

Senator SCHATZ. Do you have the capacity within the FCC to provide this kind of technical expertise?

Ms. ROSENWORCEL. I believe we do. I've got to urge my colleagues to agree with me.

Senator SCHATZ. OK. Thank you. I wanted to ask about the problem that we found, as Members of Congress, as leaders in the government, both State, Federal, and county, jammed phone lines. Actually, members of the media as well, people trying to call in to Hawaii News Now or KSSK, or I was trying to call into PACOM, and phone lines were jammed. And it seems to me that this is a absolutely solvable problem, and I'm wondering if you can shed some light on that.

Ms. ROSENWORCEL. Sure. Most of our networks are built to withstand capacity about 99 percent of the time. The problem is when they are overloaded. Sometimes you can anticipate an overload if

there's a concert or a protest at a big event, and networks can be adjusted with cellular service on wheels and the like in order to take care of that excess capacity. But in an emergency like this, you can't plan for it.

Federal, State, and local officials, though, are eligible for the Government Emergency Telecommunications Service and Wireless Priority Service programs. And I think as we review what happened here in Hawaii, we should ask whether or not our State authorities are taking advantage of those programs, which help them get priority when networks are jammed.

Senator SCHATZ. I think this is a really important point, and I would like this to be a takeaway probably for HI-EMA, that the GETS card is available to government leaders. Many of us didn't know that it existed. And so someone has got to coordinate a process of determining who are the key leaders that need—not everybody can get one of these cards. But certainly the radio station of record, all four television stations, your newspapers, Civil Beat, all of our media partners, anybody at a high level of government and who has a role in communicating to the public ought to be in possession of a card that allows you to supersede anyone else's phone call. That is no small thing because I think that 38 minutes would have been a lot briefer had any of us had access to each other.

Ms. ROSENWORCEL. Yes.

Senator SCHATZ. I want to talk a little bit about the nature of these alerts. As we increasingly have cord cutters and people who are watching—I'm sure they're watching television in the sense that they're watching a show on a screen, but they're not watching necessarily broadcast television. So if you're on Hulu, Amazon, Netflix, you don't get the alert over the screen. That's one question I have for you. And then the second question has to do with whether or not these things should be repeating and whether or not we want to draw a distinction. In other words, if there's an incoming ICBM, that thing—that alert should not run once, that should be running constantly as a ticker, and, frankly, no one should have any discretion to take it off the screen until we get an "all clear," but if it's a flash flood on Kauai, you could probably tell folks, you know, once every 5 minutes.

And so I'm wondering whether we can get to a more granular place with all of that.

Ms. ROSENWORCEL. OK. Your first question. You know, yesterday we were at Hawaii's Pacific University, and as I looked at the students there, I thought, they're not watching video the way I did when I was in school. They watch on whatever screen is handy whenever they want. And I don't think our Wireless Emergency Alert System or existing Emergency Alert System for traditional media is really well calibrated to that new watching reality. I don't think it's yet time to create new obligations, but I think it is incumbent on the FCC to continue to monitor those and continue to ask questions about them because we need to make sure emergency information reaches people where they are.

And then with respect to persistent alerts, this is a really important point. In January of this year, with respect to wireless emergency alerts, the FCC changed its policies to make sure that any wireless emergency alert is available for 24 hours, and that's good

because it speaks exactly to the problem you described. But I see a gap with respect to traditional media and broadcast and cable emergency alerts because those can be on once, and if you didn't turn on the television when they were on, you might have missed the most important information that you need to receive.

Senator SCHATZ. Thank you very much.

Senator HIRONO.

Senator HIRONO. Thank you.

Can I—I have something to clarify, Commissioner. I think you said that the FCC sets the technical requirements for WIAs and some other communication networks?

Ms. ROSENWORCEL. For wireless emergency alerts, which are associated with your mobile devices, the Emergency Alert System, which is an outgrowth of the traditional Emergency Broadcast System.

Senator HIRONO. So when you were—when you were talking just now about the new watching reality—

Ms. ROSENWORCEL. Yes.

Senator HIRONO.—and people have all kinds of devices and platforms and whatever else, as you reviewed what happened in Hawaii and the complexities of how people get their information and under what circumstances and what tools, have you also begun to check on what is happening in terms of the capabilities of other states to issue appropriate warnings? Because I—the sense I have is that there is no state that is prepared to respond to a ballistic missile threat. And Hawaii did seek to institute such a system. But where are the other states with regard to their ability to alert their people to a missile strike?

Ms. ROSENWORCEL. I don't have specific information, but I can tell you that my suspicion is the same as yours. I do not believe other states are prepared. That's why I think the legislation that's been introduced to make sure that ballistic missile threats are alerted at the Federal level is so important.

Senator HIRONO. So if the responsibility for the alert goes to the Federal Government, then do we need to institute a whole new kind of a system of whatever the infrastructure is? Or how do you see this happening?

Ms. ROSENWORCEL. I think that's an important conversation to have with the Department of Homeland Security and the Federal Emergency Management Agency, which oversees the IPAWS system that generally gets those Federal alerts out, both through traditional media and mobile devices.

Senator HIRONO. So I think this is definitely a conversation that involves a lot of different Federal departments as well as the states because we would like to have—I would like to see a system where you don't necessarily have to create a whole new kind of infrastructure for alerts because in Hawaii, yes, we do have a system for tsunami and hurricane alerts and other natural disasters. So if we can possibly make sure that the system would be in place or the infrastructure would be in place, that makes sense to me.

In January, the FCC released a preliminary report from the FCC's Public Safety and Homeland Security Bureau, which found that a combination of human error and inadequate safeguards contributed to the transmission of a false alert, and the preliminary

report recommended that the FCC partner with FEMA to help implement best practices at the local, State, and Federal level in an effort to improve our Emergency Alert Systems across the board. Can you update us on how the stakeholder engagement effort led by the FCC and FEMA is coming along?

Ms. ROSENWORCEL. I have not been a part of those conversations, though I believe it's absolutely paramount that they occur. So I think that I would have to defer to the FCC Chairman, who has probably been leading them at this point.

Senator HIRONO. So is this something that you can pursue or put to—

Ms. ROSENWORCEL. Absolutely. I would be—

Senator HIRONO.—the FCC Chair? And then can this Committee—

Ms. ROSENWORCEL. Yes. I would be happy to make sure that I can get that information for you and follow up.

Senator HIRONO.—receive a response? Now, there is also a proposal, I think there's an—from the FCC to create a reporting system for false alerts. Is that correct?

Ms. ROSENWORCEL. I believe that the FCC should have a recording system for false alerts. We do not have one now. I think if you don't study your errors, you will—you risk the likelihood you will repeat them.

Senator HIRONO. So I think it's important that you do get the information about false alerts when they—after they've occurred, I guess. Do you think it's also important for FCC to know when false alerts occur in real time?

Ms. ROSENWORCEL. I think we're going to have to identify what's the appropriate reporting practice because if there is a false alert, I think the priority needs to be to make sure that the individuals who received it get accurate information. I don't want it to be a bureaucratic hassle associated with reporting obligations to the FCC.

Senator HIRONO. Yes.

Ms. ROSENWORCEL. But I do think we need to develop a record when these happen because if we identify patterns of behavior that are causing them to happen, we can take steps to make sure they do not happen again.

Senator HIRONO. So I recall that I was here when 9/11 occurred, and there were huge problems with interoperability of the police department, the first responders, all of that. And I don't even know if we have resolved those issues. I don't think we've still gotten that down. And so here we are with this potential missile attack, and you have all these different first responders, you have different Federal agencies, and I think that what Senator Schatz pointed out about our ability to communicate with each other, I just—I think that is quite the challenge to figure that out and to make sure that we are able to communicate with each other. As I said, after 9/11, I'm not sure that we've still resolved that issue.

Ms. ROSENWORCEL. I think you're absolutely right. I will point out that there—since 2012 law passed by Congress, there is now a process in place to make sure that all first responders use the same 700 megahertz spectrum.

Senator HIRONO. Yes.

Ms. ROSENWORCEL. And as a result, they will have common interfaces and be able to talk to one another in ways they were not able to on that fateful day.

Senator HIRONO. And do you think we should have that kind of capability with regard to missile attacks?

Ms. ROSENWORCEL. I just think we need a level of coordination in order to ensure that people stay safe and they get the information they need.

Senator HIRONO. Thank you.

Thank you, Mr. Chairman.

Senator SCHATZ. Congresswoman Hanabusa.

Ms. HANABUSA. Thank you, Senator Schatz.

Commissioner, welcome. I would like you to take a message back to the Chair, Ajit Pai. He was very accommodating when this happened and we put in a call, and he spent time on the phone answering our questions. So please thank him.

I do have a follow up on something that you said about the reporting of the false alerts. You mentioned the fact that it has occurred in Polk County, Iowa, and Riverside, California. Were there ICBM false alerts?

Ms. ROSENWORCEL. No.

Ms. HANABUSA. They weren't?

Ms. ROSENWORCEL. They were not.

Ms. HANABUSA. OK. So what kind of false alerts were they?

Ms. ROSENWORCEL. You know, I found them in news reports because right after this occurred, I thought it would be prudent to try to identify other places where this was happening. One involved direction to shelter in place. Another involved an emergency evacuation that was not necessary. I'm confident there are other places. I think we have to develop a way to study them comprehensively.

Ms. HANABUSA. So along those lines, do you know how long it took to either retract or repeal those false alerts?

Ms. ROSENWORCEL. I don't have that information for you right here right now. I could look for it for you, though.

Ms. HANABUSA. Because I—the Senator—I mean the Representative from Riverside has never brought up that he had one, so I was just curious.

Ms. ROSENWORCEL. No.

Ms. HANABUSA. I'll go back and ask him.

Ms. ROSENWORCEL. All right.

Ms. HANABUSA. The other thing that you said that I was curious about was the fact that Hawaii's plan is over a decade old. So if Hawaii's plan is over a decade old, as you know, this whole issue of the ICBMs or ballistic missile alerts is sort of recent. I don't think we're going back to the Cold War, but basically that's what they did. So are we correct that there has never been even a small update to say, "And, by the way, we're going to do a missile alert as part of our plan"?

Ms. ROSENWORCEL. Not to my knowledge.

Ms. HANABUSA. And what was the purpose of these plans?

Ms. ROSENWORCEL. Well, the purpose of these plans was compliance with the FCC's Emergency Alert System obligations, which apply to more traditional media, like broadcast and radio. The act of filing them should be something more than bureaucratic, though.

The agency should be compelling State actors in emergencies to come together, develop an up-to-date modern plan, and then make those plans publicly available. We can help states identify best practices and make those plans much more effective in the event that something unthinkable really does occur.

Ms. HANABUSA. So am I correct then in assuming that the FCC or Department of Homeland Security, nobody has like a template that says, "Have you done this?" or, "Do you have any kind of response in this case?" There's nothing like that?

Ms. ROSENWORCEL. We have some categories, but it is not as instructive, as you've just described. I think there would be a lot of benefits in trying to develop that kind of checklist of best practices.

Ms. HANABUSA. And as we spoke about this earlier, yes, there are different kinds of disasters, and, of course ballistic missile attack is, in my opinion, a separate category. So would this type of alert system identify all these different kinds of disasters and what is it that a particular state or subcounty or whoever it is that's responding to this is doing?

Ms. ROSENWORCEL. I think what we're starting to recognize is that ballistic missile attacks are a completely different category in the panic that ensues and also in the damage that could occur, and we might need to treat those differently. So for all of you who have introduced legislation or supported legislation to do so, I think that's a really good idea.

Ms. HANABUSA. So back to this report, I'm just curious, because I can't imagine that our report is a decade old, whose responsibility is it to file that report?

Ms. ROSENWORCEL. You know, it's generally the State Emergency Communications Committee, and that is done differently in different states, but, again, the process of filing it just shouldn't be bureaucratic. The agency shouldn't just take them online and put them on a dusty shelf; we should be making that process meaningful and we should be helping states along the way by identifying current best practices that make those plans effective.

Ms. HANABUSA. And in the time I have left, I would like for you to address, Do you believe, for example, that if there was a lead taken by DoD or Homeland Security on the issue of a ballistic missile attack, that somehow that there would be difficulties in interfacing that with the existing system on all of the alerts that we have? Would it be possibly two separate entities that would be triggering the actual alert?

Ms. ROSENWORCEL. It is essential for something like a ballistic missile attack that we coordinate. Anything less is unacceptable.

Ms. HANABUSA. So you don't see a problem with that.

Ms. ROSENWORCEL. We're going to have to find a way to do it.

Ms. HANABUSA. Thank you. And the other, just quickly, you did say that you want a process where no one can take off a message—

Ms. ROSENWORCEL. Yes.

Ms. HANABUSA.—if it's put on? I guess the other time is—you know what the problem in Hawaii was, they tried to contact FEMA, which they didn't have to contact, and as a result, that's one of the explanations for the 38-minute delay.

Ms. ROSENWORCEL. That's right. That's exactly right.

Ms. HANABUSA. So you anticipate, I assume, that if it's false, that there will be a quick way to withdraw it.

Ms. ROSENWORCEL. Well, the idea of filing a plan is any plan should include, What are your procedures if a false alert goes out? Know immediately how fast you can correct that alert, and what forms of social media you might use to make sure that you bolster that information and it gets out there. So any proper plan should include that. And if there's a takeaway from the experience we just had, it's very clear that that is a necessary element of any plan that's filed.

Ms. HANABUSA. Thank you, Commissioner.

Thank you, Senator Schatz.

Senator SCHATZ. Congresswoman Gabbard.

Ms. GABBARD. Thank you.

Thank you for your testimony. A follow-up again to the decade-old EAS plan. You know, you talked about the annual confirmation that's required. Was the situation here that Hawaii just submitted the same decade-old plan every year, and that was confirmed by the FCC's receipt, or was it that there was no updated plan or plan submitted at all?

Ms. ROSENWORCEL. I think it was just an annual obligation to just say, "Yes, this is our plan, and it continues." I would describe that as benign neglect.

Ms. GABBARD. And right now, that is all that's required by the FCC's annual confirmation, is that a plan exists.

Ms. ROSENWORCEL. Exactly.

Ms. GABBARD. What kind of oversight would you recommend to make sure that these plans are current and up to date?

Ms. ROSENWORCEL. Well, the FCC is a terrific convening force. We could set up a blue ribbon panel. We could have experts from multiple states, including states that have experienced false alerts, come together and say these are the key elements of an effective plan. We could assess them, identify a checklist of best practices, and then encourage every state that files with us to comply with them. And over time, to the extent they don't, we should incentivize them to do so. We can also work with our colleagues at FEMA, which oversees the IPAWS process, which sends out alerts, to make sure that they have comparable memoranda of understanding or work with their State actors to make sure we are all growing in the same direction and making those plans up to date and effective.

Ms. GABBARD. And is there currently any form of recourse or accountability measure that the FCC has if a state is not in compliance?

Ms. ROSENWORCEL. No, I don't believe so.

Ms. GABBARD. With regard to the Wireless Emergency Alert System, I think what came to light was that wireless providers are not required or obligated to participate, so it's a voluntary program where a wireless carrier can either participate in whole or in part. Why is this not an obligation? Why is this optional?

Ms. ROSENWORCEL. The Warning Alert and Response Network Act makes it voluntary.

Ms. GABBARD. OK.

Ms. ROSENWORCEL. So to change that would require a change in law.

Ms. GABBARD. And I wrote a letter to Chairman Pai about tracking—right?—how do we know how many of these carriers participate in whole versus in part? And he sent a reply basically saying that it is tracked which carriers participate and whether it's in whole or in part, but for those who participate in part, there is no current mechanism to track what geographic areas may or may not be covered.

So for us here in Hawaii, Chairman Pai confirmed that the FCC is not aware of any eligible wireless provider that is—has elected not to participate, but those who have chosen to participate in part, there is no current collection of information with regards to what geographic areas are covered or not.

Can you comment on what I see is a big problem in that our residents don't know if their carriers are covering them where they live or work?

Ms. ROSENWORCEL. I agree with you, that's a problem. I think we need to figure out where coverage exists and does not. There are three ways I think you could do that.

Like I mentioned at the outset, you could change the Warning Alert and Response Network Act, which makes this wholly voluntary.

