

ONE HUNDRED THIRTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

October 31, 2013

The Honorable Kathleen Sebelius  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

Dear Secretary Sebelius:

Pursuant to Rules X and XI of the United States House of Representatives, the Committee on Energy and Commerce is examining the implementation of the Patient Protection and Affordable Care Act (PPACA).

During a hearing before the Committee on October 24, 2013, certain contractors who participated in developing the Federally Facilitated Marketplace (FFM) testified that they did not have adequate time to conduct end-to-end or integrated testing of the FFM website. They also indicated that it was the responsibility of the Centers for Medicare and Medicaid Services (CMS) as systems integrator for the FFM to conduct that testing.

Documents produced during the course of the committee's investigation of problems with the healthcare.gov website show that CMS' failure to conduct adequate end-to-end testing extended to security testing. In a decision memorandum signed by CMS Administrator Marilyn Tavenner on September 27, 2013, Administrator Tavenner acknowledged that the Federal Information Security Management Act (FISMA) required that the FFM "successfully undergo a Security Control Assessment (SCA)" and that "[d]ue to system readiness issues, the SCA was only partly completed." According to this memorandum, "[f]rom a security perspective, the aspects of the system that were not tested due to the ongoing development, exposed a level of uncertainty that can be deemed as a high risk for the FFM." By signing this memorandum, Administrator Tavenner recommended that CMS issue an "Authority-to-Operate" for six months that would allow the FFM to go forward with a mitigation plan in place and to perform a "complete SCA." A copy of this document is attached.

When you were questioned about this document at an October 30, 2013, hearing before the Committee, you indicated that the security of the FFM was not compromised because the mitigation plan referenced in the September 27, 2013, memorandum that was signed by Administrator Tavenner provided for testing and monitoring of the FFM.

We are now seeing the results of HHS' failure to conduct adequate end-to-end performance testing of healthcare.gov prior to its launch on October 1. Almost one month after open enrollment began, the website continues to suffer from glitches and is often unavailable to the public to shop for plans. In order to better understand the implementation of the PPACA, and whether the failure to conduct a complete Security Control Assessment increases the risk to the FFM, we ask that you provide the following documents and information no later than November 14, 2013:

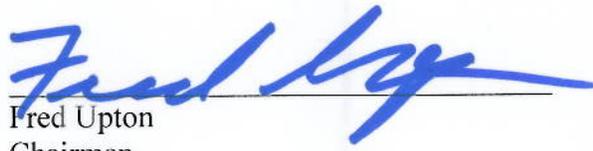
1. All Security Control Assessments performed by the Centers for Medicare and Medicaid Services or at the direction of the CMS for the Federally Facilitated Marketplace system and the Data Services Hub.
2. Any and all Authorizations To Operate relating to the Federally Facilitated Marketplace system and/or the Data Services Hub.
3. All security mitigation plans or timelines developed by or directed to be performed by CMS regarding the security risks identified by the SCAs.
4. All documents relating or referring to the Security Control Assessments for the FFM, other security testing, the results of any security testing, the schedule for testing, and/or the waiver of any requirements related to the SCA or security testing.
5. Identify each contractor for the FFM that is involved or participates in providing security services or security testing and explain what each contractor's role is. For each contractor, please provide its contract with CMS and all documents relating to work plans, schedules, testing schedules, test results, timelines, status reports, and reviews of each contractor's work. These documents should include, but not be limited to, the Risk Management Plan and all documents, including products or deliverables, referring or relating to risk management; documents referring or relating to industry best practices, recommended standards, and key performance indicators for configuration and operations; the Pre-Operational Readiness Review; and the Operational Readiness Review, including Test Plan and Test Case Specifications, Contingency/Recovery Plan, Implementations Plan, User Manuals, Operation and Maintenance Manual, Training Plan and Materials, System Security Plan, Information Security Risk Assessment, Integration Testing Results, End-to-End Testing Results, Test Summary Report, Defect Reports, Security Testing Results, briefings/presentations to Office of Information Services, Level of Effort estimate to achieve Operational Readiness Review, Project Completion Report, Service Level Agreements, Privacy Impact Assessment, Plan of Action and Milestones (POA + M), Authority to Operate, and Level of Effort estimate to support Operations and Maintenance.

In addition to these documents, the Committee renews its request from October 10, 2013, for you to provide the following documents to the Committee:

1. Any analyses or memoranda drafted, created, or prepared by HHS, CMS, or CCIIO on or after October 1, 2013, discussing or analyzing the failures of the FFM.
2. Provide all communications, including email, to or from HHS, CMS, or CCIIO that refers or relates to any problems, flaws, testing plans, testing results, or any other issue related to the FFM and/or the FFM's performance or design.

Instructions for responding to the Committee's document request are included as an attachment to this letter. Thank you for your prompt attention to this matter. If you have questions or wish to discuss your responses or production, please contact Karen Christian or Sean Hayes with Committee Staff at (202) 225-2927.

Sincerely,



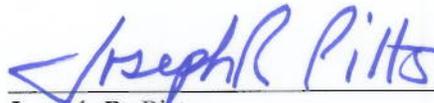
Fred Upton  
Chairman



Joe Barton  
Chairman Emeritus



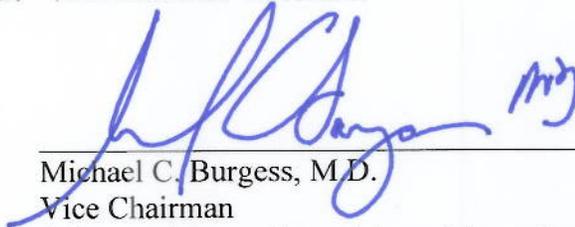
Tim Murphy  
Chairman  
Subcommittee on Oversight and Investigations



Joseph R. Pitts  
Chairman  
Subcommittee on Health



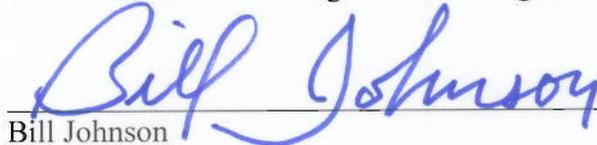
Marsha Blackburn  
Vice Chairman



Michael C. Burgess, M.D.  
Vice Chairman  
Subcommittee on Oversight and Investigations



Mike Rogers  
Member



Bill Johnson  
Member

cc: The Honorable Henry Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member  
Subcommittee on Oversight and Investigations

The Honorable Frank Pallone, Jr., Ranking Member  
Subcommittee on Health