

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<http://oversight.house.gov>

March 20, 2018

The Honorable Jeff T. H. Pon
Director
U.S. Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Mr. Pon:

The Office of Personnel Management (OPM) has a documented history of information security program failures, culminating in one of the most devastating U.S. government agency data breaches in history. In 2015, the American public learned attackers targeted OPM's aging information technology (IT) systems and exfiltrated personnel files for 4.2 million former and current government employees, security clearance background investigation information on over 20 million individuals, and fingerprint data of 5.6 million of these individuals.

Three years later, OPM's Inspector General (IG) is reporting OPM continues to struggle in its modernization efforts. On February 15, 2018, the IG issued a management advisory to that effect, stating "OPM is continuing to make the same mistakes that plagued its recent unsuccessful 'Shell' initiative" to modernize OPM's IT systems.¹ The modernization of legacy IT systems at OPM is critical to protect mission-critical data and systems from future incidents.

The Consolidated Appropriations Act of 2017 made available \$11 million to OPM for modernization contingent upon the Director submitting an expenditure plan subject to five specific requirements set forth in the law. In its review of the agency's IT Modernization Expenditure Plan, the IG found it "obvious that the [Office of the Chief Information Officer] had not done the work necessary to support a well-developed, comprehensive IT capital budgeting modernization plan."²

Fundamental aspects of OPM's information security posture, such as the absence of an effective managerial structure to implement reliable IT security policies, have remained significant deficiencies since 2007.³ This Committee released a detailed report in 2016 on the OPM data breach.⁴ The Committee found, among other things, that "OPM leadership failed to heed repeated recommendations from its Inspector General" and "OPM failed to sufficiently respond to growing threats of sophisticated cyber attackers."⁵ To assist the agency in post-breach efforts to shore up its

¹ OFFICE OF THE INSPECTOR GEN., OFFICE OF PERSONNEL MGMT., NO. 4A-CI-00-18-22, MANAGEMENT ADVISORY: FISCAL YEAR 2017 IT MODERNIZATION EXPENDITURE PLAN (Feb. 15, 2018).

² *Id.* at 6.

³ OFFICE OF THE INSPECTOR GEN., OFFICE OF PERSONNEL MGMT., NO. 4A-CF-00-17-020, FEDERAL INFORMATION SECURITY MODERNIZATION ACT AUDIT FISCAL YEAR 2017 I, 9 (Oct. 27, 2017).

⁴ MAJORITY STAFF OF H. COMM. ON OVERSIGHT & GOV'T REFORM, 114TH CONG., THE OPM DATA BREACH: HOW THE GOVERNMENT JEOPARDIZED OUR NATIONAL SECURITY FOR MORE THAN A GENERATION (2016).

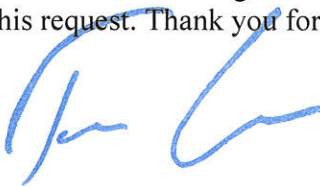
⁵ *Id.* at 14.

information security posture, the Committee included a number of recommendations in the report.⁶ The Inspector General's February 2018 review indicates OPM has not implemented the recommendations set forth by this Committee.

One specific recommendation from the Committee's report was to ensure agency Chief Information Officers (CIOs) are empowered, accountable, and competent.⁷ However, the IG noted "significant concerns regarding OPM's overall adherence to the Federal Information Technology Acquisition Reform Act (FITARA) requirements regarding the role of an agency's CIO in the acquisition of Federal IT systems."⁸ In addition, the IG report raises serious concerns about the competency of the Office of the Chief Information Officer to plan and execute a project of this scale. OPM will continue to encounter IT-related missteps until the CIO receives the necessary authority to fully manage all IT functions within the agency.

Three years after the data breach that exposed highly sensitive data related to at least 20 million current and former federal employees, the Committee remains concerned about the state of OPM's IT systems. While the IG report indicated there are positive developments in securing OPM's IT system, the agency appears unable to fully modernize its legacy IT systems due to an outdated and ineffective approach to managing major IT projects. To assist the Committee's oversight of this issue, please provide a current copy of OPM's IT Modernization Expenditure Plan. In addition, please arrange to brief Committee staff on this matter as soon as possible, but no later than April 3, 2018.

Please contact Meghan Green of the majority staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.



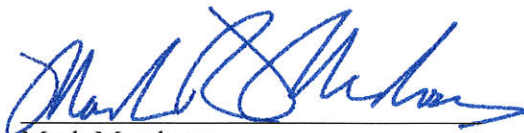
Sincerely,



Trey Gowdy

Will Hurd

Subcommittee on Information Technology



Mark Meadows

Subcommittee on Government Operations

Enclosure

cc: The Honorable Elijah E. Cummings
The Honorable Robin L. Kelly, Subcommittee on Information Technology
The Honorable Gerald E. Connolly, Subcommittee on Government Operations

⁶ *Id.* at 20.

⁷ *Id.* at 20.

⁸ OFFICE OF THE INSPECTOR GEN, *supra* note 1 at 8.

Responding to Committee Document Requests

1. In complying with this request, you are required to 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. You should also produce 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. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. 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:

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.
6. 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, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. 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.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. 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.
12. 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) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. 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, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. 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.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents 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 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should 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 which 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, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other 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, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, 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 which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” 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.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.