Second, you could follow up with the FCC and ask us, in light of your earlier correspondence, to reach out to every carrier that serves in Hawaii and ask, "Please tell us, where do you serve and not serve? Are there certain islands, for instance, where residents are likely to be left behind?"

And then, third, you could also write the carriers directly because I'm confident that they do have this information, and I think it's important for emergency planning purposes that Federal and State officials who represent the state have it.

Ms. GABBARD. Yes, absolutely. We talked a little bit earlier about streaming services and the changing technology and how people are getting access to media. While this is a big shift in change that needs to be addressed, has—do you know if the FCC has started kind of studying this and how this technology could be used to get these emergency alerts out there?

Ms. ROSENWORCEL. I think it's important for the FCC not just to think about the present, but to think about the future and how we interact with media and how we make sure everyone gets the information they need. There's a lot more we could do with multimedia alerts, so that the alert that comes to your phone might, for instance, have a picture of an area that's dangerous or a suspect for whom public safety officials want to know some information. We can also do new activities with many-to-one communications, which allows feedback from the public that receives emergency alerts. And we should be exploring how the ways that we're consuming media are different today and how we make sure people get information over those new means.

Whether or not we have the authority, I think we have the responsibility to explore what these alerts should look like in the future so that we can inform all of you if we need changes in the law to make that happen.

Ms. GABBARD. Great. Thank you so much.

Senator SCHATZ. I want to thank Ms. Rosenworcel for her testimony and bring in the second panel. And I will introduce them as they are walking up and our staff is putting the information in front of their seats.

We have Rear Admiral Patrick Piercey of U.S. Pacific Command, United States Department of Defense; we have Ms. Nicole McGinnis, Deputy Chief, Public Safety and Homeland Security Bureau of the FCC; and Mr. Antwane Johnson, Director, Continuity Communications Division, Federal Emergency Management Agency.

And we'll start on my left with Rear Admiral Piercey.

STATEMENT OF REAR ADMIRAL PATRICK A. PIERCEY, UNITED STATES PACIFIC COMMAND, U.S. DEPARTMENT OF DEFENSE

Admiral PIERCEY. Senator Schatz and distinguished members of the Hawaii delegation, thank you for the opportunity to appear before you today. As part of the Hawaii ohana, we at PACOM share the concerns raised by the false ballistic missile alert broadcast by the State of Hawaii on an otherwise quiet Saturday morning in these tranquil islands.

PACOM works hand-in-hand with Federal and State agencies both in times of calm and in times of crisis to defend our homeland and our citizens. This is PACOM's enduring responsibility and Admiral Harris' Number One priority.

While the false alert broadcast by the State of Hawaii was unfortunate, the event also served to underscore the complexities facing not only the State of Hawaii, but also all 50 states when it comes to alerting the public of a possible North Korean missile attack and also provide—however, also provided a valuable learning opportunity.

Other states can look to the proactive leadership and engaged approach the State of Hawaii has demonstrated to prepare for the new normal, specifically, living under the threat of a North Korean missile attack. This event is likely to strengthen its capability to notify the public in any future emergency situation.

Perhaps as importantly, this event provides an opportunity to collectively assess and refine our internal notification and coordination processes in civil defense scenarios to ensure command and component preparedness. To this end, PACOM will continue to maintain a close relationship with the State of Hawaii. PACOM will again participate in a triannual Defense Support of Civil Authorities Executive Steering Board designed to facilitate, coordinate, align, and prioritize support of DSCA efforts.

With reference to the 13 January incident, USPACOM's review of actions validated the fact that this alert was not generated through DoD channels. It was, in fact, a false alarm generated by the State of Hawaii. USPACOM assisted the State of Hawaii by validating that this alert was false and communicating the same to the military components in Hawaii.

As the State of Hawaii has no means to independently detect a missile launch, the proper sequencing of ballistic missile notification to the State of Hawaii authorities is from FEMA to HI-EMA. Simultaneously, USPACOM validates the occurrence of a launch to

HI-EMA and notifies other DoD command centers in the Pacific via classified conference call.

PACOM remains in close coordination with HI-EMA, FEMA Region IX, U.S. Northern Command, and Department of Defense stakeholders to gather lessons learned, identify areas requiring improvement, and refine notification processes.

Of the things that went well, perhaps most importantly, the event validated the importance of the existing missile notification coordination between civil and military authorities. Emergency management spanning the spectrum of State and local governments and communities is a core mission of the State of Hawaii, and PACOM will continue to work in close coordination to ensure the effective synchronization, integration, and coordination of disaster prevention, protection, mitigation, response, and recovery efforts. This coordination has taken place since 2009 and has been used during every ballistic missile event.

PACOM learned from this experience as well. In response to HI-EMA's false alert, missile alert, PACOM has taken action to ensure senior leaders maintain the ability to contact the PACOM Joint Operations Center, the JOC, regardless of call volume. PACOM is also coordinating with HI-EMA and has added the JOC to their AlertSense system distribution, which transmits emergency alerts via unclassified e-mail. Additionally, to facilitate expediency of information flow, HI-EMA was added as a participant to the classified USPACOM conference call, allowing for near simultaneous validation and redundant notification from the initial report that HI-EMA receives from FEMA.

PACOM stands ready today to provide defense support to civil authorities, emergency management drills, alerts, exercises, and response operations within the Hawaiian Islands. Moving forward, we will continue to exercise missile notification procedures with HI-EMA and will continue to support Nation State Threat planning for ballistic missile notification and response, to include integration with FEMA's National Warning System.

Thank you for your enduring support to PACOM's team and our families who live and work in the Indo-Pacific.

[The prepared statement of Admiral Harris follows:]

PREPARED STATEMENT OF ADMIRAL HARRY B. HARRIS JR., U.S. NAVY COMMANDER,
U.S. PACIFIC COMMAND

Chairman Thune, Ranking Member Nelson, and distinguished members of the Committee, thank you for the opportunity to submit this written statement and also allowing Rear Admiral Patrick Piercey, U.S. Pacific Command's (USPACOM) Director of Operations (J3), to appear on my behalf before you today as a subject matter expert. During my time at USPACOM, I have had the tremendous honor of serving with the almost 400,000 Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, and Department of Defense (DoD) civilians standing watch for America's largest and most diverse geographic combatant command. I am grateful for these men and women, and to their families, for their hard work and devotion to duty. I'm humbled to serve alongside them.

Since its inception in 1947, USPACOM and the joint military forces assigned to it protect the U.S., its territories, its people, and its interests throughout the Indo-Pacific region. To accomplish this, USPACOM works hand-in-hand with the other U.S. government agencies in this region to defend our homeland and our citizens. This is USPACOM's enduring responsibility and my #1 priority. The path to security is based on our commitments to mutual interests and partnerships, continuous military presence, and global readiness.

While it is unfortunate that the State of Hawaii erred in broadcasting a ballistic missile threat notification on Saturday, 13 January 2018, the event also provided a valuable learning opportunity. Other states can look to the proactive leadership and engaged approach the State of Hawaii has demonstrated to prepare for the new normal—specifically, living under threat of a North Korean missile attack. Perhaps more importantly, this event provides an opportunity to collectively assess and refine our internal notification/coordination processes in civil defense scenarios to ensure command and component preparedness. To this end, USPACOM will continue to maintain a close relationship with the State of Hawaii. USPACOM will again participate in the triannual Defense Support of Civil Authorities (DSCA) Executive Steering Board (ESB) designed to facilitate, coordinate, align and prioritize support of DSCA efforts.

With reference to the 13 January 2018 incident, USPACOM's review of actions validated the fact that this alert was not generated through DoD channels. It was, in fact, a false alarm generated by the State of Hawaii. USPACOM assisted the State of Hawaii by validating that this alert was false and communicating the same to the military components in Hawaii. A timeline of the incident is as follows:

- 0807: An employee of the Hawaii Emergency Management Agency (HI-EMA) broadcasted the following emergency alert through the Emergency Alert System (EAS) and Wireless Emergency Alert (WEA) system across the state of Hawaii:

EMERGENCY ALERT

BALLISTIC MISSILE THREAT INBOUND TO HAWAII.

SEEK IMMEDIATE SHELTER.

THIS IS NOT A DRILL.

- 0810: State Adjutant General, Major Gen. Joe Logan, contacted USPACOM to confirm there was no missile launch.
- 0812: HI-EMA initiated cancellation messages.
- 0813: The state issued an internal cancellation of the warning to prevent the false alert message from being broadcast further.
- 0820: HI-EMA tweeted "NO missile threat to Hawaii."
- 0823: HI-EMA posted "NO missile threat to Hawaii. False alarm. We're currently investigating" on Facebook.
- 0823: Following confirmation with USPACOM Joint Operations Center (JOC) Director that there was no threat, USPACOM sent an on-the-record statement via e-mail to Hawaii and national media: "USPACOM has detected no ballistic missile threat to Hawaii. Earlier message was sent in error. State of Hawaii will send out a correction message as soon as possible." A similar message was posted to USPACOM social media within minutes.
- 0824: Hawaii Governor David Ige retweeted HI-EMA's 0820 tweet, noting: "There is NO missile threat."
- 0825: Commander Navy Region Hawaii issued a radio broadcast to all ships in port stating the alert was a "false alarm."
- 0830: Hawaii Governor David Ige posted: "NO missile threat to Hawaii" on Facebook.
- 0835: HI-EMA initiated cancellation messages to the public.
- 0835: Governor Ige shared HI-EMA's Facebook post: "NO missile threat to Hawaii. False alarm. We're currently investigating."
- 0845: HI-EMA broadcasted EAS and WEA messages confirming the initial notification was a "False Alarm" and "There is no missile threat or danger to the State of Hawaii."

Overall, 38 minutes transpired (0807 to 0845) before HI-EMA retracted the false emergency alert of a ballistic missile inbound to Hawaii by the same communication channels as the original alert (EAS and WEA).

As the State of Hawaii has no means to independently detect a missile launch, the proper sequencing of ballistic missile notification to State of Hawaii authorities is from the Federal Emergency Management Agency (FEMA) to HI-EMA. Simultaneously, USPACOM validates the occurrence of a launch to HI-EMA and notifies other DoD command centers in the Pacific via a classified conference call.

USPACOM remains in close coordination with HI-EMA, FEMA Region IX, U.S. Northern Command, and DoD stakeholders to gather lessons learned, identify areas requiring improvement and refine notification processes.

Of the things that went well, perhaps most importantly, the event validated the importance of coordination between civil and military authorities. Emergency management spanning the spectrum of state and local governments and communities is a core mission of the State of Hawaii, and USPACOM will continue to work in close coordination to ensure the effective synchronization, integration, and coordination of disaster prevention, protection, mitigation, response, and recovery efforts. This coordination has taken place since 2009 and has been used during every ballistic-missile event.

USPACOM learned from this experience as well. For example, we discovered that the USPACOM JOC, as configured at the time of the event, was unable to receive unclassified Short Message Service texts and, as such, did not directly receive the erroneous missile warning or the following cancellation messages on 13 January.

USPACOM also identified an inefficiency in the reporting process which, in addition to the notification requirements maintained by the USPACOM JOC, required a separate unclassified phone call to HI-EMA designed to provide validation to the notification report HI-EMA receives from FEMA.

Additionally, the event highlighted the importance of maintaining an independent and dedicated unclassified line into the JOC for senior USPACOM leaders to communicate in the event of an emergency, regardless of call volume.

In response to the HI-EMA's false missile alert, the following USPACOM actions have been implemented:

- Two unclassified dedicated conference calls (Commander's Conference Call and Director's Conference Call) have been established to ensure USPACOM senior leaders maintain the ability to contact the JOC regardless of call volume.
- The first dedicated unclassified conference call is the Commander's Conference Call which uses a USPACOM Bridge (managed by the USPACOM Command, Control, Communications and Cyber Director) and is limited to senior USPACOM personnel, to include the Commander, Deputy Commander, their designated principals, and the JOC Director (Conference Manager).
- The second dedicated unclassified conference call is the Director's Conference Call which allows for a greater number of conference participants and is managed by the JOC Operations Officer (Conference Manager).
- To ensure the USPACOM JOC has the ability to receive HI-EMA alerts, USPACOM has coordinated with HI-EMA to add the JOC to their AlertSense system distribution which transmits emergency alert via unclassified e-mail. The e-mail messages have the same content as the cell phone alerts and display on the unclassified consoles of the JOC watchstanders.
- To facilitate expediency of information flow, HI-EMA was added as a participant to the classified USPACOM conference call, the Pacific Missile Defense Event Conference, allowing for near-simultaneous validation and redundant notification from the initial report that HI-EMA receives from FEMA.

While the false ballistic missile threat notification event was unfortunate, it served to underscore the complexities facing not only the State of Hawaii, but all 50 states, when it comes to alerting the public of a possible ballistic missile attack. The State of Hawaii has taken a proactive approach in this regard, and this event is likely to strengthen its capability to notify the public in any future emergency situation.

USPACOM stands ready today to provide DSCA for emergency management drills, alerts, exercises and response operations within the Hawaiian Islands. Moving forward, we will continue to exercise missile notification procedures with HI-EMA and will continue to support Nation State Threat planning for ballistic missile notification and response, to include integration with FEMA's National Warning System.

Thank you for your enduring support to the USPACOM team and our families who live and work in the Indo-Pacific.

Senator SCHATZ. Thank you.
Ms. McGinnis.

**STATEMENT OF NICOLE MCGINNIS, DEPUTY CHIEF,
PUBLIC SAFETY AND HOMELAND SECURITY BUREAU,
FEDERAL COMMUNICATIONS COMMISSION**

Ms. MCGINNIS. Good morning, Senator Schatz and members of the Hawaii congressional delegation, and thank you for the opportunity to testify before you today.

The false alert warning of an imminent ballistic missile attack issued on January 13 by the State of Hawaii was unacceptable. But as unfortunate as this incident was, alert messaging remains an essential tool for protecting the lives of all Americans. The Commission is committed to doing everything within our legal authority and in coordination with our Federal, State, and local partners, to ensure that our Nation's alert messaging tools are available and used properly when they are needed most.

The Commission acted swiftly in the wake of this incident to open an investigation into this matter. As part of its investigation, the Bureau has coordinated with the Hawaii Emergency Management Agency, or HI-EMA; with the Federal Emergency Management Agency, FEMA; as well as with industry; and has conducted several interviews with stakeholders.

The Bureau expects to release its final report in the near future. The final report will provide an analysis of the facts gathered from our independent investigation, and incorporates facts developed in a separate report that's been prepared by HI-EMA. We expect that the final report will confirm the Bureau's preliminary findings. The false alert in Hawaii and HI-EMA's delay in correcting it was due to a combination of human error and their lack of effective operating procedures and safeguards.

In my testimony today, I'd like to highlight a few of the report's anticipated key findings and lessons learned.

First, human error occurred on many levels. For example, one error was the use of an incorrect drill recording that erroneously contained language from the EAS message for a live ballistic missile alert. This contributed to the additional error made by the employee responsible for issuing the alert, who has stated that he mistakenly believed that the alert was real.

Another error was the miscommunication between the outgoing and incoming shift supervisors as to which shift would be conducting the test. The day shift supervisor mistakenly believed that the midnight shift would be conducting the test, resulting in the drill being conducted by the day shift without supervision.

Second, the procedures to prevent or correct the false alert were not adequate. For example, HI-EMA lacked procedures to present—prevent a single person from mistakenly issuing a live ballistic missile alert. Given that the employee issuing the alert was the only one under the mistaken impression that the event was real, requiring signoff of a second warning officer would have prevented this false alert.

The checklist used during the January 13 exercise also lacked any protocol for correcting a false alert with an “all clear” or similar message to the public. In addition, the software failed to adequately distinguish between test environments and live alerting environments. Clear protocols for not just cancellation, but for prompt correction of a false alert over the same systems used to issue the

alert would have reduced the public panic that ensued in the extensive time following the false alert.

The report will also examine the performance of the Emergency Alert System, or EAS, and Wireless Emergency Alert, or WEA, system participants. As the report will explain in greater detail, these technical systems generally broadcast the alerts as designed. Where the alert was not transmitted by the EAS, we understand that those protocols are being addressed to ensure transmission in the future.

