

United States Senate

WASHINGTON, DC 20510

469

June 11, 2018

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Pai:

On May 9, 2017, we sent you a letter regarding alleged cyberattacks on the Federal Communication Commission's Electronic Comment Filing System during that month. There was also an ECFS issue involving the net neutrality proceeding in 2014. In our letter we asked that you keep Congress fully briefed as to your investigation.

Beyond your initial internal analyses that you reference in your June 15, 2017, response, have any subsequent FCC or third-party (e.g., vendor, contractor, or government agency) analyses or investigations verified that a cyberattack on ECFS occurred in 2017 and, if so, that the attack is best classified as a DDoS attack? If not, why was no investigation conducted? Please provide any and all reports, findings, and other relevant details of any such investigations.

In response to our May 2017 letter you provided information to us about the 2017 event. We request that you update, revise, and/or reaffirm in their entirety the responses that you previously provided. In addition, clarify whether you continue to classify the May 7-8, 2017, event as a DDoS attack and the basis for your classification.

Does the FCC classify the 2014 event as a DDoS attack or attacks? If so, please describe the nature of the attack and the basis for classifying it as a DDoS attack.

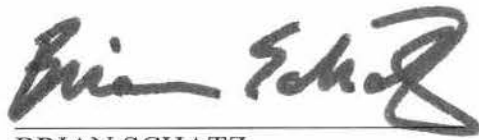
Have any FCC or third-party (e.g., vendor, contractor, or government agency) analyses or investigations concluded that a cyberattack occurred in 2014? Please provide any and all reports, findings, and other relevant details of any such investigations.

Is the FCC fully cooperating with the Government Accountability Office review and evaluation of the FCC's ECFS security and vulnerability to attack, including full access to the FCC's accounts and data from any incidents as well as cooperation from relevant current and former FCC staff?

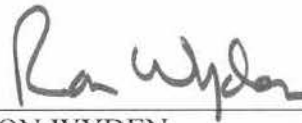
Please answer these questions in writing by June 27, 2018. If you need to withhold any responsive information because it is confidential or classified please contact Andy Heiman and

Eric Einhorn in our offices to schedule a briefing or make other appropriate arrangements regarding that information.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Schatz", written over a horizontal line.

BRIAN SCHATZ
United States Senator

A handwritten signature in dark ink, appearing to read "Ron Wyden", written over a horizontal line.

RON WYDEN
United States Senator



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 10, 2018

The Honorable Brian Schatz
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Schatz:

Thank you for your letter regarding the incident involving the FCC's Electronic Comment Filing System that took place on May 7-8, 2017. For several months, my office has been aware of and cooperating with the Office of Inspector General's independent investigation of that incident. The Office of the Inspector General asked my office not to discuss this investigation while it was ongoing so as not to jeopardize it, and my office accommodated that request.

The Office of the Inspector General thoroughly investigated what happened and has issued a comprehensive report. I believe that report, which I have attached to this letter, should answer your questions regarding that incident. I am deeply disappointed that the FCC's former Chief Information Officer, who was hired by the prior Administration and is no longer with the Commission, provided inaccurate information about this incident to me, my office, Congress, and the American people. Among other assertions made to my office, he claimed that "we're 99.9% confident this was external folks deliberately trying to tie-up the server to prevent others from commenting and/or create a spectacle." Inaccuracies like this are completely unacceptable. I'm also disappointed that some working under the former Chief Information Officer apparently either disagreed with the information that he was presenting or had questions about it, yet didn't feel comfortable communicating their concerns to me or my office.

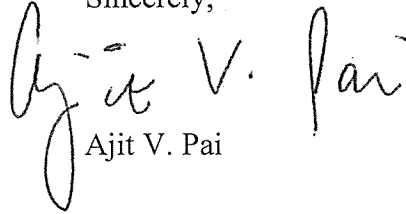
Looking ahead, the most important question is what can be done to prevent this from happening again. For one thing, it is abundantly clear that the ECFS needs to be updated. I'm therefore pleased that Congress recently approved a reprogramming request that provides us with the funding necessary to redesign ECFS. And it is also clear we inherited from the prior Administration a culture in which many members of the Commission's career IT staff were hesitant to express disagreement with the Commission's former Chief Information Officer in front of FCC management. In the wake of this report, we will make it clear that staff are encouraged to speak up if they believe that inaccurate information is being provided to the Commission's leadership.

I have directed staff to fully cooperate with the Government Accountability Office's review and evaluation of the FCC's ECFS security and vulnerability to attack. With respect to the 2014 incident that you mention, I was not leading the agency at that time. While last year the agency's former Chief Information Officer did share with my office his view of that incident, in light of the Office of Inspector General's investigation into the 2017 incident, I cannot say that I have confidence in the accuracy of the information he presented to us.

Page 2—The Honorable Brian Schatz

I appreciate your interest in this matter. Please let me know if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ajit V. Pai". The signature is fluid and stylized, with the first name "Ajit" and last name "Pai" being more prominent than the middle initial "V.".

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 10, 2018

The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

Thank you for your letter regarding the incident involving the FCC's Electronic Comment Filing System that took place on May 7-8, 2017. For several months, my office has been aware of and cooperating with the Office of Inspector General's independent investigation of that incident. The Office of the Inspector General asked my office not to discuss this investigation while it was ongoing so as not to jeopardize it, and my office accommodated that request.

The Office of the Inspector General thoroughly investigated what happened and has issued a comprehensive report. I believe that report, which I have attached to this letter, should answer your questions regarding that incident. I am deeply disappointed that the FCC's former Chief Information Officer, who was hired by the prior Administration and is no longer with the Commission, provided inaccurate information about this incident to me, my office, Congress, and the American people. Among other assertions made to my office, he claimed that "we're 99.9% confident this was external folks deliberately trying to tie-up the server to prevent others from commenting and/or create a spectacle." Inaccuracies like this are completely unacceptable. I'm also disappointed that some working under the former Chief Information Officer apparently either disagreed with the information that he was presenting or had questions about it, yet didn't feel comfortable communicating their concerns to me or my office.

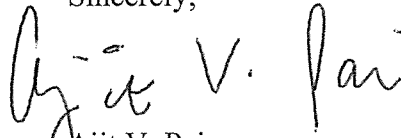
Looking ahead, the most important question is what can be done to prevent this from happening again. For one thing, it is abundantly clear that the ECFS needs to be updated. I'm therefore pleased that Congress recently approved a reprogramming request that provides us with the funding necessary to redesign ECFS. And it is also clear we inherited from the prior Administration a culture in which many members of the Commission's career IT staff were hesitant to express disagreement with the Commission's former Chief Information Officer in front of FCC management. In the wake of this report, we will make it clear that staff are encouraged to speak up if they believe that inaccurate information is being provided to the Commission's leadership.

I have directed staff to fully cooperate with the Government Accountability Office's review and evaluation of the FCC's ECFS security and vulnerability to attack. With respect to the 2014 incident that you mention, I was not leading the agency at that time. While last year the agency's former Chief Information Officer did share with my office his view of that incident, in light of the Office of Inspector General's investigation into the 2017 incident, I cannot say that I have confidence in the accuracy of the information he presented to us.

Page 2—The Honorable Ron Wyden

I appreciate your interest in this matter. Please let me know if I may be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" being the most prominent part.

Ajit V. Pai