

Congress of the United States
Washington, DC 20510

March 23, 2016

The Honorable Sylvia Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Mr. Andy Slavitt
Acting Administrator
Centers for Medicare and Medicaid Services
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Burwell and Acting Administrator Slavitt:

We are writing to follow up on previous questions we have submitted to your offices, in light of a Government Accountability Office report today revealing 316 security incidents with HealthCare.gov from October 2013 to March 2015, including 41 incidents that involved personally identifiable information. Today's GAO report also reveals that the Department of Health and Human Services (HHS) does not have complete records of how many people these incidents impacted, despite a 2013 GAO recommendation that the department keep such documentation.

We wrote to you on September 17, 2014, and again on January 30, 2015, with concerns about the security of HealthCare.gov. In those letters, we asked for information about HealthCare.gov security breaches, including breaches of personally identifiable information, and about unauthorized information sharing with third parties. Our staff received a briefing on February 6, 2015, in which your staff informed them that no person or group had maliciously accessed HealthCare.gov data and that no third-party data had been misused. They were also informed that HealthCare.gov was compliant with the Privacy Act and had resolved all GAO security recommendations. We are extremely concerned that we were not informed of the ongoing security incidents.

In order to assist us in fulfilling our oversight responsibilities, please send us a list and description of every security incident involving HealthCare.gov since October 2013, including how many individuals' records were compromised, whether the incident involved personally identifiable information, and whether the affected individuals were notified. Please also send the

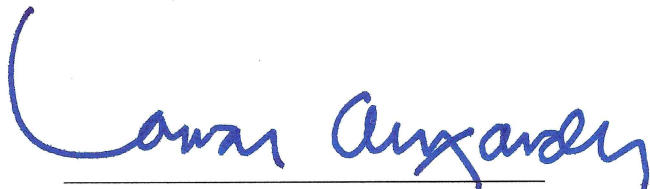
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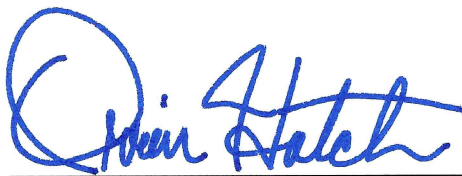
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HHS Breach Response Team's charter and Standard Operating Procedures, its annual reports since 2013, the CMS breach response plan, and the after-action reports for each security incident. If HHS did not inform affected individuals, we urge you to change that policy immediately. We request a reply by April 6, 2016, or as soon as possible.

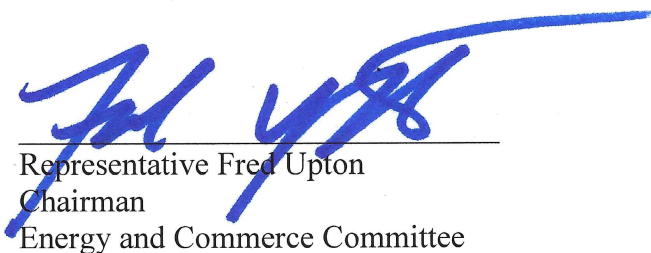
Sincerely,



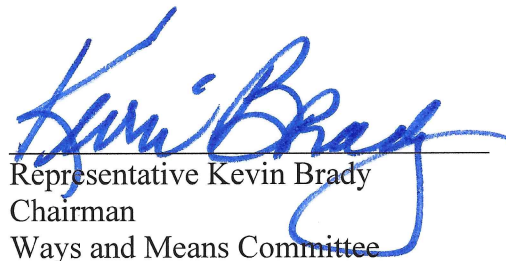
Senator Lamar Alexander
Chairman
Health, Education, Labor and
Pensions Committee



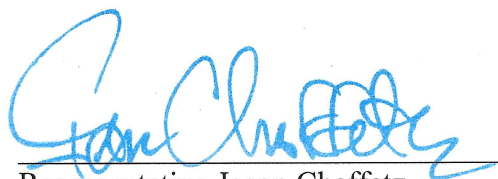
Senator Orrin Hatch
Chairman
Finance Committee



Representative Fred Upton
Chairman
Energy and Commerce Committee



Representative Kevin Brady
Chairman
Ways and Means Committee



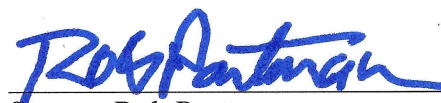
Representative Jason Chaffetz
Chairman
Oversight and Government
Reform Committee



Senator Chuck Grassley
Chairman
Judiciary Committee



Senator John Thune
Chairman
Commerce Committee



Senator Rob Portman
Chairman
Homeland Security and
Governmental Affairs Committee,
Permanent Subcommittee on Investigation