

# Congress of the United States

Washington, DC 20515

March 16, 2017

The Honorable John Koskinen  
Commissioner  
Internal Revenue Service  
77 K St NE  
Washington, DC 20002

Dear Commissioner Koskinen:

Since November 2015, the Committees have conducted oversight of information systems and related cybersecurity matters at the Department of Education (herein after the Department), including systems that interact with other agencies and components, such as the IRS.

The federal government has a responsibility to protect the personally identifiable information (PII) Americans entrust it with each day. The stakes are particularly high at the Department, an agency responsible for securing 139 million unique Social Security numbers and other sensitive information of students, parents and custodians across the country. The Department's ability to protect the information it collects, stores, and transmits is a cybersecurity concern that transcends the agency itself and has the potential to affect the security of our nation.

The Committees are concerned about the Department's announcement on March 9, 2017, that the Internal Revenue Service (IRS) Data Retrieval Tool (DRT) on FAFSA.gov and StudentLoans.gov is currently unavailable due to information security concerns.<sup>1</sup> Millions of students applying for federal financial aid each year use the DRT, and a loss of functionality, even for days or weeks, has the potential to cause significant disruptions. This is especially true for first-generation and low-income students who rely on the DRT tool, and for students in states that had not yet reached state priority deadlines for applying for financial aid when the DRT was taken offline.

The Federal Information Security Management Act (FISMA) requires the Committees be notified of all "major incident[s]" within seven days after the incident has occurred.<sup>2</sup> Further, the Office of Management and Budget (OMB) guidance on what qualifies as a "major incident" includes an analysis of the functional effect of the incident, as well as the incident's potential impact on public confidence, both of which may be relevant in evaluating any incident involving the DRT and federal student aid.<sup>3</sup>

To help the Committees better understand the incident announced by the Department and the IRS on March 9, 2017, the Committees requests a briefing as soon as practicable. Please also provide the following documents and information as soon as possible, but no later than 5:00 p.m. on March 30, 2017:

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<sup>1</sup> U.S. Dep't. of Ed. Press release, "Internal Revenue Service (IRS) and U.S. Department of Education Office of Federal Student Aid (FSA) Statement about the IRS Data Retrieval Tool (DRT)" (Updated Mar. 9, 2017), <https://www.irs.gov/uac/internal-revenue-service-irs-and-u-s-department-of-education-office-of-federal-student-aid-fsa-statement%E2%80%8E-about-the-irs-data-retrieval-tool-drt>.

<sup>2</sup> Federal Information Security Management Act of 2002, Pub. L. 107-347, Tit. 3, 116 Stat. 2946–2961, *codified as amended at* 44 U.S.C. § 3551, 3554(b)(7)

<sup>3</sup> OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB M-17-05, FISCAL YEAR 2016–2017 GUIDANCE ON FEDERAL INFORMATION SECURITY AND PRIVACY MANAGEMENT REQUIREMENTS (2016)

1. The date the IRS first became aware of the possible vulnerability and/or suspicious activity, a description of the specific vulnerability and/or suspicious activity detected, and a description of how the IRS first became aware.
2. The scope of data and PII that may have been compromised by the vulnerability and/or suspicious activity, any indication that such a compromise occurred, and the date on which the IRS concluded that such a compromise may have occurred.
3. Any recommendations the IRS made to the Department of Education about the operations or security of the DRT in the year leading up to the DRT being taken offline.
4. The date on which the IRS approved taking the DRT out of service, and the date it was taken out of service.
5. The total population of individuals that used the DRT in the 2016–2017 financial aid cycle (January 1, 2016, to June 20, 2017), including a breakdown of the total number of individuals using the tool specifically in the months of March and April.
6. The total population known to be impacted by this incident (as known on the date the suspicious activity was first identified, and also as of March 9, 2017), including the total number of individuals whose personally identifiable information may have been compromised (as known on the date the suspicious activity was first identified, and also as of March 9, 2017).
7. The date on which the IRS notified the U.S. Computer Emergency Readiness Team of an information security incident, if applicable.
8. The date on which the IRS notified the Federal Bureau of Investigation of an information security incident related to the DRT.
9. The date on which the IRS notified its Inspector General of an information security incident related to the DRT.
10. The date on which the IRS determined there was a reasonable basis to conclude this incident was a “major” incident per OMB guidance.
11. All documents and communications referring or relating to the determination whether to classify this incident as a “major incident.”
12. All documents and communications concerning the incident announced by the IRS on March 9, 2017, including any plans to provide post-incident recovery services such as credit-monitoring to affected individuals.

When producing documents to the Committees, please deliver production sets 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. The Committees prefer, if possible, to receive all documents in electronic format.

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If you have questions about this request, please contact Katie Bailey and Mike Flynn of the Committee on Oversight and Government Reform Majority staff at (202) 225-5074, Katie Teleky and Joel Usher of the Minority staff at (202) 225-5051, or Clint Raine of the Committee on Education and the Workforce staff at (202) 225-4527. Thank you for your prompt attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman  
Committee on Oversight and Government Reform



Elijah E. Cummings  
Ranking Minority Member  
Committee on Oversight and Government Reform



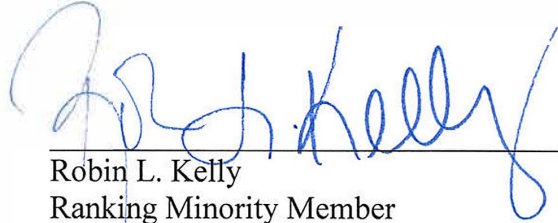
Virginia Foxx  
Chairwoman  
Committee on Education and the Workforce



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



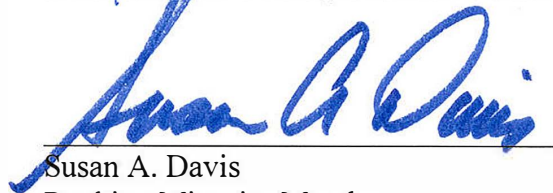
Will Hurd  
Chairman  
Subcommittee on Information Technology  
Committee on Oversight and Government Reform



Robin L. Kelly  
Ranking Minority Member  
Subcommittee on Information Technology  
Committee on Oversight and Government Reform



Brett Guthrie  
Chairman  
Subcommittee on Higher Education  
and Workforce Development  
Committee on Education and the Workforce



Susan A. Davis  
Ranking Minority Member  
Subcommittee on Higher Education  
and Workforce Development  
Committee on Education and the Workforce



Mark Meadows  
Chairman  
Subcommittee on Government Operations  
Committee on Oversight and Government Reform



Gerald E. Connolly  
Ranking Minority Member  
Subcommittee on Government Operations  
Committee on Oversight and Government Reform