With respect to WEA, we have heard issues regarding whether some consumer devices appropriately received and displayed the alerts. While there are multiple reasons why this could have been the case that are not system failures, for example, if the consumer was on a 3G call or data session during the relatively short active duration of the alert, we are continuing to study this issue.

The most important outcome of this investigation, however, is the identification of lessons learned and best practices to prevent this type of mistake from occurring in the future. The final report will offer recommendations to State, local, Tribal, and Territorial emergency alert originators and managers to minimize the risk of similar incidents occurring in the future. HI-EMA has already implemented or has—or is in the process of implementing many of these.

I would like to highlight a few of the key recommendations, which will include conducting regular internal tests in a controlled and closed environment, such as FEMA's Integrate Public—Integrated Public Alert and Warning System, or IPAWS, Test Lab; requiring more than one credentialed person to validate message content prior to the transmission of high-impact alerts; implementing specific upgrades to alerting software to separate live from test alerting environments; developing and memorializing standard operating procedures for responding to false alerts, including issuing corrections using the same system that was sent to issue the false alert; and consulting with State Emergency Communications Committees on a regular basis at least annually to ensure that EAS procedures are mutually understood, agreed upon, and documented in the State EAS plan.

The Bureau intends to follow up on these recommendations by engaging in additional outreach in coordination with our partners at FEMA to encourage the use of these best practices, including a planned webinar and roundtable.

Again, I thank you for the opportunity to testify before you today and look forward to any questions you may have.

[The prepared statement of Ms. McGinnis follows:]

PREPARED STATEMENT OF NICOLE MCGINNIS, DEPUTY CHIEF, PUBLIC SAFETY AND
HOMELAND SECURITY BUREAU, FEDERAL COMMUNICATIONS COMMISSION

Good morning Senator Schatz and members of the Hawaii Congressional delegation, and thank you for the opportunity to testify before you today.

The false alert warning of an imminent ballistic missile attack issued on January 13 by the State of Hawaii was unacceptable. It resulted in widespread panic, which was exacerbated by a delay of nearly 40 minutes before a correction was issued through proper alerting channels. False alerts like this one can shake the public's trust in alert messaging, and ultimately jeopardize the public's safety in times of real emergency.

But as unfortunate as this incident was, alert messaging remains an essential tool for protecting the lives of all Americans. The Commission is committed to doing everything within its legal authority, and in coordination with our federal, state, and local partners, to ensure that our Nation's alert messaging tools are available and used properly when they are needed most.

The Commission acted swiftly in the wake of this incident in Hawaii to open an investigation into the matter. Since this Committee's hearing on January 25, the Bureau presented its preliminary findings to the Commission on January 30 and submitted that presentation to this Committee for the record. As part of its investigation, the Bureau has coordinated with the Hawaii Emergency Management Agency (HI-EMA), the Federal Emergency Management Agency (FEMA), and industry and has conducted many interviews with stakeholders.

The Bureau is finalizing its final report and expects to release it in the near future. We would be pleased to submit that report in its entirety to the Committee upon its release. The final report will provide an analysis of the facts gathered from our independent investigation and will incorporate facts developed in a separate report prepared by HI-EMA. We expect that the final report will confirm the Bureau's preliminary findings: The false alert in Hawaii and HI-EMA's delay in correcting it was due to a combination of human error and the lack of effective operating procedures and safeguards.

In my testimony today, I'd like to highlight some of the final report's anticipated key findings and lessons learned.

First, human error occurred on many levels. For example, one error was the use of a recording to initiate the drill that contained the text of an EAS message for a live ballistic missile alert, including the language, "THIS IS NOT A DRILL." While the recorded message also contained the language "EXERCISE EXERCISE EXERCISE," the employee tasked with issuing the alert submitted a written statement to HI-EMA stating that he mistakenly believed the exercise was, in fact, a real event. This failure to hear and/or properly understand the instructions indicating the exercise was a test was clear human error. Another error was the result of miscommunication between the outgoing and incoming shift supervisors as to which shift would perform the test during the shift change. The midnight shift supervisor did not provide the day supervisor with written notice of the test, and only mentioned it to the day supervisor minutes before the drill was conducted. The day shift supervisor assumed that the drill would be run by the midnight shift, and did not understand that the drill would involve the day shift. Because of this miscommunication, the day shift supervisor was not in the watch center at the time of the drill, and it was conducted without supervision.

Second, the procedures to prevent or correct the false alarm were not adequate. For example, HI-EMA lacked procedures to prevent a single person from mistakenly issuing a live missile alert. Given that the employee issuing the alert was the only one under the mistaken impression that the event was real, requiring sign off of a second warning officer would have prevented the false alert. Equally significant, the checklist used during the January 13 exercise lacked any protocol for correcting a false alert with an "all clear" or similar message to the public. Clear protocols for not just cancellation, but also for prompt correction of a false alert over the same systems used to issue the alert would have reduced the public panic that ensued in the extensive time following the false alert.

The final report will also detail the Bureau's findings with respect to the how the emergency alert system (EAS) participants and participating wireless emergency alert (WEA) providers transmitted the message. The majority of EAS participants received the alert within seconds and retransmitted it. From a technical perspective, this was exactly as the system is designed to work. Those that did not relay the alert did not have their equipment set to "auto-forward" the message, which we understand is being addressed and that such messages will now be auto-forwarded going forward. The four nationwide wireless carriers offering service in Hawaii also received and transmitted the WEA alert within seconds. Neither EAS nor WEA is designed such that a carrier or participant would have the discretion to question whether an alert was erroneous. Although reports suggest that some consumers did not receive the alert, there are several reasons why this might have been the case, including lack of access to a wireless signal or having the device powered off during the time the alert was sent and cancelled, which would have impacted the receipt of the message. In addition, some handsets are not WEA capable, and consumers may also opt out of non-Presidential alerts. None of these are flaws in the operation of the system.

The most important outcome of this investigation, however, is the identification of lessons learned and best practices to prevent this type of a mistake from occurring in the future.

In this respect, the final report will offer recommendations to state, local, Tribal, and territorial emergency alert originators and managers to minimize the risk of similar incidents occurring in the future. HI-EMA is already implementing or has implemented many of these anticipated recommendations. Among others, these recommendations will include:

- Conducting regular internal tests in a controlled and closed environment, such as the FEMA's Integrated Public Alert and Warning System (IPAWS) Test Lab. This will enable staff to maintain proficiency with alerting tools and to exercise plans and procedures in a manner that does not affect the public;
- Requiring more than one credentialed person to validate message content prior to transmission of high-impact alerts that affect a significant percentage of the population;
- Implementing specific upgrades to alerting software to separate live environments from test environments, including clearer prompting language distinguishing live and test messages;
- Developing and memorializing standard operating procedures for responding to false alerts within their jurisdictions, including specifying that corrections to false alerts must be issued over the same systems used to issue the false alert, including the EAS and WEA, as well as other available means; and
- Consulting with state emergency communications committees (SECCs) on a regular basis—at least annually—to ensure that EAS procedures, including initiation and cancellation of actual alerts and tests, are mutually understood, agreed upon, and documented in the State EAS Plan.

The final report will also make recommendations addressing the incorporation of social media within standard operating procedures, notifying the media of false alerts, establishing redundant lines of communications, and use of priority communications tools.

The Bureau intends to follow up on these recommendations by engaging in additional outreach, in coordination with our partners at FEMA, to encourage the use of these best practices, including a planned webinar and roundtable.

Finally, the Commission continues to work to improve EAS and WEA. For example, the Commission recently adopted new rules that require State EAS Plans be updated annually and be filed in a streamlined electronic database, the Alert Reporting System. By replacing paper-based filing requirements and coordinating State EAS Plan information in this manner, administering the EAS at the state level will be more clear and consistent. We hope to release that item soon.

Again, I thank you for the opportunity to testify before you today and look forward to any questions you may have.

Senator SCHATZ. Thank you very much.
Mr. Johnson, with FEMA.

STATEMENT OF ANTWANE JOHNSON, DIRECTOR, CONTINUITY COMMUNICATIONS, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. JOHNSON. Thank you. Senator Schatz and distinguished members of the Hawaii congressional delegation, good morning. My name is Antwane Johnson, and I am the Director of Continuity Communications at FEMA.

On behalf of Secretary Nielsen and Administrator Long, thank you for the opportunity to appear before you today to discuss the Integrated Public Alert and Warning System, also known as IPAWS, and how it is used to save lives across the country.

An effective and timely public alert and warning system is critical to communicating threats to public safety and providing people with guidance during times of crisis. At FEMA, we manage IPAWS—IPAWS and its two main components: warnings and communications from the President in the event of a catastrophic national emergency through the National Public Warning System, and geotargeted alerts sent from Federal, State, local, Tribal, and

Territorial officials during emergencies, such as those issued last year during the hurricanes and wildfires.

IPAWS allows these alerting authorities to send emergency messages to people in their geographic jurisdiction by Emergency Alert System broadcasts through radio and TV, Wireless Emergency Alerts to cell phones, and other Internet-connected services. Today, IPAWS supports more than 1,000 Federal, State, local, Tribal, and Territorial users; connections to more than 26,000 radio, TV, and cable connections; 63 cellular carrier gateways reaching millions of cell phones; as well as 73 Internet vendors that tap into the alert feed. And we established a connection with—between IPAWS and Canada’s multiagency situational awareness system for the exchange and sharing of disaster information.

Since inception of the system in 2012, there have been nearly 3 million messages disseminated through IPAWS. These messages, which cover everything from a natural disaster to active shooter to missing children and planned power outages, help communicate critical lifesaving information to the public. For example, in September 2016, New York City sent a Wireless Emergency Alert with an electronic “Wanted” poster to identify a suspect in connection with bombings in Manhattan and New Jersey. The suspect was captured within hours.

Last year, Wireless Emergency Alerts were used by officials to issue warnings and evacuation orders across Texas, Florida, and California, in response to hurricanes and wildfires.

Significantly, since 2012, 53 kidnapped children have been reunited with their loved ones after AMBER Alerts were issued through the system and members of the community helped law enforcement locate perpetrators.

In addition to managing the IPAWS program, FEMA helps train users and create guidance for alerting authorities and software tool vendors. It is important to note that while FEMA manages the IPAWS system, we rely on our State and local partners to originate communications to their jurisdictions, as they are the boots on the ground that are best able to communicate the threats they face and provide specific protective action information related to their area.

Following direction from Congress and the IPAWS Modernization Act of 2015, FEMA has established a subcommittee to the National Advisory Council. The subcommittee includes members from State, local, and Tribal governments and communications service providers; organizations representing individuals with disabilities or limited English proficiency; and others.

This committee is consulting with IPAWS users and experts to consider new and developing technologies that may be beneficial to IPAWS and the Nation. The subcommittee will develop recommendations on matters related to common alert and warning protocols, standards, terminology, and operating procedures. Through this subcommittee, we are looking at recent uses of the system, including use during the 2017 natural disasters, as well as the false alert in Hawaii. To identify lessons learned and best practices to fold into these recommendations, the IPAWS subcommittee report will be available by spring 2019.

FEMA continues to assist State and local agencies with their specific training requirements. In the last year, FEMA assisted

multiple State and local agencies with IPAWS-specific training, testing, and exercise requirements during 115 separate engagements. Two of those trainings were with Hawaii Emergency Management Agency prior to the false missile alert.

Additionally, FEMA IPAWS is also working with the Emergency Management Institute, National Exercise Division, and Director of the FEMA National Incident Management System program to incorporate public alert and warning training, tests, and exercises, into the NIMS program.

This month, FEMA will launch an online collaborative forum to enable alerting authorities and software developers to share best practices, operating procedures, and safeguards, and alerting concepts for their communities.

FEMA is assisting states with guidance on the type of alerts a state may wish to include in their State warning plans, and alert and warning template tailoring according to each state's specific needs.

This month, FEMA will issue recommendations to vendors to address functionality issues to clearly illustrate when alerting originators are in the test or lab environment.

I look forward to continuing to work with Congress and provide updates as we move forward with recommendations to continue to modernize the system and our processes. I am grateful for the opportunity to appear before you today. And I am happy to respond to any questions the Subcommittee may have at this time.

Thank you.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF ANTWANE JOHNSON, DIRECTOR,
CONTINUITY COMMUNICATIONS, FEDERAL EMERGENCY MANAGEMENT AGENCY,
U.S. DEPARTMENT OF HOMELAND SECURITY

Introduction

Good morning Chairman Thune, Ranking Member Nelson, and Members of the Committee. My name is Antwane Johnson, and I am the Director of Continuity Communications within the National Continuity Programs Directorate (NCP) at the Federal Emergency Management Agency (FEMA). On behalf of FEMA Administrator Brock Long and John Veatch, the Assistant Administrator for NCP, I appreciate the opportunity to speak today on the importance of the Integrated Public Alert and Warning System (IPAWS), how the system was used during the events of January 13, 2018, and the steps we are taking to improve the system.

What is IPAWS?

An effective, timely, and far-reaching public alert and warning system is critical to communicating threats to public safety and providing people with guidance during times of crisis.

Executive Order 13407 and *The IPAWS Modernization Act of 2015* define FEMA's responsibility to provide a public alert and warning system. *The Robert T. Stafford Disaster Relief and Emergency Assistance Act* directs FEMA to provide technical assistance to state, local, tribal, and territorial (SLTT) governments to ensure that timely and effective disaster warning is provided. In accordance with these statutes, IPAWS was created to enhance and extend a national infrastructure and capability to SLTT officials for public alert and warning.

IPAWS is a national warning infrastructure that provides a single interface for public safety officials to alert and warn the public about emergencies. There are two main system components:

- (1) IPAWS supports warnings and communications from the President in the event of a catastrophic national emergency. The President can reach the American people through the National Public Warning System, where the message

is transmitted through FEMA Primary Entry Point (PEP) radio stations and Emergency Alert System (EAS) radio television, and cable stations.

(2) IPAWS also supports geo-targeted alerts sent from federal, local, state, tribal, and territorial officials during emergencies, such as those issued last year by Florida and Texas, in anticipation of hurricanes Harvey, and Irma.

These federal, local, state, tribal, or territorial alerting authorities can, via the “IPAWS OPEN” gateway, send emergency messages to people in their geographic jurisdiction by radio and TV Emergency Alert System (EAS) broadcasts, Wireless Emergency Alerts (WEA) to cell phones, broadcasts from National Oceanic and Atmospheric Administration (NOAA) Weather Radios, and other IPAWS internet-connected services. The DHS Science and Technology Directorate (S&T) conducted research to improve geo-targeting capabilities and public response to alerts and warnings, through funding provided by the Department of Commerce’s National Telecommunications and Information Administration. Today, IPAWS supports more than 26,000 radio, TV, and cable EAS connections, 63 cellular carrier gateways reaching millions of cell phones, connections to NOAA dissemination systems, and 73 Internet application vendors that tap into the IPAWS alert feed.

States determine who their state alerting authorities are, and validate requests from potential local alerting authorities to gain access to the IPAWS. A profile is created in the system for each validated authority describing the geographic jurisdiction, types of alerts, and which alert dissemination systems will be used by the authority. Following completion of required FEMA-developed training by the authority, access to send alerts directly through IPAWS to people is turned on. This training provides skills to draft effective and accessible warning messages, and best practices in effective use of the Common Alerting Protocol. In addition to the initial training, in June 2014 FEMA released an advanced course to further develop these skills among alerting authorities. Messages that match the authorities profile pass automatically through the system to EAS, WEA, and the other alert dissemination systems to population’s TV, radio, and cell phones.

IPAWS supports “broadcast” type alert and warning services. Unlike subscription based-alert services, warnings are sent to all people located in a specified area, both residents and visitors.

FEMA is responsible for development, operation, integration, and maintenance of IPAWS infrastructure, which includes the EAS, WEA, NOAA, and IPAWS Alerts Feed components plus any future connections. IPAWS was designed so it can easily adapt to technological advances.

As of March 2018, there are 1,075 total IPAWS public alerting authorities. Since its inception in 2011, more than 2.7 million alert messages have been processed by IPAWS.

Authorities have used IPAWS connections to successfully alert people of a wide variety of threats to public safety. This includes, but is not limited to: natural disasters, gas plant explosions and evacuations, armed robbers, active shooters, dangerous water advisories, 911 service outages, and electrical power outages.

