

United States Senate

July 13, 2015

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20050

Dear Mr. President:

I am outraged by the Administration's lack of response to the OPM hacks, including the refusal to publicly identify and disclose the perpetrators and their possible state sponsors, as well as the complete absence of any diplomatic or punitive response to date. More than 3 months that have passed since this massive violation of U.S. national security, and only yesterday the Office of Personnel Management (OPM) announced that sensitive data of over 22 million current, former, and prospective U.S. employees and their families has been compromised in the series of OPM data breaches that occurred starting in April 2015. Other assessments have put the number of affected U.S. individuals as high as to 32 million.

In news reports, various unnamed "Administration officials" have stated on background to reporters that the government of the People's Republic of China (PRC) or individuals with links to the PRC are responsible for this breach. For instance, according to an article in the *Washington Post* on June 12, 2015: "Privately, U.S. officials said the Chinese government was behind the breach." This unprecedented breach follows years of well-established patterns of malicious cyberspace activities directed against our nation by entities and individuals tied to the PRC.

I ask you to immediately and publicly disclose the identity of the perpetrators of the OPM breach and the actions the Administration has undertaken in response. I also ask you to respond in writing to the following:

- 1) How soon after the discovery of the breach did the Administration positively identify the perpetrators and possible state sponsors? Why hasn't the Administration publicly disclosed to date the identity of the perpetrators and whether they are tied to the PRC?
- 2) If the PRC is involved, as reports suggest, why hasn't the Administration held the PRC accountable through diplomatic actions? Has the State Department formally raised this issue with the PRC Ambassador to the United States? Was it raised at high levels during the U.S.-China Strategic and Economic Dialogue (S&ED) last month? If so, why wasn't the OPM breach, or cybersecurity in general, among the 127 S&ED "outcomes", which ranged from everything from wildlife trafficking to volcano studies? Will you commit to raising the OPM breach directly with President Xi during your upcoming bilateral summit September?

- 3) What is the Administration's plan to hold these individuals or entities accountable, either through U.S. federal government indictments or imposition of U.S. sanctions?

There is ample precedent for these actions, such as when on May 19, 2014, the Department of Justice (DoJ) indicted five People's Liberation Army (PLA) military officers for cyber espionage. I believe the DoJ should take similar action with regard to the OPM breach.

Moreover, on April 1, 2015, the White House issued Executive Order 13694 that would impose U.S. sanctions against entities engaging in actions "that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States." Yet, to date, no individual or entity has been held accountable under this new authority. I ask you to immediately impose U.S. sanctions available to the Department of State and Department of Treasury under E.O.13694 and other relevant legal authorities in response to the OPM breach.

I am grateful for your swift consideration of this matter.

Sincerely,



Cory Gardner
United States Senator

CC: The Honorable John Kerry, U.S. Secretary of State
The Honorable Jacob Lew, U.S. Secretary of the Treasury
The Honorable Loretta Lynch, Attorney General of the United States