RON WYDEN
OREGON

RANKING MEMBER OF COMMITTEE ON FINANCE

221 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

387

May 9, 2017

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

Dear Chairman Pai:

According to your May 8 press release, you claim the Federal Communications Commission (FCC) has recently been the victim of "multiple distributed denial-of-service attacks (DDos)". DDoS attacks against federal agencies are serious—and doubly so if the attack may have prevented Americans from being able to weigh in on your proposal to roll back net neutrality protections.

As you know, it is critical to the rulemaking and regulatory process that the public be able to take part without unnecessary technical or administrative burdens. A denial-of-service attack against the FCC's website can prevent the public from being able to contribute to this process and have their voices heard. Any potentially hostile cyber activities that prevent Americans from being able to participate in a fair and transparent process must be treated as a serious issue. As such, we ask you to keep Congress fully briefed as to your investigation. Please, by June 8, 2017 answer the following questions.

In the meantime, please make available alternative ways for the public to comment; for example, a dedicated email account on the net neutrality proceeding as was done in 2014.

1. Please provide details as to the nature of the DDoS attacks, including when the attacks began, when they ended, the amount of malicious traffic your network received, and an estimate of the number of devices that were sending malicious traffic to the FCC. To the extent that the FCC already has evidence suggesting which actor(s) may have been responsible for the attacks, please provide that in your response.

2. Has the FCC sought assistance from other federal agencies in investigating and responding to these attacks? Which agencies have you sought assistance from? Have you received all of the help you have requested?

3. Several federal agencies utilize commercial services to protect their websites from DDoS attacks. Does the FCC use a commercial DDoS protection service? If not, why not? To

the extent that the FCC utilizes commercial DDoS protection products, did these work as expected? If not, why not?

4. How many concurrent visitors is the FCC's website designed to be able to handle? Has the FCC performed stress testing of its own website to ensure that it can cope as intended? Has the FCC identified which elements of its website are performance bottlenecks that limit the number of maximum concurrent visitors? Has the FCC sought to mitigate these bottlenecks? If not, why not?

5. Did the DDoS attacks prevent the public from being able to submit comments through the FCC's website? If so, do you have an estimate of how many individuals were unable to access the FCC website or submit comments during the attacks? Were any comments lost or otherwise affected?

6. Will commenters who successfully submitted a comment—but did not receive a response, as your press release indicates—receive a response once your staff have addressed the DDoS and related technical issues?

7. Does the FCC have all of the resources and expertise it needs in order to combat attacks like those that occurred on May 8?

Sincerely.

RON WYDEN
United States Senator

BRIAN SCHATZ
United States Senator