

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL
FEDERAL COMMUNICATIONS COMMISSION
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
“HAWAII FALSE MISSILE ALERT:
WHAT HAPPENED AND WHAT SHOULD WE DO NEXT?”
HONOLULU, HAWAII
APRIL 5, 2018**

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 the residents of Hawaii 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 preexisting 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.