AMBER Alerts

In 2003, President George W. Bush signed the *Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003* (Public Law 108–21). This act established the national coordination of state and local programs, including the development of guidance for issuance and dissemination of AMBER alerts.

The National Center for Missing & Exploited Children (NCMEC) is responsible for America’s Missing: Broadcast Emergency Response (AMBER) plan, which allows broadcasters and transportation authorities to immediately distribute information about recent child abductions to the public and enables the entire community to assist in the search for and safe recovery of the child.

The AMBER Alert program is a voluntary partnership among law enforcement agencies, broadcasters, transportation agencies, and the wireless industry to activate an urgent Wireless Emergency Alert in the most serious cases of child abduction.

Since the AMBER alert program’s inception, 53 children across the country have been safely returned to their families as a direct result of these WEAs.

IPAWS Use during Recent Hurricanes, Wildfires, and Mudslides

For the three major hurricanes in 2017—Harvey, Irma, and Maria—nearly 700 emergency messages were sent via IPAWS by both the National Weather Service and state and local alerting authorities.

Prior to Hurricane Irma, state and local alerting authorities issued a series of timely WEA and EAS alerts to advise the public to take appropriate protective

measures. The Florida Division of Emergency Management (FDEM) issued several evacuation alerts that facilitated the safe and timely evacuation of nearly 6.5 million residents and visitors. FDEM issued IPAWS alerts on behalf of counties that were unable to issue an alert because they were not an authorized alerting authority, demonstrating state-local coordination.

For Hurricane Maria, FEMA IPAWS developed an innovative arrangement with SiriusXM to deploy satellite radios to Puerto Rico. Extensive efforts by the IPAWS project management office successfully kept PEP stations broadcasting in Puerto Rico to provide critical response and recovery information to the island's residents. These efforts included coordination of fueling where power was unavailable, and providing technical assistance to ensure the PEP stations remained up and running. In the U.S. Virgin Islands, FEMA IPAWS had primed the backup generator for the PEP station two years ago and had replaced the fuel tank generator and fuel distribution systems in June 2017. This continued maintenance allowed for radio broadcasts and alerts to be sent to residents in the U.S. Virgin Islands through this station while the power was out following Hurricane Irma.

In October 2017, WEAs were issued to warn California residents about the wildfire danger. This event highlighted a few strengths as well as areas for improvement. Strengths include some local authorities using a variety of warning and communications methods to reach as many people as possible, including WEAs, police sirens, opt in reverse 911 and text alerts, door-to-door notifications and social media. Areas for improvement include the regular testing of IPAWS to ensure the system, and user access, is operational and working correctly. One alerting authority's user access was recently updated and was not tested prior to attempted use during the wildfires, at which time it was discovered to have not worked. It has since been fixed.

During the January 2018 flooding and mudslides in Southern California, 10 WEAs were sent: five by the National Weather Service, three by Santa Barbara County, and two by the City of Los Angeles.

Implementation of IPAWS Modernization Act

The IPAWS Modernization Act of 2015 (PL 114–143) directs FEMA to implement and modernize the IPAWS and to establish an IPAWS subcommittee under the National Advisory Council (NAC). This council advises the Administrator on all aspects of emergency management to ensure input from and coordination with state, local, tribal, and territorial governments, non-profit organizations, and the private sector communities on the development and revision of plans and strategies.

Additionally, the law directs the IPAWS subcommittee to consult with users and experts to consider new and developing technologies that may be beneficial to the public alert and warning system; develop recommendations for IPAWS and submit a recommendation report to the NAC for approval. The recommendations will be on matters related to common alerting and warning protocols, standards, terminology, and operating procedures. The subcommittee will also make recommendations to the NAC on having the capability to adapt the distribution and content of communications based on locality, risks, or user preferences. As outlined in the law, the subcommittee will terminate no later than April 2019.

FEMA announced the IPAWS subcommittee membership in July 2017. Membership includes participants from: state, local, and tribal governments and emergency management agencies; communications service providers; third-party service bureaus; commercial mobile radio service industry; satellite industry; organizations representing individuals with access and functional needs and limited English proficiency; privacy advocates; and senior Federal leaders. The subcommittee members are divided into four working groups, focused on: alert writers and alerting authorities; public needs; stakeholder engagement and coordination; and future technologies.

As of January 2018, the working groups have held 45 webinars, with 48 guest speakers presenting to subcommittee members. These guest speakers include educators and researchers, state and local alerting authorities, and private sector partners to help inform the recommendations.

The subcommittee will continue developing and refining recommendations in the coming months, in order to present draft recommendations to the NAC in fall 2018. The subcommittee will also take into consideration recent uses, including best practices and lessons learned, when developing the recommendations. Once a draft is complete, the subcommittee will work with NAC to develop the final approved recommendations to present to the FEMA Administrator, the head of each agency represented on the subcommittee, this committee, the Senate Committee on Homeland Security and Governmental Affairs, and the House committees on Homeland Security and on Transportation and Infrastructure.

Hawaii False Missile Alert and Next Steps

On January 13, 2018, at 8:07 am local time, the Hawaii Emergency Management Agency (HI-EMA) mistakenly issued an alert through FEMA's Integrated Public Alert and Warning System-Open Platform for Emergency Networks (IPAWS-OPEN) to residents of Hawaii notifying them of an inbound ballistic missile threat. The alert was issued as an IPAWS WEA displayed on cell phones and via EAS on television and radio. The live EAS and WEA messages used the event code Civil Defense Warning (CDW). The WEA message read:

“BALLISTIC MISSILE THREAT INBOUND TO HAWAII. SEEK IMMEDIATE SHELTER. THIS IS NOT A DRILL”

HI-EMA canceled the WEA cell broadcast at 8:13 am local time, thereby preventing additional cell phones from receiving the alert. FEMA was contacted by HI-EMA at 8:30 am local time to seek confirmation to use the Civil Emergency Message (CEM) event code to issue a follow-up message. At 8:45 am local time (approximately 38 minutes after the erroneous alert was sent), HI-EMA issued a second IPAWS message to inform the public there was no missile threat. The second WEA message stated:

“There is no missile threat or danger to the State of Hawaii. Repeat. False Alarm”

The alert issued on January 13 brought to light gaps in existing alerting plans, protocols, and procedures, including those for responding to an erroneous public alert. These gaps exist at multiple levels. Standard operating procedures for the release of alerts need to include additional review steps to ensure the accuracy of a public alert. Additionally, all plans, protocols, and procedures need to include clear guidance and steps for rectifying an erroneous alert if one is sent.

FEMA continues to assist state and local agencies with their specific training requirements and has assisted multiple state and local agencies with IPAWS-specific training, testing, and exercise requirements during 115 separate engagements. Two of those trainings were with HI-EMA.

FEMA is taking steps to review and improve public alert and warning guidance, planning, training, practice, and exercises, and incorporate them across FEMA programs and into the National Incident Management System.

To help share the lessons learned from the Hawaii missile alert and other recent events (including the use of IPAWS during the 2017 hurricane season and recent California wildfires), FEMA is highlighting best practices to help guide alerting authorities as they review and update their policies and procedures. To facilitate dissemination within the emergency management community, FEMA will launch an online collaborative forum in the spring of 2018 to enable alerting authorities and software developers to share best practices, experiences, operating procedures, and lessons learned.

FEMA has also issued recommendations to Alert Origination Software Providers (AOSP) that go beyond recommendations provided to AOSPs in 2015. In particular, FEMA recommends that vendors providing alert origination software ensure critical capabilities be included in their products to make alert and warning more effective and include steps to mitigate alerting errors.

The success of IPAWS depends on public confidence in the reliability of the system to issue timely, accurate, and actionable information. While alerting authorities have their own public outreach strategies, FEMA conducts a series of awareness programs to ensure the American people understand the functions of IPAWS and how to respond to alerts and warnings from public safety officials. Project Management Office (PMO) efforts have included releasing Public Service Announcements (PSAs) on radio and television, providing a 15-minute online course “IPAWS and the American People,” and incorporating IPAWS and WEA information on *Ready.gov*.

The PSAs educate the public on what a WEA is and how to recognize a message when received, advise the public to heed the warning and take the prescribed protective action in the message, and direct viewers to learn more about life-saving alerts on www.fema.gov/ipaws and www.ready.gov/alerts. Public safety officials are encouraged to work with local broadcasters to make the WEA PSAs a part of local public education campaigns.

IPAWS will also continue to make State, local, tribal, and territorial emergency managers aware of the “IPAWS Lab.” This lab, located at the Naval Surface Warfare Center in Indian Head, Maryland, provides alerting authorities with test and evaluation, operational assessments, IPAWS demonstrations, and expert technical support. The lab provides an interactive and closed IPAWS testing environment, and allows users the opportunity to practice and train to increase familiarity and confidence using IPAWS.

In accordance with new WEA rules established by the Federal Communications Commission (FCC) in 2016, IPAWS is working with wireless carriers and alerting software vendors to enhance WEA capabilities based on research conducted by S&T. This includes creating room for more detailed information in messages, allowing links to instructions and images, Spanish language support, and dedicated test message type for use by SLTT alerting authorities.

The IPAWS PMO continues to collaborate with our alerting authority partners to look for opportunities to incorporate best practices and lessons learned into program guidance and training.

Conclusion

Every day I am grateful for the opportunity to work with a program dedicated to helping alert and provide guidance to people during times of crisis. Thank you for your interest in the program and we look forward to collaborating with this subcommittee on ways the program can improve. I am happy to take any questions you have at this time.

Senator SCHATZ. Well, thank all the testifiers.

My first question is for Ms. McGinnis.

When can we expect the report?

Ms. MCGINNIS. In the near future.

[Laughter.]

Senator SCHATZ. Are we talking about days or weeks?

Ms. MCGINNIS. Well, we wanted to take some time to benefit—

VOICE. Turn it on.

Ms. MCGINNIS. Thank you. I apologize.

Just to repeat, we wanted to take some time to benefit from this hearing today to have that opportunity to fold that into the report. So—

Senator SCHATZ. But you're almost done.

Ms. MCGINNIS. Correct.

Senator SCHATZ. OK.

Ms. MCGINNIS. We are almost done, but we want to make sure that it's thorough, and we're listening very closely to the testimony and information shared today.

Senator SCHATZ. Thank you.

The next question is for Admiral Piercey.

The sirens went off at the Joint Base Pearl Harbor-Hickam. Is that correct?

Admiral PIERCEY. Yes, sir.

Senator SCHATZ. And did they go off on any other bases or installations?

Admiral PIERCEY. They—they also went off the—in the Wahiawa complex.

Senator SCHATZ. Now, does HI-EMA have the ability to set off a siren on a base or an installation, or was that a—was that in response to the HI-EMA errant missile notification, and then someone, a Department of Defense personnel, pressed the button to set off the sirens?

Admiral PIERCEY. Well, the latter is correct, sir. So in response to the false alert, the command duty officer, a command duty officer, activated the sirens for both the Wahiawa complex and also the Joint Base Pearl Harbor-Hickam area.

Senator SCHATZ. So if we're able to enact our legislation, all of our legislation, this would be moot, but in the meantime, I'm assuming you're doing after-action analysis to make sure that your people are not responding to any errant information coming from the HI-EMA side.

Admiral PIERCEY. So, yes, sir, that's correct. We conducted an informal after-action analysis review, and we determined that we do have procedures in place to ensure there's appropriate backup. In this particular case, the Command Duty Officer did not go through the normal process to—to validate with another Command Duty Officer that this was an actual alert.

Senator SCHATZ. OK. Could you follow up for the members and for the Committee, and especially for the other members of the delegation and members of the Armed Services Committee, to understand exactly how you're changing your procedures and your training to make sure that something like that doesn't happen again?

Admiral PIERCEY. Sure.

Senator SCHATZ. Thank you.

Mr. Johnson, you know, I want to talk a little bit about the way FEMA highlights best practices. And I think when it comes to natural disasters, you have so many reps, if you will, you have so many iterations and so many years of experience that if you're doing, you know, flood notification, wildfire notification, tsunami, hurricane, that merely highlighting a best practice is a useful way to do this because it's highly localized stuff.

But we have a voluntary program for missile alert notification. We have one state, zero territory, zero counties participating. You've got 3,017 counties. I doubt any other state is going to be rushing in to voluntarily participate in this program.

And so you have a couple of problems. First, no one wants to voluntarily participate in this program at this point. Second of all, to the extent that FEMA provides a service under normal circumstances in highlighting what states and counties are doing right, there are no examples of what states and counties are doing right. There are no best practices at this point. The FCC is leaning into this, FEMA is considering this, but, frankly, the way you're configured is to simply look at what other places are doing and saying this works, this maybe is not so good, but you have literally no examples for other states or counties to consider best practices.

So I'm wondering how you view missile alert notifications as possibly different from any other category, not merely as it relates to the ALERT Act and who should be primarily responsible, that's another public policy question, but how do we get best practices if what your job is under normal circumstances to see what other states and counties are doing, and then say "Attaboy" or "Attagirl"? But there are literally no examples. So how is any state going to be able to follow any example if there are zero examples to be followed?

Mr. JOHNSON. Great. Thank you for that question. Today, in terms of voluntary participation in the IPAWS program, all 50 states are voluntarily participating with IPAWS—

Senator SCHATZ. I know that. I'm saying there are zero participants in a missile alert notification program. And I get that you can—you can sort of, in a broad sense, show what states and counties are doing using IPAWS.

Mr. JOHNSON. Mm-hmm.

Senator SCHATZ. But I'm talking about a missile notification, which clearly we've learned from experience that there are dif-

ferent procedures, there are different protocols, there's more coordination, and it's, frankly, higher stakes.

So I get that 50 states are participating in IPAWS. I love IPAWS. It works great for what it works for. It doesn't appear to be working for something which is essentially notifying the public of a war.

Mr. JOHNSON. Correct. And thank you so much for your question, Senator. I think that when we look at the history of alerting in the country and what's been done for the last 60-plus years, both on the technology side as well as what's been done in the social sciences arena with studies by the National Academies of Science and others, there's a great deal of room for improvement in terms of how we do things. But I would say that there are a number of best practices that have evolved over the last few years in terms of how states plan and organize similar to—and organize their activities as it relates to alert and warning.

Now, it is true that with the accidental warning, ballistic missile warning, that took place here in Hawaii, it did prompt a number of other states to contact our office because, you're right, they were not preparing or planning for a ballistic missile warning having to be issued by the state or anyone else.

Senator SCHATZ. Well, to put a fine point on it, they call FEMA and say, "I didn't know that was on us."

Mr. JOHNSON. Right. So there is some level of coordination and there is some degree of misunderstanding as to how the process works. We at FEMA are going back and revisiting that and working with the State and local governments so that they clearly understand what those responsibilities, those roles, are when it comes to a ballistic missile warning or any other type threat to public safety.

Senator SCHATZ. Thank you.

Senator HIRONO.

Senator HIRONO. Thank you. What I'm getting from our witnesses is that this is—it's a lot more complicated than meets the eye because there are a number of Federal agencies, State agencies, and local authorities that are involved. And so to me, this really underscores how important it is that we not create an environment where a missile strike comes our way to Hawaii, or anywhere else for that matter, because it is rather astounding to contemplate what might happen if there was an actual missile strike.

Yes, we want to have the warning systems. At least the warning systems should be accurate, at least. But what happens after a missile strike would be, I would say, devastation and chaos. And so, you know, I want to underscore some of the things that I said as well as Congresswoman Gabbard, that we really need to shore up our capability, diplomatic capabilities.

Now, for the Admiral then, it was sort of alarming that the alarms went off at Joint Base Pearl Harbor and that you had a person there that did not follow the appropriate protocols to verify. So I take it that this has led to all of you reviewing what it is that you folks do and how you interface with the local governments and our local alert systems.

Admiral PIERCEY. Yes, ma'am. As I mentioned before, we took the opportunity as we went through this process, one, to validate

that we did not initiate the false alert. And then, second, we took a look at our own internal process to see where we could make some improvements because clearly we share with you the concern that we have to have the public's trust and confidence——

Senator HIRONO. Yes.

Admiral PIERCEY.—to do our number one mission.

Senator HIRONO. So that alarm should never have gone off at Joint Base Pearl Harbor.

