



125

One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 16, 2017

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

Dear Chairman Pai:

Congratulations on your designation to serve as the Chairman of the Federal Communications Commission (FCC). I look forward to working with you.

On September 28, 2016, I sent a letter to then-Chairman Wheeler regarding my ongoing concerns regarding potential security vulnerabilities in the new the Number Portability Administration Center (NPAC) contract. I am extremely disappointed that the FCC was unable to respond to my letter in the nearly four months between receipt and the Administration transition.

Given the importance of this issue, I respectfully request that the FCC review the concerns in my September 2016 letter and provide a response no later than March 3, 2017.

Thank you for your attention to this matter.

Sincerely,

PETER T. KING
Chairman
Subcommittee on Counterterrorism
and Intelligence

enclosure



One Hundred Fourteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515
September 28, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

The Federal Communication Commission (FCC), with support from law enforcement and intelligence agencies, has mandated important security requirements as part of the contract for the Number Portability Administration Center (NPAC). It is my understanding that the FCC worked closely with other Federal agencies, including the Federal Bureau of Investigation and the Department of Homeland Security, to determine what additional national security requirements were necessary for inclusion in the NPAC contract. While I commend these vital coordination efforts, I am writing to express my continued national security concerns related to the NPAC contract.

As you know, the continued functioning of the NPAC is essential for the American public and provides law enforcement with critical investigative tools. The construction of the new NPAC system and subsequent operations must be secure from both cyber attacks and espionage. The NPAC operator has unique access to nearly every phone call made within the United States. The integrity of the phone database must not be compromised either through the construction or the system or its day-to-day operation.

It is my understanding that the FCC has already encountered security violations with the new contractor. In addition to the remediation measures already underway, I am writing to ask the FCC to coordinate with the Department of Homeland Security (DHS) to conduct a vulnerability assessment of the NPAC system under development and address and identified vulnerabilities. Additionally, I urge you to conduct a third party review of the system to ensure security measures are in place. As you know, there are a number of qualified, vetted Federally Funded Research and Development Centers (FFRDC) that could be utilized for this purpose. Moreover, I have concerns that the FCC lacks robust monitoring and auditing mechanisms to verify that the security protocols are being followed.

The completion of the new system is still several years away. Therefore, there is time to ensure that the new system is secure and that your agency has programs in place for rigorous oversight over the contract. I respectfully request a written response to these concerns not later than

October 31, 2016. Please contact Mandy Bowers on my staff at 202-226-8417 if you have any questions.

Thank you for your attention to this matter.

Sincerely,



PETER T. KING
Chairman
Subcommittee on Counterterrorism
and Intelligence

cc: The Honorable Jeh Johnson, Secretary, Department of Homeland Security
The Honorable James Comey, Director, Federal Bureau of Investigation



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

August 22, 2017

The Honorable Peter T. King
U.S. House of Representatives
339 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman King:

Thank you for your inquiry about the security requirements for the Number Portability Administration Center. These requirements are extremely important, and I take them very seriously.

Let me start by saying that I too was alarmed at the security violations discovered in 2015 that had been committed by the new vendor, Telcordia d/b/a iconectiv. That's why I demanded a full and complete review of what happened as well as a satisfactory mitigation of all security concerns. In close coordination with the national security agencies, the Commission then required Telcordia to discard all pre-contract work, including that performed by non-U.S. citizens. Last November, Telcordia confirmed that this had been done and provided details on how.

More generally, security for this critical component of our communications infrastructure is paramount. The change in the Local Number Portability Administrator (LNPA) provided the Commission with an opportunity to review security and reliability requirements and to implement a rigorous audit program which monitors and ensures compliance with the security requirements, backstopped by robust enforcement tools. Our March 27, 2015 Order provisionally selecting Telcordia committed to addressing the security requirements provided by Executive Branch entities with expertise in and responsibility for law enforcement and national security matters. And the Commission required Telcordia and the North American Portability Management LLC (NAPM) to include terms and conditions in the Master Services Agreement that would ensure the secure and reliable operation of the number portability system.

The resulting Agreement includes granular detail regarding cybersecurity, supply chain risk management, and insider threat management, among other security and reliability measures. These provisions incorporate the National Institute of Standards and Technology cybersecurity risk management framework and supply chain risk management practices, as well as other standards-based requirements. For these reasons, the Commission approved the draft Agreement, and the Agreements in each of the seven regions were executed on August 8, 2016. Furthermore, the Agreement includes rigorous oversight measures and explicitly requires that only appropriately vetted U.S. citizens work on the project. The Commission sought, and continues to seek, the most secure and reliable operation of the number portability system.

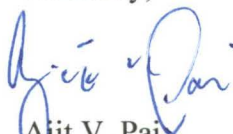
The Commission has already begun implementing a rigorous oversight process in conjunction with our federal partners, including the Federal Bureau of Investigation and the

Department of Homeland Security, as well as the NAPM; and the process will remain in place throughout the term of the contract. In 2016, the FCC conducted two on-site visits to the LNPA facilities; the first occurred in April 2016 and the second occurred in November 2016. Both of these meetings were comprehensive and satisfactorily addressed the concerns of Commission staff. Further, Telcordia's Security Plan, which is included in the Agreement, will evolve over time as the security threat environment evolves. Based on our observations to date, Telcordia has effectively engaged in post-selection risk reduction activities to address the evolving cybersecurity threat environment. As to your specific concern regarding third-party review, Telcordia has agreed to use an independent third-party to perform regular audits of both the Security Plan and its implementation.

Going forward, the Commission, in coordination with our federal law enforcement and national security partners and the NAPM, will continue to closely oversee the LNPA transition. Clear lines of authority, risk responsibility, and accountability are in place with the NAPM, which has direct and primary oversight of the LNPA, with the Commission providing an additional level of oversight. Moreover, the Commission will take all appropriate steps to ensure that these security requirements continue to be met moving forward. I would be happy to have Commission experts in this matter brief you or your staff on the Agreement's security provisions, our continued oversight of the transition, and our work with our federal partners.

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

Sincerely,



Ajit V. Pai

P.S. Thank you for your letter, Congressman! Please don't hesitate to get in touch if you need help with any other FCC-related matters.