

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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WASHINGTON, DC 20515-6301

(202) 225-6371
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December 5, 2017

The Honorable Elaine C. Duke
Acting Secretary
Department of Homeland Security
Washington, DC 20528

Dear Acting Secretary Duke,

As part of an ongoing review of the federal government's cybersecurity posture, the Committee on Science, Space, and Technology is continuing our investigation into Kaspersky Lab. On Tuesday, November 14, 2017, the Committee held the second in a series of hearings related to this oversight initiative. The purpose of this hearing was to examine and assess the implementation of Department of Homeland Security (DHS or "the Department") Binding Operational Directive (BOD) 17-01¹ by federal departments and agencies. At this hearing Jeanette Manfra, DHS Assistant Secretary for Cybersecurity and Communications, National Protection and Programs Directorate, testified about the current compliance with BOD 17-01 and the interaction the Department has had with federal agencies and departments in the process.

Within 60 calendar days after issuance of BOD 17-01, federal government departments and agencies were required to identify the use or presence of Kaspersky software on their information systems, develop a plan of action to remove and discontinue use of Kaspersky products, and report to the Department other details on the implementation of the complete removal of Kaspersky products.² These plans of action, required to be submitted to the Department, contain a number of elements critical to ensuring the elimination of the risk posed by Kaspersky products.

While it is necessary to ensure these departments and agencies are taking the appropriate steps to remove this risk, we are also interested in proactive steps and coordination among federal agencies and departments. The federal government needs to leverage all resources to ensure that Kaspersky products on federal systems have been completely removed. The Committee's investigation is consistent with its broader goal of uncovering all risks associated with Kaspersky. This includes identifying all necessary actions needed to eliminate the risk, even beyond the risk to federal systems.

¹ 82 Fed. Reg. 43782 (Sept. 19, 2017) [hereinafter BOD 17-01].

² *Id.* at Sections 1 and 2.

As a follow-up to the recent hearing and to appropriately inform the Committee on the details and status of implementation and compliance with BOD 17-01, we request that the Department provide the Committee with documents and information. Please produce the following documents and information, in electronic format, for the time period September 1, 2017, to present, with the exception of number 6, which calls for earlier documents:

1. A complete list of agencies and departments that have *not* submitted the required report to DHS detailing the identification of use and presence of Kaspersky Lab products.
2. A complete list of agencies and departments that have *not* submitted the required plan of action to DHS detailing the process for removal and discontinued present and future use of Kaspersky Lab products.
3. All documents, communications, or information related to any decisions by DHS to allow any agency or department to engage in less than full compliance with BOD 17-01.
4. All documents, communications, or information between DHS and the Office of Management and Budget related to non-compliance with BOD 17-01.
5. A complete list of agencies and departments that have identified the use or presence of Kaspersky Lab products on their information systems.
6. All documents and communications between the Department and Kaspersky Lab.
7. All documents and communications between the Department and any non-government or private sector party regarding BOD 17-01 and a potential review provided under the BOD.
8. All documents and communications between the Department and any federal contractors, including but not limited to, an explanation of applicability of BOD 17-01 to contractors and the time frame for removal as applied to contractor use.

In addition, the Committee requests that you designate officials within DHS to provide a briefing to Committee members and staff as soon as possible, but no later than December 19, 2017.

Pursuant to House Rule X, the Committee on Science, Space, and Technology has jurisdiction over the National Institute of Standards and Technology which develops cybersecurity standards and guidelines for the federal government and recommendations for the private sector. Additionally, under the Federal Information Security Modernization Act of 2014, or FISMA, federal departments and agencies are required to report to the Science Committee annually and circumstantially, in cases of a major cybersecurity breach. This request and any documents created as a result of this request will be deemed congressional documents and

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property of the House Science Committee. An attachment to this letter provides additional information about responding to the Committee's request.

We request that you provide the requested documents and information as soon as possible, but no later than 5:00 p.m. on December 19, 2017. When producing documents to the Committee, please deliver production sets to the Majority Staff in Room 2321 of the Rayburn House Office Building and the Minority Staff in Room 394 of the Ford House Office Building. The Committee prefers, if possible, to receive all documents in electronic format.

If you have any questions about this request, please contact Ashley Callen of the Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Lamar Smith
Chairman

Encl.

cc: The Honorable Eddie Bernice Johnson, Ranking Member, House Committee on Science, Space, and Technology