Admiral PIERCEY. Oh, I would like to say we would always want to go with never, but I would offer this, that based upon where many acted upon a false alert, and it said this was not a drill, we enable our commanders, in this particular case, the command duty officer, to make a decision given the indications that he received, and based upon that, he took action, initiative, in this case, to activate the alerts. The process was then corrected. It took some time to reverse that process to turn the alarms off and say this was a false alert.

But what I have to face from a readiness side is, as a military officer, is I have to create conditions that enable my leaders to make decisions. In this case, I will say that the particular individual did not make the right decision. However, and the process had backup, and we did not follow that process. But at the same time, I can't squash initiative because I need that in cases where things aren't exactly always by the book.

So I would like—I want this—there to be no accidents or incidents or mistakes, but part of the readiness part here is I have to recognize that we have to create the conditions so that——

Senator HIRONO. Excuse me, I'm running out of time, but I thought that Admiral Harris had determined quite early on that Northern Command had never issued such a missile alert, and that was a verification that should have occurred. But I'm assuming that you've corrected that situation.

Admiral PIERCEY. Senator, the alert was based upon the text alert that the command duty officer had received, the individual.

Senator HIRONO. Yes, but they—it was supposed to have come out of Northern Command to begin with, and that never emanated from Northern Command.

Turning to Mr. Johnson, as we talk about how all of the states can update their plans, their Emergency Alert System plans, and that we have not done so, and I would probably not be wrong to assume that a lot of other states have not done so, so we're all sitting here talking about, How can we enable them to understand what the best practices are? And the Commissioner, FCC Commissioner, said that they could convene different groups to come.

But, you know, I notice in your testimony that as a result of what happened in Hawaii, that FEMA is highlighting best practices to help guide alerting authorities. So what are the best practices that you have already identified? Or are you still working on identifying best practices that could be sent out to the states to enable them to, for example, update their plans?

Mr. JOHNSON. Thank you, Senator Hirono. There—there are a number of initiatives that were taken within FEMA, one of which that I'll mention is a number of Nation State Threat meetings that

are taking place to sort through internal procedures and protocols and how we will respond to that type of threat as a nation.

But, second, we are looking at things like testing and training. We want to make sure that there is adequate training, not only that's provided by the Federal Government, meaning FEMA, throughout—through the Emergency Management Institute, but we're also looking at the type of training that the software vendors who are providing these tools to State and locals that they provide, and assuring that it's consistent and that they're providing adequate support 24/7 and respond to questions that the state may have on the use of their tool.

For example, there was somewhat of a delay in contacting FEMA during the course of that errant message that went out on the thirteenth. Had the vendor that they were using at the time had a 24/7 more robust training help desk capability, that question could have been answered very quickly without additional guidance or seeking FEMA guidance on that matter. So we're looking at testing and training.

We're standing up this collaborative environment on Monday. I just got the word back from my office that Monday we will launch an environment that will allow State and local government as well as the private sector, you know, technology providers, to collaborate on best practices, and as a whole of community, come up with appropriate practices that can be applied by each of the states that have a responsibility or role in this area. So that's one of the others.

We are working with the FCC in the review of State plans, ensuring that they not only address the Emergency Alert System and how that whole daisy chain plays out, but we're also looking at all of the emerging technologies, like the inclusion of Wireless Emergency Alerts or the inclusion of ATSC 3.0 nanotechnology, which is the next generation of over-the-air broadcasts, to be able to disseminate information, not only through the scroll or the audio message that appears on your screen, but other rich media as well, and to be able to provide that information in multiple languages, so to speak.

Senator HIRONO. So I appreciate that you are taking concrete steps in conjunction with the FCC. So at some point, is there a report that comes—that is made available to everyone of the various steps and the best practices that you all have identified?

Mr. JOHNSON. Yes.

Senator HIRONO. Is there a report that's coming at some point?

Mr. JOHNSON. Yes. And so—and later in the spring, FEMA will release its after-action report that will contain a number of best practices as well as specific actions that FEMA has taken in response to the January 13th event. We will make that report available to the Committee and others within the community. And so it will be fairly comprehensive, but will include things that are not necessarily knee-jerk reactions to an event like the one of January 13th, but will be more systematic in addressing some of the issues that surfaced as a result of that false missile alert—

Senator HIRONO. Thank you.

Mr. JOHNSON.—training, education, and all of the other things that we've talked about in short form this morning.

Senator HIRONO. Well, keep doing what you're doing. I look forward to the report.

Thank you, Mr. Chairman.

Mr. JOHNSON. Thank you.

Senator SCHATZ. Congresswoman Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chairman.

Admiral, I heard you say two different things, so let me try to clarify it. First you said that part of readiness, you have empowered whoever—whatever level that commander was. And given the fact that he, I guess, believed—he got the alert that it was a proper alert, he then triggered whatever he triggers, the sirens in both Pearl as well as in Wahiawa, which are you talking about Schofield or someplace else in Wahiawa?

Admiral PIERCEY. The NCTAMS PAC facility at Wahiawa, ma'am.

Ms. HANABUSA. OK. So then you said that he didn't follow proper protocol. So first you're saying he's empowered to take action, which he apparently did. So let me ask you a follow up on that. Is HI-EMA's, I guess, notification, is that considered proper notification as far as PACOM is concerned?

Admiral PIERCEY. Proper notification would go through our—through military channels.

Ms. HANABUSA. So are you—so are you now saying that the whoever it was, the Commander, who triggered the, quote/unquote, the alert at Pearl Harbor did not have and did not follow protocol because he triggered it and it should not—or the notification did not come through proper military channels, or are you saying HI-EMA's notification is considered part of proper military channels?

Admiral PIERCEY. So, ma'am, let me sort of step back to this and go through the process again. So through the normal alert process, you know, so we at—at PACOM, we have the ability to validate an event, and then we, through—

Ms. HANABUSA. I understand that, Admiral.

Admiral PIERCEY. Right. So I—ma'am, I have to sort of—

Ms. HANABUSA. I want to know, is HI-EMA's notification considered proper or not?

Admiral PIERCEY. I would consider under normal circumstances, HI-EMA's alerting notification to be an indicator of a ballistic missile attack in this particular case. Under normal circumstances, where it was not sent as a false alert, I would expect people to take that as notification that they then need to take certain actions because of the alert.

Our processes are written in a way that normally through the process, since he did not receive this notification through his normal chain of command, he is required to validate that by going back to the next level up, the Command Duty Officer at Joint Base Pearl Harbor-Hickam, and then based upon that, then activate the alarm. He took it on his own initiative, based upon what he saw in the alert, to then activate the alarm.

So from that mistake, then we had to go back through and then go through the process to have the alarms or the sirens turned off as we went back to the process of—

Ms. HANABUSA. Admiral, I guess my concern is, Why would PACOM, a branch of DoD, which, of course, has the entity

NORTHCOM, who would really be the one who would get the notification properly, why would you rely on or consider the HI-EMA as a valid source versus looking whether or not you've got something from DoD versus HI-EMA?

Admiral PIERCEY. Because the notification to HI-EMA through the normal reporting process would be they're part of our secure conference call, and also through another reporting procedure, it goes in through FEMA, and then FEMA notifies HI-EMA. So there are two paths in terms of coming into HI-EMA for notification.

Ms. HANABUSA. And I guess the problem that I see with what you just said is that's a lot of steps. And as you know, when they tried to validate with FEMA as to whether or not this is true or not, we had another delay, and you have a situation where if anybody should know that this is a valid ballistic missile coming into Hawaii, it should be you, it should be your process.

So I would, I hope—and I want to ask you as part of what you're doing, Have you taken HI-EMA out of this process as opposed—as when it comes to your notification internally? Simply because one of the banners was, “PACOM confirms,” because your sirens went off. I believe that the people would feel a lot safer and have more public confidence if HI-EMA was out, and if you, PACOM, or someone within DoD is the one who sets it off, that's something else. So have you taken HI-EMA out as a proper notification step so that we can at least get to the people who know, which is DoD?

Admiral PIERCEY. The answer to that is no, we have not taken HI-EMA out of the process. We've paused pending the implementation of the corrective actions from the various studies, as HI-EMA has implemented their changes to their processes, and at the request of the state, we have paused conducting exercises. I would offer that PACOM has a very close relationship with—with—with many organizations, clearly the State of Hawaii, and that we believe that continued close—working closely together, coordinating closely together, building that trust, continues to be critical. And so—so, therefore, Admiral Harris has not taken action nor has been direction that we should eliminate our relationship with the State of Hawaii through the HI-EMA.

Ms. HANABUSA. But you have put it on pause, right? You've put it on pause is what you testified.

Admiral PIERCEY. We've paused—what we've paused is the conduct of—the conduct of exercises. However, our current procedures exist that if in the event of an actual launch, we would, through two conference calls, one conference call through FEMA, and the other conference through HI-EMA, they would give—we would notify them once we validated the fact of an actual launch. From our perspective, it's a parallel reporting method that also—

Ms. HANABUSA. I understand, Admiral. Let me just tell you this: a ballistic missile into Hawaii is an act of war, and I don't think you should be delaying notification by doing a parallel path or whatever else. If you know it is, you should act accordingly.

And with that, thank you very much.

And thank you, Senator Schatz.

Senator SCHATZ. Representative Gabbard.

Ms. GABBARD. Thank you.

You know, I think you're getting the point here of the delineation between any of a number of the natural disasters that our EAS system is set up to notify our residents about, the difference between that and what is an act of war and attack on the homeland. And the reason, you know, Senator Schatz's legislation I think gets to the heart of this issue in treating this differently, understanding that time is of the essence, when we have mere minutes from the point that a missile is launched to point of impact, and that every second in that period counts.

Mr. Johnson, you know, the President has sole responsibility to determine when EAS will be activated at a national level, and that responsibility has been delegated to the Director of FEMA. When was the last time this occurred?

Mr. JOHNSON. The activation of the Emergency Alert System in response to a national type of event has never been activated and has never been carried out. We have, however, tested our national capabilities both in 2011 as well as 2016 and 2017. And you are correct, at the direction of the President, if we were under attack or there was a national emergency, we would, at the direction of the President, activate these capabilities. But until that direction is provided by the President, we would not activate those systems under any conditions.

Ms. GABBARD. So this delegation of authority to the FEMA Director really isn't a whole delegation because the FEMA Director would still wait for the President to take action, is that correct?

Mr. JOHNSON. Right. So there are two things at play here. One is, of course, the Executive Order that was issued by President Bush in 2006, as well as the 1995 statement of requirements that were issued by President then Clinton. It establishes protocols, one, to allow what—it establishes protocols that would cause FEMA to respond at the request of the President to activate the system, but it also goes on further to state that once the system has been activated or directed to be activated by the President, then the Director of FEMA can use the system for follow-on information, and that would typically be during the response-and-recovery phase of an event.

Ms. GABBARD. OK. Thanks. Sorry. I don't have much time. I guess the point here is that when our country has been attacked by a foreign nation state, all of this seems like far too many layers for our residents to be notified that we are under attack, especially those, in the instance of Hawaii, who are in the impact zone.

So I guess the question for Admiral Piercey is, Why shouldn't the DoD, being that first point of verification that North Korea has launched a missile, as you go through your process every time to see what the direction and where the potential impact zone is, as that first point of verification, why shouldn't the DoD be responsible for sending out the notification, especially given with the existing notification system, State and local governments already have the authority to send out these messages? It doesn't seem like it would be too much to authorize DoD and PACOM directly to be able to do so.

Admiral PIERCEY. Yes, ma'am. I would offer that we are the first point of verification.

Ms. GABBARD. Correct.

Admiral PIERCEY. And through that process, it then goes through the established—the existing channels that exist through both FEMA and HI-EMA. I would offer that if you're proposing that we are actually the ones that drop down the menu and do the notification, if that's what the proposal, the legislation, is, I would offer that the existing process in terms of that covers—a notification process that covers the entire range both from the very high end, as we have discussed today, through—you know, through the other ones that—that allow both states, localities, and municipalities to exercise some level of management and oversight to see to, responsibility for, those systems that—that that—the existing process supports that. Ultimately, we recognize, we accept, the fact that we need to verify. We have that process in place.

Ms. GABBARD. Right.

Admiral PIERCEY. And through—but if we go through our process, we have verified this, and then through the existing—through FEMA, through the Federal process, and through the State process, those at the Federal level and the State level, they take the action for notification.

Ms. GABBARD. So I guess that's—that's the question here, Admiral Piercey, is, Why do we need these extra layers? Because we recognize obviously that PACOM and NORTHCOM have the direct verification and the first line of verification. Why not cut out the extra layers and empower you to click the dropdown option and send out that alert so that people are getting it directly from the verification source rather than questioning, whether it be at FEMA or the local level or the county level or the State level, that someone may have made a mistake along the way and wondering if this is, in fact, real or not?

Admiral PIERCEY. I would offer again that there are existing agencies that have that authority and responsibility.

Ms. GABBARD. I think this is the reason why we're gathered here, though, is there's a problem with the existing process. So, you know, this is an important follow-up response that I think we need from PACOM, is, Why not? You say there's an existing process, but why not improve that process by creating that direct line of communication between your command and the people of Hawaii?

Admiral PIERCEY. And I would offer that the existing lines of communication with the existing system supports that.

Ms. GABBARD. OK. Thank you. We'll look forward to follow up on this.

Senator SCHATZ. I'm just going to follow up with a comment, and if the other Members have any follow-up questions, they're welcome to ask them.

You know, I don't think this is quite as complicated as it sounds. We just want the origination of a notification of a missile alert to start with the people who know and then drop down to the Department of Homeland Security, FEMA. It's not that HI-EMA shouldn't have a role, just like it's not that HPD shouldn't have a role, it's not that the Sheriff's Department shouldn't have a role, it's not that the Red Cross shouldn't have a role, it's just that the information should flow from the people who know for sure and then down and out to the community.

And the concerning thing, Admiral, that you said is that I understand, actually like, that you said we want to authorize our people in terms of organizational culture to exercise initiative and err on the side of readiness, right? That totally makes sense to me. And that can be in conflict with a procedure. And so somebody made a mistake, and yet you're sort of—you're accounting for the fact that people may make mistakes because you're asking them to exercise their initiative. Frankly, in contrast to what happened in the HI-EMA headquarters, where everyone was frozen in time, worried about making a mistake and worried about noncompliance with Federal procedures when they should be worrying about notifying their neighbors that they're not going to perish.

So I don't mind that someone was authorized to exercise discretion, but I do think it's important what all of my colleagues have said, is that we now have a convoluted process, and we have a convoluted process that, based on results, is a failure. And we don't have to reconfigure something very fancy, we just want to say people who know whether there's a missile in the air tell people who can operate IPAWS on a nationwide level.

Because the other part of this—right?—is that the FEMA model is there's a flood in San Mateo County, San Mateo County should be informed; there's a hurricane in the Western Pacific, you know, people should be informed. If we are at war, there is no reason not to inform every American citizen.

The idea that there should be a regional alert about an incoming ICBM is preposterous. Imagine that there's an ICBM and it's tracking to—I don't even want to name a state—a state on the mainland, do you think it's appropriate for only those states that have enlisted in a missile notification program to have the capacity to get the word out? Do you think it's—what about an adjacent county that didn't sign up? What about an adjacent state? And we don't know, by the way, if we're at war, how many additional warheads are on the way.

This is Federal by its very definition. We have robust conversations with our Republican colleagues about the role of the Federal Government versus local government, but, gosh, I can't find even my most Libertarian colleague who thinks that this is something that the local government should handle. So it's not that the local government shouldn't have a role, it's just that they're downstream from the decisionmaking process. And I think that's what we're all looking to accomplish.

Do the other Members have any follow-up questions?

Ms. HANABUSA. I have a comment.

Senator SCHATZ. Representative Hanabusa.

Ms. HANABUSA. Admiral, what we're here to do, all of us, is to try to build back public confidence. So I understand what you're saying, I understand readiness, and I understand the ability to empower. However, what we're saying is if you are—put yourself in the shoes of someone out there. Who do they want to believe? That's the issue. And actually, you can go back, and I'm sure—Admiral Harris and I have had this conversation, you can go back and tell the admiral—you should be proud of the fact that we are saying people would believe the military because it is, in their minds, an act of war.

