

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

June 10, 2021

Mr. Andre Nogueira
Chief Executive Officer
JBS Foods USA
1770 Promontory Circle
Greeley, CO 80634

Dear Mr. Nogueira:

I am writing to request documents related to JBS Foods USA's recent decision to pay an \$11 million ransom to a cybercrime group following a ransomware attack against the company on May 30, 2021.¹ Press reports indicate that the attack against your company, the world's largest meat supplier by sales, significantly disrupted meat production at JBS USA's processing plants, temporarily halting all operations at several locations.² The Federal Bureau of Investigation has identified the Russian cybercrime group REvil as responsible for the attack.³ Although all plants resumed production by June 3, 2021,⁴ the attack may contribute to already surging wholesale beef prices.⁵

Yesterday, JBS USA acknowledged that it had paid \$11 million in Bitcoin to the attackers "to mitigate any unforeseen issues related to the attack and ensure no data was exfiltrated." You stated, "[W]e felt this decision had to be made to prevent any potential risk for

¹ JBS Foods USA, *Press Release: JBS USA Cyberattack Media Statement – June 9* (June 9, 2021) (online at <https://jbsfoodsgroup.com/articles/jbs-usa-cyberattack-media-statement-june-9>).

² *US Meatpacking Plants Get Back on Stream After Crippling Cyber-Attack*, The Guardian (June 2, 2021) (online at www.theguardian.com/food/2021/jun/02/cyber-attack-targets-worlds-largest-meat-processing-company).

³ *REvil, a Notorious Ransomware Gang, Was Behind JBS Cyberattack, the FBI Says*, National Public Radio (June 3, 2021) (online at www.npr.org/2021/06/03/1002819883/revil-a-notorious-ransomware-gang-was-behind-jbs-cyberattack-the-fbi-says); *Russian Cybercriminal Group Was Behind Meat Plant Attack, F.B.I. Says*, New York Times (June 2, 2021) (online at www.nytimes.com/2021/06/02/business/jbs-beef-cyberattack.html).

⁴ *Meat Producer JBS Says It's Fully Recovered from Cyberattack*, Forbes (June 3, 2021) (online at www.forbes.com/sites/joewalsh/2021/06/03/meat-producer-jbs-says-its-fully-recovered-from-cyberattack).

⁵ *JBS Meat Plants Reopen as White House Blames Russia-Linked Group over Hack*, Reuters (June 2, 2021) (online at www.reuters.com/world/us/russia-linked-hacking-group-is-behind-cyberattack-against-jbs-bloomberg-news-2021-06-02); *Russian Cybercriminal Group Was Behind Meat Plant Attack, F.B.I. Says*, New York Times (June 2, 2021) (online at www.nytimes.com/2021/06/02/business/jbs-beef-cyberattack.html).

our customers.”⁶ According to the *Wall Street Journal*, while JBS USA was able to bring back operations at its plants during the attack using the company’s own backups of its data, “JBS’s technology experts cautioned the company that there was no guarantee that the hackers wouldn’t find another way to strike, and JBS’s consultants continued negotiating with the attackers.” It remains unclear when the payment was made.⁷

I am deeply troubled by this and similar ransomware attacks. Any ransom payment to cybercriminal actors like REvil sets a dangerous precedent that increases future risk of ransomware attacks. Congress needs detailed information about the attack to legislate effectively on ransomware and cybersecurity in the United States.

For all these reasons, we request that you provide the following information and documents, regardless of whether they reside on personal or business accounts, to the Committee by June 24, 2021:

1. All documents and communications relating to the discovery of the May 30, 2021, ransomware attack against JBS Foods USA;
2. All documents and communications relating to the ransom, including but not limited to the following:
 - a. any communications with the attackers, whether by company employees or consultants or agents acting on behalf of the company, about the ransom payment or the receipt of any decryption tool;
 - b. any consultation or communications with outside experts, consultants, or federal agencies regarding the identity of the cybercriminals and whether to pay ransom;
 - c. the purchase and transfer of Bitcoin or other cryptocurrencies and any intermediaries used in such transactions;
 - d. any sanctions screening regarding the ransom payment; and
 - e. any internal communications among employees of JBS regarding the ransom payment; and
3. All documents and communications relating to any decryption tool provided by the attackers, including the performance of such decryption tool.

⁶ JBS Foods USA, *Press Release: JBS USA Cyberattack Media Statement – June 9* (June 9, 2021) (online at <https://jbsfoodsgroup.com/articles/jbs-usa-cyberattack-media-statement-june-9>).

⁷ *JBS Paid \$11 Million to Resolve Ransomware Attack*, *Wall Street Journal* (June 9, 2021) (online at www.wsj.com/articles/jbs-paid-11-million-to-resolve-ransomware-attack-11623280781?mod=e2tw).

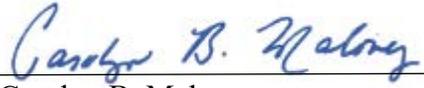
Mr. Andre Nogueira

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The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

An attachment to this letter provides additional instructions for responding to this request. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn B. Maloney". The signature is written in a cursive style and is positioned above a horizontal line.

Carolyn B. Maloney
Chairwoman

Enclosure

cc: The Honorable James Comer, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.