

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 24, 2018

The Honorable Jefferson B. Sessions, III
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Ave., NW
Washington, DC 20530

We write to expand a request for your offices to investigate the potentially illegal submission of fake comments to federal regulatory agencies.¹ In June, the Federal Bureau of Investigations (FBI) and the Department of Justice (DOJ) were requested to conduct an investigation of whether the submission of fraudulent comments to the Federal Communications Commission (FCC) using stolen identities violated federal law.² Since June, it has come to our attention that other regulatory agencies are also facing a scourge of fake comments that may similarly violate the law.

The fraud perpetrated in the FCC's rulemaking appears to directly violate federal law. As more details have come to light, the scope of that fraud becomes more alarming. The FCC's proceeding to roll back consumers' net neutrality protections was irreparably tainted by millions of fake comments using email addresses of real people who had nothing to do with those comments.³

¹ See 18 U.S.C. § 1001 (Federal law prohibits “in any matter within the jurisdiction of the executive, legislative, or judicial branch ... knowingly and willfully ... mak[ing] any materially false, fictitious, or fraudulent statement or representation.”).

² Letter from Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce, to Jefferson B. Sessions, III, Attorney General, U.S. Department of Justice, and Andrew G. McCabe, Acting Director, Federal Bureau of Investigations (June 28, 2017).

³ *2 Million People—and Some Dead Ones—Were Impersonated in Net Neutrality Comments*, Ars Technica (Dec. 13, 2017) (arstechnica.com/tech-policy/2017/12/dead-people-among-millions-impersonated-in-fake-net-neutrality-comments/); *Millions of People Post Comments on Federal Regulations. Many are Fake*, Wall Street Journal (Dec. 12, 2017).

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It now appears that the fake comments submitted to the FCC's rulemaking to roll back consumers' net neutrality protections were not an isolated incident. At least five agencies have been the target of falsely generated rulemaking comments. In addition to the FCC, the Consumer Financial Protection Bureau (CFPB), the Federal Energy Regulatory Commission, the Securities and Exchange Commission, and most recently, the Department of Labor have all been affected.⁴

In the case of the CFPB, false comments opposing new regulations to protect consumers from unscrupulous payday lending practices were reportedly submitted under the names of victims of such practices. An analysis conducted for the *Wall Street Journal* revealed that a significant portion of the fake comments filed in the CFPB's payday-lending rule originated from a comment-generating platform and web address used by the Community Financial Services Association of America (CFSA), a trade group representing payday lenders.⁵ The CFSA, however, denies awareness of how the fake claims came to be filed through its website "TelltheCFPB.com."

The practice of manipulating agency actions by flooding rulemaking dockets with fake comments is far more widespread than it appeared when you were initially asked to investigate. Some Americans' voices are being co-opted in what appears to be a systemic attempt to corrupt federal policy-making.

Immediate action is needed in order to restore public trust in the federal rulemaking process. We urge you to use the full investigative powers of the FBI and DOJ to promptly uncover who is behind this conduct and prosecute the parties under applicable federal law.

⁴ *Millions of People Post Comments on Federal Regulations. Many are Fake*, Wall Street Journal (Dec. 12, 2017); *Many Comments Critical of 'Fiduciary' Rule Are Fake*, Wall Street Journal (Dec. 27, 2017).

⁵ *Many Comments Critical of 'Fiduciary' Rule Are Fake*, Wall Street Journal (Dec. 27, 2017).

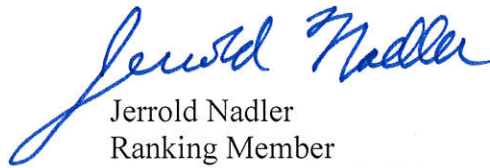
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We appreciate your attention to this matter and ask that you provide our staff with an update on your efforts to address this serious problem no later than February 7, 2018. If you have any questions, please contact [REDACTED] of the Energy and Commerce Committee's minority staff at [REDACTED], [REDACTED] of the Judiciary Committee's minority staff at [REDACTED], [REDACTED] of the Education and the Workforce Committee's minority staff at [REDACTED], or [REDACTED] of the Oversight and Government Reform Committee's minority staff at [REDACTED].

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy
and Commerce



Jerrold Nadler
Ranking Member
Committee on the Judiciary



Elijah E. Cummings
Ranking Member
Committee on Oversight
and Investigations



Robert C. "Bobby" Scott
Ranking Member
Committee on Education
and the Workforce