FEMA has to wait for the President, everyone else. The FCC doesn't have the authority to trigger anything. This is a situation where we want our people to know that if it comes over, and it should be throughout the United States, I agree with Senator Schatz, that, in fact, it comes from the best source that we have, not—and every time you have another person in there, you have a potential error. I'm not going to say that you will be absolutely perfect, but I'll tell you what, January 13 should not have happened if it's you, I would like to think, because you wouldn't be out there triggering an alert because there is no alert to trigger. So that is, I think, the basis of what we are saying.

And I think that the military should view it as a compliment, that we're saying, hey, people believe in you. People want to see that whoever makes that decision doesn't have all these other things that they've got to think about. You have the defense of this country and Hawaii, of course, very important to us. That's the priority.

Thank you.

Senator SCHATZ. Well, thank the——

Senator HIRONO. Can I just add?

Senator SCHATZ. Sure. Senator Hirono.

Senator HIRONO. As we sit here and have this really robust discussion, is there some kind of a technical problem with the military, the DoD and PACOM, pressing the button that sends the alert to everybody in our state? Is there some technical problem with you folks having that initial responsibility? Because, yes, as we're sitting here, we recognize that a missile alert, an attack, is an act of war and that this is not a localized weather condition or anything. So is there some way—is there a problem with you folks being able to press the alert button from your end?

Admiral PIERCEY. There's not—right now it's not technically supported, but I could imagine that could be technically supported.

Senator HIRONO. We can figure out, can't we?

Admiral PIERCEY. Yes, ma'am.

Senator HIRONO. OK. Thank you.

Senator SCHATZ. Well, thank the testifiers and bring in the new panel. Our third and final panel has Major General Joe Logan, Adjutant General, Hawaii—for the State of Hawaii and Hawaii Emergency Management Agency; and Mr. Chris Leonard, President and Legislative Chair for the Hawaii Association of Broadcasters.

General Logan, please proceed.

**STATEMENT OF MAJOR GENERAL ARTHUR J. LOGAN,
ADJUTANT GENERAL, AND DIRECTOR,
HAWAII EMERGENCY MANAGEMENT AGENCY,
STATE OF HAWAII, DEPARTMENT OF DEFENSE**

General LOGAN. Good morning, aloha, Senator Schatz—Senator Hirono had to step out—but Representative Hanabusa, Representative Gabbard. Thank you for the opportunity this morning. I am Major General Joe Logan, the Adjutant General of the State of Hawaii. I am also the Homeland Security Advisor to the Governor and the Director of Hawaii Emergency Management Agency.

I provided my testimony this morning regarding Hawaii's State warning systems and the steps that we are taking to ensure accu-

rate and timely emergency notification to the public. You have my written testimony, and I will take just a few minutes for this opening statement.

On January 13, 2018, the people of Hawaii and our visitors, including loved ones far away, suffered an unnecessary fear of a missile strike resulting from human error and a series of HI-EMA leadership failures. We've apologized for this incident, especially for the 30-minute delay in correcting the message error and providing accurate information to the majority of the public.

Most important, we have been taking—we have taken immediate steps to guard against a false alert being sent and to ensure that such a delay will not happen again. While inexcusable, the false alert revealed systemic issues and provides opportunities to undertake corrective actions, thereby generating enduring solutions and rebuilding trust in Hawaii's Emergency Management Agency.

As you may already know, shortly after the incident, Governor Ige suspended all activities surrounding the ballistic missile alert campaign plan, including the additional wailing siren tone testing and the ballistic missile checklist rehearsal at the State Warning Point. Furthermore, Governor Ige directed us to develop a comprehensive Chemical, Biological, Radiological, Nuclear, and High Explosive Annex to our 2014 Hawaii Catastrophic Plan prior to any further training on the ballistic missile alert.

Under new management, HI-EMA has already implemented many recommendations from Brigadier General Retired Oliveira's investigative report and Brigadier General Hara's 30-day action plan report ordered under the Governor as Executive Order 18-01.

We appreciate the support we have received from our military and Federal partners, and we look forward to continued collaboration as we implement the action steps identified in both reports.

HI-EMA continues to provide timely and accurate alert and warnings and executes its role and responsibilities to ensure that the State of Hawaii is able to prepare for, respond to, and recover from all hazards, manmade or natural. This is evident by the January 23, 2018, tsunami warning, which, due to a 7.9 magnitude earthquake off Alaska threatened Hawaii and the West Coast of the United States. The tsunami warning came in at 23:40, or 11:40 p.m., Monday, and the State Warning Point immediately went into action. And just after midnight, the Governor, the HI-EMA administrator, other staff members, and I were at the State Emergency Operations Center connected to the counties and the Pacific Tsunami Warning Center awaiting further information and preparing to activate warning systems if necessary. The alert was canceled shortly after 1 a.m. I'll reiterate that the system does work.

Again, mahalo for the opportunity to be here this morning, and I look forward to your questions.

[The prepared statement of General Logan follows:]

PREPARED STATEMENT OF MAJOR GENERAL ARTHUR J. LOGAN, ADJUTANT GENERAL,
AND DIRECTOR, HAWAII EMERGENCY MANAGEMENT AGENCY, STATE OF HAWAII,
DEPARTMENT OF DEFENSE

Aloha Chairman John Thune, Ranking Member Nelson, and members of the Committee:

I am Major General Arthur J. Logan, State Adjutant General, the Director of the Hawaii Emergency Management Agency (HIEMA), and the Homeland Security Advisor to Governor David Y. Ige.

Mahalo for the opportunity to provide testimony to the U.S. Senate Committee on Commerce, Science, and Transportation regarding Hawaii's False Missile Alert on January 13, 2018 and what we do next.

I am here today to provide testimony, not to focus on the events of January 13, 2018, as that has been covered extensively via an internal investigation, media coverage, media releases, and testimony at a State Joint Legislative Committee hearing on January 19, 2018. I would like to focus my testimony on the topics of what we have done, what are we doing in the short term and long term to improve our emergency management systems, and how we are regaining the trust of the people of Hawaii.

Let me first state that the people of Hawaii and our visiting tourists, including loved ones far away, suffered unnecessary fear resulting from human error, exacerbated by a series of HIEMA leadership failures. These failures were in the domains of decision-making and communications evident by the time it took to correct the false alert message error and provide that information to the majority of the public. While inexcusable, the false alert revealed systemic issues and provides opportunities to undertake corrective actions thereby generating enduring solutions.

Let me lay the ground work that set in motion the State of Hawaii being the first state in the Nation to identify the threat and, barring any Federal guidance, began a campaign plan to educate the population and further prepare for, and respond to, a ballistic missile threat.

From January through November 2016, North Korea tested a nuclear device and fired some 20 ballistic missiles, each time improving its ballistic missile and nuclear capabilities. In January 2017, the Administrator of HIEMA and I discussed our concerns about this with the Governor and recommended that we plan and prepare for this threat and to inform the public about it.

According to open source news reports, in 2017 North Korea launched 15 ballistic missiles and conducted another nuclear test. This nuclear test of a hydrogen bomb increased the earlier assessments from 15 kilotons to 150 kilotons.

The experts tell us that the flight time of an ICBM from North Korea to the State of Hawaii is approximately 20 minutes.

Further, we are told that it takes approximately 5 minutes after launch to determine the direction and likely target of the ICBM. This leaves Hawaii with approximately 15 minutes when we are notified that we are under a ballistic missile threat.

Because time is of the essence with ballistic missile preparedness we began the campaign plan with development of a ballistic missile checklist for the State Warning Point (SWP) and a public outreach program, well before we completed a tangible Chemical, Biological, Radiological, Nuclear, and High Explosive (CBRNE) response Annex to Hawaii's 2014 Catastrophic Plan.

By law, the HIEMA is responsible for monitoring and issuing alerts and warnings. The SWP, a section of HIEMA, is tasked with the timely warning and notification to government, county warning points, emergency operations centers, and when directed, the public.

Further, the State Department of Defense Public Affairs Office and the HIEMA Public Information Office are responsible to notify the public through the use of live, taped, print, and social media modes. These entities were trying everything humanly possible to get the word out to the public. The lack of adequate telecommunications capabilities in the Diamond Head Crater severely impacted HIEMAs ability to provide timely live news media feeds to the public.

Immediate actions occurring as of January 13, 2018:

While it took HIEMA 38 minutes to issue the "false missile alert" message via the Wireless Emergency Alert (WEA) system, this capability continues to reside on the vendor HIEMA subscribes to that access Integrated Public Awareness Warning System (IPAWS).

Governor Ige suspended all activities related to the Ballistic Missile Preparedness Campaign, including ballistic missile tone siren testing and SWP ballistic missile checklist rehearsals until a comprehensive CBRNE Annex is prepared.

The State Emergency Communications Committee met the day after this incident with appropriate broadcasting media agency heads and engineers to discuss the communications issues and to develop a way ahead.

HIEMA has updated its Ballistic Missile Alert Checklist, which now provides greater clarity and standardization for the members of the SWP.

Short-and long-range recommendations and actions:

Governor David Ige issued Executive Order 18-01, directing BG Kenneth Hara, Deputy Adjutant General (DAG), to review current emergency response systems, including notifications and warnings, and make recommendations for improvement. His Initial Action Plan—30 day Report was released to the public on February 14, 2018 and is available online via the Hawaii State Department of Defense website. (<http://dod.hawaii.gov/blog/news-release/fma-final-report/>)

We, at the State Department of Defense and HIEMA, are implementing those recommendations and have tasked the new HIEMA Administrator, Thomas Travis, with the responsibility to track and report to myself and the DAG as to the status of each recommendation.

HIEMA continues to work with the vendor that provides access to the IPAWS system and they have greatly enhanced the software so that there are color differences between test and real world alert icons to click on. We are also working on two-factor authentication with the vendor; however, this adds a complexity layer that would only be used for very specific alerts, such as a missile alert.

The HIEMA Administrator has developed an action plan based on his initial assessment of the organization. He has briefed me and the DAG, and we concur with his assessment and action plan. His priorities are preparing a HIEMA Strategic Plan, realigning the organizational chart to cross-walk strategic goals and objectives with agency branches, and filling vacancies to help with accountability, roles and responsibilities.

HIEMA is establishing internal processes and procedures to ensure supervisors are monitoring the performance of its subordinates, tracking training, and identifying training requirements for the established positions.

The State Emergency Communication Committee is working to establish a comprehensive mass notification system between HIEMA and the broadcasting companies.

HIEMA is working with the Department of Land and Natural Resources on a permit to locate a Cell on Wheels (COW) device to enhance wireless telecommunications within the crater.

Hawai'i continues to have an outstanding relationship with FEMA. During the initial campaign plan FEMA provided a wealth of knowledge to HIEMA to prepare its outreach to the public. In fact, the Administrator or FEMA scheduled a visit to Hawaii prior to the January 13, 2018 event.

Administrator Long, along with FEMA Regional IX Administrator Robert Fenton and others visited with U.S. Pacific Command, HIEMA, and Governor Ige, and discussed the lessons learned from Puerto Rico's disaster recovery. They also discussed how FEMA can better assist State and Local governments to prepare for, respond to, and recover from major disasters.

Mahalo.

Senator SCHATZ. Mr. Leonard

STATEMENT OF CHRIS LEONARD, PRESIDENT, HAWAII ASSOCIATION OF BROADCASTERS

Mr. LEONARD. Good morning, Senator Schatz, Senator Hirono, who is not with us right now, Congresswomen Hanabusa and Gabbard. My name is Chris Leonard and I am the President of the Hawaii Association of Broadcasters. On behalf of over 100 local television and radio broadcasters across the state, thank you for inviting me to testify today.

I also bring the perspective today as the President and General Manager of New West Broadcasting Corp., a locally owned business that operates five radio stations on Hawaii Island, and as a member of the Committee tasked with updating Hawaii's Emergency Alert System plan.

Broadcasters in Hawaii and across our great Nation play a vital role as the country's first informer sometimes of emergency and disaster. Local stations have proven time and again that they will not hesitate to put themselves in harm's way to deliver critical emergency information to their communities, whether it's the recent false missile alert, Tropical Storm Iselle from a few years ago on my island, or Category 4 Hurricane Iniki on Kauai in 1992, local broadcasters are there providing lifeline information to the public before, during, and after a crisis.

Often local broadcasters are the only available and reliable communications medium available during disasters. Our transmission systems are not subject to outages due to network congestion. The robust one-to-many nature of our technology and the redundancy provided by multiple broadcasters who have invested heavily in equipment and generators ensure that we are uniquely situated to remain on the air. FEMA has noted in the past that there is no more reliable source of information during emergencies than local broadcasters.

On January 13, at 8:07, the Hawaii Emergency Management Agency issued a civil danger warning alert that automatically triggered wireless phones and EAS messages on radio and television stations across the state. I immediately raced out of my house and drove to my studios, and as I was driving, I heard the EAS message broadcast on my stations that said the U.S. Pacific Command has detected a missile threat to Hawaii, a missile may impact on land or sea within minutes, this is not a drill.

I literally watched cars pull off the road as the message played instructing people to seek shelter immediately if you're in a vehicle. I made it to my studios in about 7 minutes and immediately started fielding phone calls from panicked and confused listeners. And I, like many people, wanted to think that the warning couldn't be true, but the message was clear that this is not a drill, and as a result, it wasn't subject to my interpretation, nor was it subject to the interpretation of any other broadcasters.

The EAS system was built to allow emergency managers immediate access to broadcast airwaves in times of national emergencies precisely because of the resiliency and reach of broadcasting. Broadcasters are required by Federal law to participate in the EAS program and to carry Presidential level alerts, but participation in State and local messages is voluntary. However, almost every broadcast station in Hawaii and the Nation see it as their duty to participate with their State plans. Thus, although the alert on January 13 was issued by the state, it was still carried by a majority of the stations across Hawaii.

As a community member, I was troubled by the false missile alert and the level of responsiveness to correct it. As a broadcaster, I was and remain concerned about the procedural failings of that day. Broadcasters need to know that emergency messages have been thoroughly vetted and authenticated before they are sent to us, and emergency managers need to have confidence that broadcasters will disseminate those messages in accordance with the State plan.

The same technology and systems that allowed emergency managers to immediately push out the false warning on air would have

also allowed them to immediately push out another message saying it was a mistake. According to the after-action reports, emergency managers knew the alert was a mistake almost immediately after sending it, yet it took 13 minutes to acknowledge that mistake on Twitter and another 25 minutes before a corrected EAS message went sent out under a different header code to broadcasters and, as a result, the public. In many cases, broadcasters informed audiences of the error in much less time than the 38 minutes it took for the second EAS alert to be issued.

But make no mistake about it, the EAS system and the technology worked as it was intended. The underlying technology worked on that day. It was human procedure and implementation that failed to ensure its accuracy.

Currently, and it has been discussed a bit here already today, our State's EAS plan is significantly out of date. As the State Emergency Communications Committee revises its plan, the plan needs to thoroughly address the errors that occurred due to the shortfalls of the existing plan. Any new plan needs to, one, clearly define the roles and responsibilities of all EAS participants, both public and private; two, provide redundant communication paths to EAS participants and the public, both for EAS alerts and ideally for longer form emergency information; three, address rapid response issues and the ability to replay the message as needed, as the situation warranted on that particular day.

On January 13, the EAS message played immediately after officials issued the alert. However, for residents and visitors that didn't hear the initial broadcast, they had no way of knowing of the alert. As far as they were concerned, if they didn't hear it, it didn't exist, and that's something that needs to be addressed.

Emergency managers need the ability to repeat messages on an automated basis as the situation dictates, either by updated procedures in the State EAS plan or upgrades to the technology.

In conclusion, the American public relies heavily on local radio and television broadcasting during times of emergency. On January 13, broadcasters fulfilled their duty and successfully transmitted the EAS message as intended to keep our communities informed. Unfortunately, we didn't receive official corrective information in a timely manner, and, as a result, many of our State's 1.4 million people and nearly 200,000 visitors were scared and confused for a terrifying 38 minutes, and clearly the public deserves better. We must update and improve our State EAS plan, and broadcasters stand ready and committed to work with all stakeholders to do so.

And with that, I thank you for your time and look forward to answering any questions that you may have.

