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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

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November 6, 2013

The Honorable Darrell E. Issa
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to inquire about the protocols the Committee plans to utilize to properly secure highly sensitive documents produced by MITRE Corporation, the independent contractor hired by the Centers for Medicare and Medicaid Services (CMS) to perform security control assessments for the Healthcare.gov website. In light of the potential for ill-meaning individuals to use this information to damage the website or compromise the security of confidential consumer information, I propose that we meet to develop common guidance for our Committee Members on the proper safeguarding of these documents.

On November 5, 2013, MITRE sent a letter to the Committee explaining that it “performed security testing on specific components of the site.” Accompanying this letter, MITRE provided to the Committee copies of “six password protected files of the security tests (Security Control Assessments) we performed for CMS.”¹

MITRE explained in its November 5 letter that the information in these documents is highly sensitive. MITRE wrote that these documents, some of which date back to early testing of the system in 2012, include “code and other technical information that could be used to hack the system.” Although many security issues discussed in these documents have been addressed, the company “redacted portions that could jeopardize the security and privacy of information on the site if inadvertently disclosed.”

Even with these redactions, MITRE warned that the Committee should not release publicly the information contained in these documents. In a sentence underlined by the company, its letter stated:

¹ Letter from Kathleen Golden, Government Relations Manager, The MITRE Corporation, to Chairman Darrell E. Issa, House Committee on Oversight and Government Reform (Nov. 5, 2013).

Even with the redactions, the information provided should still be considered sensitive and may pose a security risk to the confidentiality of consumer information accessible through HealthCare.gov if disclosed.

The documents themselves also indicate the highly sensitive nature of the information they contain. In addition to being password protected, the documents are marked with the header: "CMS Sensitive Information—Requires Special Handling."

I am sure that no Member of our Committee wants to be accused of making public highly sensitive security information—either intentionally or unintentionally—that could give hackers a roadmap for destroying the Healthcare.gov website. I am equally certain that no Committee Member wants to be accused of taking any action that compromises the confidential information of American consumers.

For these reasons, I would like to confirm the protocols the Committee intends to use to properly secure these documents and the information they contain. Before our hearing next week on this subject, I propose that you and I meet to discuss how we can instruct our Committee Members on safeguarding the information in these documents. I also believe this process should include careful consultation with both MITRE and CMS to avoid any possibility of misunderstanding.

To be clear, I strongly support the Committee's right to relevant information necessary to perform its oversight functions, and I am not suggesting that either MITRE or CMS should have a veto over the Committee's actions. Instead, I am proposing that we work in a careful and deliberate manner to understand fully the risks involved with our potential actions and that we act in a concerted and bipartisan manner to obtain the information we need while protecting American consumers.

Thank you for your consideration of this request, and I would appreciate the opportunity to discuss this matter with you directly prior to taking any actions with respect to these documents.

Sincerely,



Elijah E. Cummings
Ranking Member