[The prepared statement of Mr. Leonard follows:]

PREPARED STATEMENT OF CHRIS LEONARD, PRESIDENT,
HAWAII ASSOCIATION OF BROADCASTERS

Introduction

Good morning, Senator Schatz, Senator Hirono, Congresswomen Hanabusa and Gabbard and members of the committee. My name is Chris Leonard and I am the President of the Hawaii Association of Broadcasters (HAB). On behalf of over 100 local television and radio broadcasters across the state of Hawaii, thank you for inviting me to testify on "Hawaii's False Missile Alert: What Happened and What

Should We Do Next.” In addition to my role at HAB, I am also the President and General Manager of New West Broadcasting Corp., a locally-owned business that operates five radio stations on Hawaii Island. I also serve as a member of the State Emergency Communications Committee (SECC) a group that is tasked with updating the State’s Emergency Alert System (EAS) plan.

Hawaii’s radio and television broadcasters and broadcasters across our great nation play a vital role in emergency alerting. We are the country’s first informers and first choice for news and emergency updates. Local stations are an integral part of the communities that they serve and have proven time and again that they will not hesitate to put themselves in harm’s way to deliver critical emergency information to the public. Often times, local radio and television stations are the only available and reliable communications medium during disasters. Our transmission systems are not subject to outages due to network congestion. The robust “one-to-many” nature of our technology and the redundancy provided by multiple broadcasters who have invested heavily in equipment and generators ensure that we are uniquely situated to remain on-air and deliver critical information before, during and after natural disasters and other emergencies. The Federal Emergency Management Agency (FEMA) has noted that there is no more reliable source of information during natural disasters than local broadcasters. Whether it’s a hurricane in the Gulf of Mexico, the recent catastrophic hurricanes in Puerto Rico, Tropical Storm Iselle from a few years ago on my Island, or Category 4 Hurricane Iniki on Kauai in 1992, broadcasters are there providing crucial information to the public. We provide information to help people prepare prior to disasters, to keep safe during disasters and we help our communities recover and rebuild in the aftermath. Local broadcasters are committed to help the public and were committed to help on January 13, 2018.

What happened on January 13

On January 13 at approximately 8:07am, the Hawaii Emergency Management Agency issued an EAS and Wireless Emergency Alert (WEA) alert using a Civil Danger Warning header. That alert automatically triggered wireless phone alerts and EAS broadcast alerts on radio and television stations across the state of Hawaii. The EAS messages were broadcast on New West Broadcasting’s five stations immediately after they were received, as they were on most radio and television stations across the state.

I raced out of my house immediately. As I was heading to my studios, I heard the EAS message broadcast on my stations in Hilo that said:

“The U.S. Pacific Command has detected a missile threat to Hawaii. A missile may impact on land or sea within minutes . . . THIS IS NOT A DRILL. If you are indoors, stay indoors, if you are outdoors, seek immediate shelter in a building . . . If you are driving, pull safely to the side of the road and seek shelter in a building or lay on the floor. We will announce when the threat has ended. . . .”

Cars were literally pulling off the road ahead of me as the message played. I made it to my studio in 7 minutes and immediately started fielding phone calls from panicked and confused listeners.

I, like many people, wanted to think that the warning couldn’t be true, but the message was clear that “THIS IS NOT A DRILL.” It was not subject to my interpretation. Our stations received this message on a dedicated phone circuit that was installed by Hawaii’s Civil Defense Agency. We also received copies of the message via FEMA’s Integrated Public Alert & Warning System (IPAWS) Common Alerting Protocol server. The EAS system was built to allow emergency managers immediate access to radio and television stations in times of national emergencies, precisely because of the resiliency and reach of broadcasting. Broadcasters are required by Federal law to participate in the EAS program and are required to auto-forward an Emergency Action Notification to all stations. Broadcaster participation in EAS for state and local messages is voluntary; however, almost every radio and television station in the state of Hawaii and around the country see it as their duty to participate in state and local emergency alerting in accordance with their state plans. The alert on January 13 was issued by the state and as such is considered a “state level” alert that was not required to be rebroadcast but was carried by the majority of radio and television stations across the state.

As a community member I was troubled by the January 13 issuance of the false missile alert and the level of responsiveness to correct it post-issuance. As a broadcaster, I was and remain concerned about the procedural aspects of the issues that we faced on that day. The federal, state and local government along with various stakeholders (radio and television stations, wireless providers) have procedures in place that need to be followed. Broadcasters provide voluntary access to our air-

waves to state and local emergency managers in times of emergency. We run monthly emergency management tests in compliance with Federal law and on a voluntary basis with the state. These tests instruct the public to “tune in to this station for more information.” Broadcasters take this responsibility and obligation seriously.

For a threat of this level, we voluntarily provide direct access to our air chain. Emergency management officials can click a mouse and immediately be on-air on all of our stations. At the most basic level, broadcasters need to know that emergency messages have been thoroughly vetted and authenticated before they are sent to us and emergency managers need to have confidence that broadcasters will disseminate those messages in accordance with the state EAS plan. The same technology and systems that allowed emergency managers to push out a false warning immediately on-air through our stations would have also allowed them to push out another message saying it was a mistake. According to the after-action reports, emergency managers knew that the alert was a mistake almost immediately after sending it. It took 13 minutes to acknowledge the mistake on Twitter and—what I found extraordinarily upsetting—it took approximately another 25 minutes before that message was sent to broadcasters to share with the nearly 1.43 million residents of the state of Hawaii via broadcast radio and television. We have been telling the public for decades to tune-in to radio and television in times of emergencies and they have been conditioned to rely on that system.

Where do we go from here?

Make no mistake about it, the EAS system and its underlying technology worked as intended on January 13 in alerting the public; however, it was human procedure and implementation that failed. Broadcasters distributed the missile alert messages and, in many cases, informed audiences of the error in much less time than the 38 minutes that it took for a second EAS alert to be issued by emergency management officials. I have referenced several times in this testimony the state EAS plan. According to 47 CFR 11.21, “EAS plans contain guidelines which must be followed by EAS participants personnel, emergency officials, and National Weather Service [NWS] personnel to activate the EAS. . . .” The state plans also “contain procedures for State emergency management and other State officials, the NWS, and EAS participants personnel to transmit emergency information to the public during a state emergency using the EAS. . . . The State plans must include specific information describing how such messages will be aggregated and distributed to EAS Participants within the state. . . .” The plans must be reviewed and approved by the Chief, Public Safety and Homeland Security Bureau prior to implementation to ensure that they are consistent with national plans, Federal Communications Commission (FCC) regulations and EAS operation.

Currently our state’s EAS plan is out of date and is in need of a significant rewrite to address the changes in technology and distribution methods that have happened since the plan’s last update in 2006. The SECC is tasked with the responsibility to rewrite this plan. The committee has met twice since January 13 and a rewrite of the plan is being worked on. The new state plan needs to thoroughly address the procedural errors that occurred on January 13 and address the shortfalls of the existing plan. It needs to clearly define the roles and responsibilities of all EAS participants. It needs to provide redundant communication paths to EAS participants and the public, both for EAS alerts and ideally for longer form emergency information as available. It must also address rapid-response issues and the ability to replay a message as needed. On January 13 the message played on radio and television stations across the state immediately after emergency management officials issued the alert. However for members of the public that didn’t hear the initial broadcasts, they had no way of knowing of the existence of the alerts. Emergency managers need to be able to have messages repeated on an automated basis as the situation dictates, either by updated procedures in the state EAS plan or upgrades to the technology. It is also imperative that local jurisdictions have the ability to activate EAS through the “daisy-chain system” from each local warning point whether they have connectivity to FEMA’s IPAWS servers or not. It is not a question of if, but when local jurisdictions will be cut off from network connectivity. Our state needs to have a plan to address this critical scenario for public safety.

Conclusion

We have spent many years training the public about where to tune-in during times of emergency. On January 13, broadcasters fulfilled their duty and successfully transmitted the EAS message as intended. Unfortunately, broadcasters did not receive official corrective information from emergency managers in a timely manner. As a result, many of the state’s 1.4 million people were scared and confused for approximately 38 minutes with little information available to them. Broadcasters were

left scrambling to try to figure out what was happening and to inform the public. The EAS technology worked to issue the first warning, however additional procedures were not in place to properly authenticate the warning nor to address the issuance of a false alert. The public deserves better. Although mistakes happen, proper procedures and implementation help prevent them and there should be plans on how to address them when they happen. We must update and improve our state EAS plan to fix many of the issues that we faced here in Hawaii on January 13. While the false missile warning happened in Hawaii, it presents an issue with national implications. We may face different disasters in different parts of the country, however the common thread is that emergency managers and broadcasters have a duty to inform the public in times of emergencies. Broadcasters are committed to work with all stakeholders to evaluate and greatly improve our public safety communications here in Hawaii and across the Nation. Thank you very much for your time. I am prepared to answer any questions that you may have.

Senator SCHATZ. Thank you very much.

General Logan, I want to ask you three questions. The first is about the chain of command. It's HI-EMA Administrator to TAG to Governor, is that correct?

General LOGAN. Yes.

Senator SCHATZ. And is that in all cases? In other words, including in a case of emergency, the Governor does not—the HI-EMA Administrator is not a direct report to the Governor, is that correct?

General LOGAN. No, but he could be. If I am out of state, he could be, yes.

Senator SCHATZ. If you're out of state, it doesn't go to the Deputy Adjutant General, it goes to the HI-EMA Administrator.

General LOGAN. Yes, sir.

Senator SCHATZ. OK. Does that make sense? Is that the best way to do this?

General LOGAN. I think so.

Senator SCHATZ. So, you know, I met with General Hara. You and I have had several conversations. There's a lot of work going on at HI-EMA, the legislature is doing their oversight, and in my view, there has been an appropriate focus on policies and procedures, but if you kind of get into that room in those moments, you know, it wasn't a question of the right policy, you know, not being in a binder to be, you know, pulled off the shelf, referred to, and executed. To me, the more you hear about exactly what went on in that room and the confusion and the—like I said, the being frozen in space, the arguing among staffers, the shifting of blame, the lack of clarity about whether you needed to get clearance from FEMA, and I'll just add that we all know now that they didn't need clearance from FEMA. But I will tell you, if they did need clearance from FEMA, even if a statute or a rule said they needed clearance from FEMA, somebody ought to have violated that statute or rule to make sure all of us knew we weren't going to die, and that's the kind of initiative that you want in an emergency management agency.

And so I guess the question I have for you is, How much of this is policy and procedure and statute, and how much of it is organizational culture? And what do you think is the path forward for HI-EMA in terms of fixing what I think is clearly a broken organizational culture?

General LOGAN. Well, I think had, you know, myself or the Deputy Adjutant General been in or the Administrator been in HI-

EMA at the time of the false alert, you would have seen that initiative being taken. We have—I'm allowing Mr. Travis to assess his organization now and see where he can—where he needs to be changed. And he has already come forward to me with his initial assessment. He has identified some key areas that need some—some change and some updates, some training. And so he is working towards that, and I'm giving that latitude to—

Senator SCHATZ. I will just convey to you and to him that I think all of that is great, but I don't want to focus just on resources, which may be an issue, the physical plan, which may be an issue, training, staff salary, policies and procedures. All of that sounds like an appropriate set of priorities to work on, but organizational culture is tougher to talk about and tougher to fix, but it seems to me foundational to what happened on that day.

General LOGAN. Yes, sir, and I agree. And one of the issues and concerns that we've identified quickly is the lack of a strategic plan in HI-EMA that would set the culture, set a vision and mission for what they need to do.

Shortly after the incident, I sat down with most of the HI-EMA members and I talked about Simon Sinek's book "Start With Why," and why do they do what they do and why—the State Warning Point is so important to 1.4 million people, and they are the tip of the spear to keep safety and security throughout the State of Hawaii and to inform them timely and accurately.

There seemed to have been a culture where that was lacking. In the operations piece, not in the Preparedness Branch, not in other branches, but in that specific Operations Branch, that seemed to be lacking.

Senator SCHATZ. Is it true that the person who clicked on the erroneous missile alert button on the screen is paid around \$40,000 a year?

General LOGAN. I'm not sure what their salary is, but I know it's fairly low. We are looking at the position descriptions for the State Warning Point and trying to figure out what is the right and adequate pay for that. Are they similar to Honolulu Police Department dispatchers? Are they similar to other Warning Point? They have a—because they have a reason and expectation, as you mentioned earlier, for initiative and take action, we believe that should be higher, so we're working through that now.

Senator SCHATZ. Mr. Leonard, just a quick question. When—I know you've been deeply engaged, thank you, as a volunteer in the SECC, and I'm wondering when you think a new plan will be ready and submitted to the FCC. And are you already working with FEMA and the FCC in terms of getting the expertise necessary to have a functional plan?

Mr. LEONARD. I can't speak to the exact date. It is in the works. We will have another meeting later this month. It is my expectation that we should have some draft language for that plan by that time. I've had numerous conversations with FEMA and with the FCC, both as a broadcaster and as a member of that committee, and it's much needed. It will provide quite a bit of guidance and hopefully will address a number of the issues that we faced on January 13.

Senator SCHATZ. Thank you.

Representative Hanabusa.

Ms. HANABUSA. Thank you, Senator Schatz.

General Logan, I want to understand some of the things you said. But first I want it to be clear to everyone, that as the—we call you the TAG, The Adjutant General—you are not simply in charge of the—basically the Guard Army or the Guard Air. You actually have other divisions, if we were to do an organizational chart on you. Isn't that true?

General LOGAN. Yes, I have six divisions.

Ms. HANABUSA. You have six divisions. So taking away the Guard Air and the Guard Army, can you name the other six divisions?

General LOGAN. Yes. I have the Office of Homeland Security, I have the Youth Challenge program, I have the Office of Veterans Services, and HI-EMA.

Ms. HANABUSA. So HI-EMA actually is a division under you, so you are responsible for HI-EMA, correct?

General LOGAN. That's correct.

Ms. HANABUSA. OK. Now, given that, given that, can you tell us how your time is spent? Like how much time would you say, a percentage of a pie, for example, is Guard duty, taking care of the two Guard units, Veterans, Homeland Security, Teen Challenge, HI-EMA?

General LOGAN. Ma'am, I don't—I don't divvy up my time. I go based on what sometimes first come, first served, and where I can fit it in my schedule. Being that I have so many things, it's an interesting question that you ask. A fairly new TAG of Alaska who came on shortly after I did, she has similar hats that I wear, and she asked that very question, "How do you divide up that time?" and you can't. I devote as much time as I can to each of those divisions. But I will say I have leadership in each of those divisions. I have an administrator of HI-EMA. I have an administrator of Homeland Security. I have a director that runs the Youth Challenge program. I have two general officers who run the Army and the Air National Guard. And I have a deputy. So I have layers of ability to help me manage all of that.

Ms. HANABUSA. OK. Then let me ask you this. You said, in response to Senator Schatz, that had you been there, and I think you were talking about basically what we call Diamond Head, I mean, had you been there, this would not have happened. Isn't that what you said?

General LOGAN. No, I wouldn't say the false alert wouldn't have happened, I said the reaction and the initiative to get it quickly fixed probably would have been shorter.

Ms. HANABUSA. OK. So tell me this: When you found out about the false missile alert, it was within a couple of minutes, as I recall.

General LOGAN. Yes.

Ms. HANABUSA. Correct? Then I assume you were in Hawaii, weren't you?

General LOGAN. Yes.

Ms. HANABUSA. Then I assume you probably went immediately to Diamond Head. Is that correct?

General LOGAN. I did not go immediately. I was on Joint Base Pearl Harbor-Hickam. We were at a family readiness group with the senior leadership of the National Guard and our spouses talking about what we can do next for our soldiers and airmen.

Ms. HANABUSA. But the alert went off, right?

General LOGAN. Yes.

Ms. HANABUSA. So you knew the alert went off?

General LOGAN. Yes.

Ms. HANABUSA. So why would you have physically been required to respond at Diamond Head? Why couldn't you have taken care of it immediately from where you were?

General LOGAN. Because of the congestion of the phone. I got an initial call out within a minute or two talking to the State Warning Point, understood that it was a false—a false alert. I then tried to get a hold of Vern Miyagi, the Administrator. I couldn't get in touch with him. He might have been trying to call. I couldn't get back into the State Warning Point. And from that point, I fielded numerous, some 37, phone calls, texts, and e-mails over that period.

Ms. HANABUSA. When did you get into your car and go to Diamond Head?

General LOGAN. Maybe about 10 or 12 minutes later.

Ms. HANABUSA. 10 or 12 minutes later.

General LOGAN. Yes. Because I couldn't drive and talk on the phone at the same time. I had two phones going, and I needed to—

Ms. HANABUSA. But you could not—even in the 10 to 12 minutes, you still couldn't clarify what was going on from where you were at Pearl Harbor.

General LOGAN. I knew what was—I mean, I knew what was occurring, but I didn't know what was going on outside the base.

Ms. HANABUSA. You said on January 18, as an indicator of how the system works—

General LOGAN. Yes.

Ms. HANABUSA.—you said that there was a tsunami, you went over there, you took care of it, and it shows how the system works. Do you remember that testimony?

General LOGAN. Yes.

Ms. HANABUSA. So tell me, how long did it take you to get to Diamond Head? I assume that's where you were for that system to work. And what was the time from the time it went out to the time that you decided that, you know, it's an "all clear"?

General LOGAN. The "all clear" message—well—

Ms. HANABUSA. We're talking about January 18. You said the system works. I want to know, how can you say that? What is it that happened that you can sit here today and tell us the system works? Why did the system work on January 18 and didn't work on January 13?

General LOGAN. Well, we didn't put out any warnings. We didn't put out any—we didn't sound any sirens, we didn't sound—we didn't put out any wireless or emergency alert system notifications because we didn't have to. And so the news was on—the media was on the stations reporting the tsunami, and as soon as Pacific Tsunami Warning Center gave the "all clear," that was immediately

broadcast into the television. So it wasn't—the public wasn't—addressed to the public yet because we didn't—we didn't know what the threat was to Hawaii. We were still waiting for the Tsunami Warning Center to let us know, yes, there is in fact a tsunami coming. There are buoys out there that have to be measured, have to be watched, and they make the decision.

Ms. HANABUSA. I'm very familiar with the buoy system. I understand that. So that's the reason why it worked, because you never sounded an alarm. That's basically what you're saying.

General LOGAN. Yes.

Ms. HANABUSA. Thank you, Senator Schatz.

Senator SCHATZ. Representative Gabbard.

Ms. GABBARD. Thank you. Thank you both for being here.

Mr. Leonard, how much of the current outdated EAS plan is dedicated to addressing broadcast communications, given our residents in Hawaii really will learn about a natural disaster or a threat incoming through two main sources, the EAS system and our local broadcasters?

Mr. LEONARD. I think part of the issue with the current plan is it does not thoroughly address IPAWS, which has been in play for a number of years now. Some of the daisy-chain participants are not properly identified in there, and that needs to be updated. And then I think the big factor, and this plays into the situation on January 13th, the event codes—there's a table that has event codes for everything, and we all understand what a tsunami watch is or a tsunami warning is. We issued a CDW and CEM, a Civil Danger Warning and a Civil Emergency Message, and nobody really had a relationship between that and a ballistic missile attack. While those both were codes that were in the 2003 plan, which was last updated in 2006, there was really no clarification as to what those were for, and at the State and local level, the participation is voluntary.

It's my belief that most of our broadcasters, when we update the plan and we provide an updated list of codes and say, "These are the things that we want you to auto-forward," most of them will do that, I would be willing to bet that almost all of them will do that. But we need to provide some guidance on that, and we need to be able to provide some clarity, and CDW or CEM, Civil Danger Warning, Civil Emergency Message, were things that weren't really fully understood.

Thankfully, we didn't have to worry about that a whole lot until recently, and now this has obviously brought about a new discussion that we have to find some answers to and make sure that all of the partners, both private and public, are all on the same page, and that's really what the plan will help do, and it will solidify that.

Ms. GABBARD. And are you fairly confident through the SECC and the work that you guys have been doing and are doing that the updated plan will include that information?

Mr. LEONARD. Yes, absolutely.

Ms. GABBARD. Good.

General Logan, you know, in the report that General Hara issued, there were obviously a number of things that were noted, but one of them was talking about the robust public outreach cam-

paign that was conducted, I think you, HI-EMA, called it Ballistic Missile Preparedness Phase 1——

General LOGAN. Yes.

Ms. GABBARD.—that went through I think the majority of the second half of last year. And while, you know, I've seen the numbers, you know, 41 town halls, meeting engagements, radio ads, and public service announcements, and so on, you know, the reality was that beyond the mantra of, "Get inside, stay inside, stay tuned," that really people didn't have any idea what to do beyond that, and that included individuals as well as some of the business owners that we saw who were just telling people, "Get out of here."

What kind of information and what is the outreach plan to actually make sure that people are armed with accurate and factual information and know what to do?

General LOGAN. That's correct. And we are working towards that, and that's why we are looking at one is a strategic plan for HI-EMA, but number two is the CBRNE annex to our catastrophic plan, and that would help us outline.

I think part of the issue, what we had, is we developed the ballistic alert campaign plan in three phases, so you just mentioned. Phase 1 was a public outreach and to understand and speed up the notifications between PACOM/FEMA to the State Warning Point, and we could put out the alert to the public. So that was Phase 1.

So what we did is we really started flying the plane before we built the whole plan. And so Phase 2 was to sit down with stakeholders and identify what's—what we need to do to react and respond—how do we respond to and recover from a ballistic missile or nuclear, biological, chemical attack? And then Phase 3 is to actually write the plan out with our stakeholders. So we never got—we didn't get that far this—unfortunately because we—of certain protocols we did not have in place on the 13th allowed for the ballistic—the false alert to go out, and that took us time to—because we didn't put on the back end a way to correct the false alert, we couldn't turn it off right——

Ms. GABBARD. And are the plans in place currently? Admiral Piercey mentioned, you know, DoD is ready to stand in support and provide DSCA support. Are the plans in place with HI-EMA, DoD, FEMA, DHS, to respond to a WMD attack?

General LOGAN. We have the capability today to take the call and to send out the alert warning as intended, as it worked on January 13. We also have—we also have a way to turn it off if we sent out an accidental. We also have a way to get——

Ms. GABBARD. Right. But I'm talking about in the event of an attack, what are the—are the response plans in place working——

General LOGAN. Don't know yet.

Ms. GABBARD. There are no response plans in place.

General LOGAN. No, we—we're trying to gather and understand completely what that means. HI-EMA is working through its Preparedness Branch, but we are working on letting a contract to allow an outside agency with a little more expertise to come in and help us because we just don't have the manpower to write the annex and continue with day-to-day operations. So——

Ms. GABBARD. Are you aware of DoD or FEMA, who obviously are much larger agencies, working through these plans in an inter-agency capacity?

General LOGAN. Yes. So our outreach plan is with them also, to bring in all of the stakeholders from outside to help us draft this plan and understand what—what the impact is—probably a bad term—but what the result would be of an actual missile impact and what is the response requirements for all of that.

Ms. GABBARD. And you already have modeling, though, that you are using to identify what are the likely scenarios of attack, what the likely points of impact would be, and how far-reaching they would go specific to Hawaii.

General LOGAN. Yes. We have modeling that can place over what we may think likely targets that would understand what the impact is.

Ms. GABBARD. And has that modeling been made public?

General LOGAN. I don't believe so.

Ms. GABBARD. Why not?

General LOGAN. I'm not sure. I think there is modeling available on the FEMA website. So you can take a look at that. And we're using their data also. So, yes, it is out there to the public.

Ms. GABBARD. OK. I'm over my time, but I think it's really important as you're looking at communication and preparedness and response that, A, the public knows and understands the reality of the seriousness of the threat, what the reality of the impact would be in event of an attack, and to better equip the response plans.

One of the other things that was mentioned in General Hara's report was the fact that we don't have fallout shelters. So what is being done to change that, to fix that, given the reality of the threat that we're facing today? There are a number of things obviously that we've got to follow up on really. A lot of this focus has been on what led up to this false missile alert attack, but obviously this is a major wake-up call to see what response plans are in place. How are individuals as well as the Federal Government and State government reacting to and responding to such an attack?

General LOGAN. Absolutely. And we've corrected the error that created the situation of the false missile alert. That I won't say will never happen again, but we've put in all the protocols and worked with the software vendor, updated the page that you see and the operator would see. It's color-coded, and so it's much better than it was on January 13.

The outreach program that we started identified, you know, a number of casualties and impact areas, the widespread. So we tried to get out as much information as we could to the public as we were briefing them on our public outreach plan if they were there present while we were giving it. It's also on the HI-EMA website, so you can look at the prepared—

Ms. GABBARD. I think, if I recall, the projections that were put out, the information that was put out, you know, I think it had something like, you know, only 10 percent of the state population would die in this scenario, which, you know, when you look at it's 130-, 140,000—

General LOGAN. Right.

Ms. GABBARD.—people, given that projection, but it failed to include the fact that, as an island state, water—you know, the response plan, the support plan. So you can talk about the numbers of people who would perish in the event of the attack itself, but in the aftermath of that and the weeks coming, especially if you're dealing with a nuclear or biological attack, what are the realistic scenarios and the responses that—the plans that need to be in place to deal with that?

General LOGAN. Exactly. And that's why the Governor postponed the continuation of our public outreach plan and the continuation of the checklist rehearsals inside the State Warning Point, even though they've updated the rehearsal checklist, and he has tasked us to put the plan together so we know how to respond to and how to recover from and what entities from the United States Federal, military, and other agencies that would descend upon the state to help us respond to and recover from this type of disaster.

Ms. GABBARD. Yes.

General LOGAN. And so we are leaning way forward than any other State and Territory, other than Guam, they are trying to stay up with us, because they were physically threatened by a North Korean leader that he was going to shoot missiles at Guam.

And so in our ability to lean way ahead, we didn't do everything we should have done on the checklist to put in the proper ways to basically alert the public quicker and faster that it was a false alert.

Ms. GABBARD. And I think this is the issue that our legislation is trying to address because this is a much bigger issue than just Hawaii, and it's something that the entire country has to deal with and the Federal Government needs to take the lead on. Thank you.

General LOGAN. Thank you.

Senator SCHATZ. Second round for Representative Hanabusa.

Ms. HANABUSA. Thank you, Senator Schatz.

Mr. Leonard, how long have you been on the SECC?

Mr. LEONARD. The SECC had not met for a number of years. I was part of the group that signed off on the original plan on behalf of the Hawaii Association of Broadcasters back in 2003. And the Committee had not convened since—I can't give you an exact date, but it hadn't convened in a number of years.

Ms. HANABUSA. So who convenes the Committee? Who says, "OK, you guys meet"?

Mr. LEONARD. It is chaired by Courtney Harrington.

Ms. HANABUSA. So in the interim from 2003 or 2006, whichever one is the report, Hawaii instituted this whole issue with the missile alert and so forth. There is no incorporation in any plan of this new warning system that they've put in?

Mr. LEONARD. So IPAWS has been up and operational for a number of years. It is not addressed in our existing State plan, but it has been the operational mechanism for most of the EAS alerts. One of the things that we've talked about quite a bit as we become reliant upon new technology, IPAWS is wonderful, it provides greater detail, greater access, but one of the things that we've been concerned about as well is that networks go down. We saw that in the Gulf. We saw that in Puerto Rico. And broadcasters have been looking at fortifying their facilities and looking at it, providing re-

dundant power, redundant equipment, redundant transmission sites in some cases, so that we can stay on through those situations. But the plan has not kept pace with the operational practice.

Ms. HANABUSA. So you don't even have IPAWS included in the plan, so you don't have—

Mr. LEONARD. It's not—it's not currently included.

Ms. HANABUSA.—you definitely haven't addressed anything like a false missile alert or anything like that.

Mr. LEONARD. Well, and I think what's even more important and beyond just a false missile alert is a rapidly changing situation. In this particular case, the fast-changing situation was that we made a mistake and issued a wrong alert. But if you were to look at a train derailment in the Midwest in a chemical car, and we say, "OK, everybody shelter in place," and the winds shift, and now that changing situation is we need to evacuate everybody; or wildfires in California, it jumps a firebreak, I think our ability to rapidly respond or change the messaging for whatever reason, whether it's erroneous or changing scenarios, needs to very clearly be addressed in our plans.

Ms. HANABUSA. Thank you.

General Logan, you know, something that you've been saying that bothers me is that you talk about now we're developing the plan. So it seems like, was getting—trying to be the first state to even have a ballistic missile kind of warning system, was that premature? Because now you're suspended it. Because you don't have the critical answers to what Congresswoman Gabbard asked you.

OK, so what do you do? So, yes, warning is one thing, but what do you do? Because, you know, it makes no sense to have people trying to protect their children by putting them into storm drains or telling them to get off the road, or people trying to get home because they want to be with their family. This is the end, they want to be with their family. So you've got all these other things.

So why did—why did we do what we did? You're the head of HI-EMA. I mean, why did—why did you do what you did without everything else in place?

General LOGAN. If you look at my testimony and you look at what was happening in 2014, 2015, and 2016, North Korea was firing off multiple ballistic missiles. They were firing—they were doing underground nuclear testing. They were threatening the United States, Guam, and Hawaii. We, myself and the emergency management organization, went to the Governor and said, "Sir, we believe we are—," we've already been threatened, we believe this is escalating, there are more and more missile tests. He fired more missiles than his predecessors had fired. So we felt—

Ms. HANABUSA. But he has fired four at Japan, General. And we all know that the Earth is round, and we all know that Seattle is 500 miles closer than we are. So the question is, Why, when you didn't have all the necessary components in place, did you decide that we needed to do this? Because it seems like all that we had was possibly the Cold War plans that you kind of dusted off and said, "OK, this is what we're going to do."

General LOGAN. Right. So as I explained to Representative Gabbard, we—we developed a campaign plan with three phases. We started with Phase 1—right?—based on the threat and based

off that we needed to inform the public that we at least—we only have 15 minutes from the time of launch to the time that it would impact.

Ms. HANABUSA. That's right.

General LOGAN. That doesn't leave Hawaii residents a lot of time to do anything. So the shorter—the reduced amount of time for notification and the more time I give the citizens of the State of Hawaii, the residents and visitors, more time to get inside and stay inside, the more people will survive. So that's the point we did based on the—

Ms. HANABUSA. So you made the decision, as the head of HI-EMA, that we are—we should do this, that we should have this missile alert plan, even if we can't tell people what it means to shelter in place, or if it comes, what do you do? You decided that what we're going to do is we're going to have this alert, that that was going to be what HI-EMA was proposing to the Governor. So is that—is that your testimony here today?

General LOGAN. That's exactly what we did. Based on the threat, we needed to do something, and we were going to do a three-phase operation, building the second part, which is, How do you respond to and recover from?

Ms. HANABUSA. Did the PACOM tell you or somebody tell you that we are the target, Hawaii is the target? Is that why you decided that we needed to have this in place, even if we don't have really anything in place? Your testimony here today confirms it, we don't have anything in place.

General LOGAN. I didn't mean—

Ms. HANABUSA. We don't even have this testing anymore, because everything is suspended. We don't have it.

General LOGAN. Because my duties and responsibilities in state law require that the safety of the people of the State of Hawaii, it is part of my responsibility as Director of emergency management, I felt that it was imperative that we do something rather than just wait for a launch and then try to react.

Ms. HANABUSA. And, of course, you realize that that would be an act of war and that it would be something within the defense of Title 10 as opposed to your Title 32 status—

General LOGAN. I fully understand that, but the consequence management relies on the State emergency management office.

Ms. HANABUSA. Thank you very much, Senator Schatz.

Senator SCHATZ. I want to thank the testifiers. I want to thank all three of our panels. I want to thank the good Commerce Committee staff, the congressional delegation and their staff, our community partners.

There are several lines of inquiry and effort to be talked about. Obviously, we need best practices. There are lots of Federal public policy questions to be addressed. There are funding questions. There are organizational culture questions. But in the end, all of this comes down to restoring public confidence in the system.

We have been blessed over the many years in Hawaii to be able to rely upon our Emergency Management Agency to inform us when there's a hurricane, when there is any other kind of weather event, and that partnership has been absolutely productive and certainly kept us safe.

And so as we move forward, again, we're going to be clear-eyed about what mistakes were made, we're going to be tough on these issues, but we have to focus on one thing, and one thing only, which is restoring the public's confidence in this alert system.

So I thank everybody. This hearing is adjourned.

[Whereupon, at 12:21 p.m., the hearing was adjourned.]

