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House Energy and Commerce Committee – Oversight and Investigations Subcommittee “Security of HealthCare.gov”

On Tuesday, November 19th, the House Oversight and Investigations subcommittee convened a hearing to investigate and analyze the security measures with the Federally-facilitated Marketplace (FFM) and HealthCare.gov. The witnesses consisted of two panels:

Panel I

- [Mr. Henry Chao](#), Deputy Chief Information Officer and Deputy Director of the Office of Information Services, Centers for Medicare and Medicaid Services (CMS)

Panel II

- [Mr. David Amsler](#), President and Chief Information Officer (CIO), Foreground Security, Inc.
- [Ms. Maggie Bauer](#), Senior Vice President of Health Services, Creative Computing Solutions, Inc. (CCSi)
- [Mr. Jason Providakes](#), Senior Vice President and General Manager of Center for Connect Government, MITRE Corporation (MITRE)

Chairman [Tim Murphy \(R-PA\)](#) began the hearing with his opening statement followed by a statement from Ranking Member Diana DeGette (D-CO).

Background:

The Affordable Care Act directs states to establish State-based Marketplaces by January 1, 2014. In states electing not to establish and operate such a Marketplace, the ACA requires the Federal Government to establish and operate a Marketplace in the state, referred to as the Federally-facilitated Marketplace (FFM). The state-based Marketplaces and the FFM must have working IT systems to determine a consumer’s eligibility to enroll in a qualified health plan and to transmit consumer information to CMS or the qualified health plan issuer the consumer has chosen. The privacy and security of the FFM’s IT system and website, HealthCare.gov, is of question during this hearing.

Chairman Murphy (R-PA) described that the American people want answers to these two questions from the hearing today: (1) Is my data on HealthCare.gov secure? (2) Given the rocky rollout of the ACA so far, why should I believe the Administration that the FFM is secure? As well, the Chairman highlighted the report released from McKinsey & Co. (McKinesy), a group hired to interview the officials in charge of ACA implementation, that foreshadowed many of the problems and potential security threats with the website. He expressed strong concern that the high-level officials of CMS knew about the report and still proceeded to launch the website on October 1, 2013, leading to the current problems and the loss of trust from the American people. “HHS has ways to go to regain the trust of the American people,” he concludes.

Witness

Mr. Chao, Deputy CIO and Deputy Director of the Office of Information Services, CMS, has served in his position since January of 2011. In this role, Mr. Chao's responsibility was to ensure the success of the website, HealthCare.gov. In his testimony, he explains that CMS built a secure FFM, which consumers should feel confident with and trust with their personal information. Mr. Chao further explained that the FFM and the HealthCare.gov website is protected by several of CMS's security layers and procedures. CMS is performing through security monitoring on a daily manner. CMS has partnered with the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS) to ensure that all operation and security measures are functioning correctly. He assured the committee that the FFM is protected and meets the requirements of the privacy and security regulations. He stated, "I want to be clear that we performed security testing for the systems that went live on October 1st... We continue to test security on a daily and weekly service." As well, Mr. Chao highlights that no hacking or other security violation attempts has ever occurred on the website.

Questions and Discussion from the Committee Members

Chairman Murphy (R-PA) asked Mr. Chao if he was briefed on the McKenzie & Co. report. Mr. Chao responds that he was interviewed by McKenzie for their analysis, however, he did not see the final report and was not briefed on its findings. Chairman Murphy expressed his concern that this major report listing the serious problems and lack of end-to-end testing on the IT systems was not reported to Mr. Chao. The Chairman asked if any hacks or breaches have occurred yet with the IT systems? Mr. Chao responded that one instance occurred, however it was not successful. The Chairman also asked if Mr. Chao proposed for more time to make the website completely functional for the American people. Mr. Chao said he did not ask for more time because his direction was to deliver a system on October 1st and that is what he accomplished.

Ranking Member Degette (D-CO) emphasized that CMS and HHS needs to get the website and other issues solved as soon as possible to move forward with the ACA. Under questioning, Mr. Chao stated that he believes the November 30th deadline is an attainable goal.

Mr. Barton (R-TX) explained his shock that Mr. Chao, the chief person in charge of preparing this website, was not aware of the McKinsey report. The report, he explains, clearly states that the startup of the website was not going to work well on October 1st. Mr. Chao responds that he was not made aware of the report until he saw it on the Washington Post.

Ms. Blackburn (R-TN) asked Mr. Chao to elaborate on any red flags he saw with the website. Mr. Chao explained that he was afraid that the team was in jeopardy of missing the deadline date, and as a result, he encouraged his staff to work faster in his emails. He also explained that his team and the contractors met during repeated 'status meetings' to discuss the issues with the website, however no minutes or summary of the meeting is available. Mr. Chao stated that he presented his concern about meeting the dates with his interview with McKinsey.

Mr. Waxman (D-CA) expressed asked his committee members to work together to make it work not focus efforts to attack and repeal the ACA. Under response, Mr. listed the

numerous improvements his team has made to the website, including fixing the enrollment transactions, reducing the error rate, and improving on data quality, daily transactions has improved, response times.

Mr. Burgess (R-TX) asked for details on what Mr. Chao said to McKinsey & Co. interview. Mr. Chao said he explained to McKinsey of the schedule challenge his team is facing and need for 'window time' to make corrections. He also told McKinsey that the project is large scale and complex and he was concerned on the short time frame. Under further questions from Mr. Burgess, Mr. Chao repeated that the decision to go live was made by Marilyn Tavenner and she was responsible for setting the deadline dates.

Panel II

Witnesses

Mr. Providakes, Director of Federally Funded Research and Development Center (FFRDC), MITRE, explained that the MITRE Corporation serves as a technical independent, objective advisor to CMS, while the FFRDC serves only to provide scientific research and analysis on systems engineering. As part of its contract, the FFRDC is charged with assisting CMS in modernizing its operations and supporting the implementation of health reform and expansion of health care to millions of Americans. As well, CMS asked MITRE to conduct security assessments on parts of the website. Mr. Providakes elaborated that MITRE performed a total of 18 Security Control Assessments; six of them were directly related to HealthCare.gov. He clarified that MITRE is not in charge of the security for HealthCare.gov and were not asked to perform end-to-end security testing, rather "we worked alongside the CMS-designated contractor in the course of testing to remediate risks assessed as 'high,' and in almost all cases we succeeded," Mr. Proviakes stated.

Maggie Bauer, Senior Vice President, Creative Computing Solutions, Inc. (CCSi) explained that CSSi was contracted to provide security oversight of the CMS eCloud, which is CMS's virtual data center that hosts systems and applications for the implementation of the ACA. Ms. Bauer further elaborated that CCSi's role is to provide security operations monitoring and management including 24x7x365 security monitoring. Her team consisted of 22 staff members, 6 from CCSi and 16 from the subcontractor, Foreground Security Services. In regards to the rollout, Ms. Bauer explained, "activities involving the development, scaling, testing, release of HealthCare.gov or the 'Federally Facilitated Marketplace' is not within scope of our contract."

David Amsler, President and Chief Information Officer of Foreground Security, Inc., explained that Foreground Security provides cyber-security consulting and services for various entities. He further explained that Foreground Security's role was to perform objectives relating to the security environment of HealthCare.gov, including creating a security monitoring environment, monitoring the cloud environment, and monitoring the overall website environment. Mr. Amsler stated, "while our work for CMS is essential, it is also narrowly focused, and we were not involved in the design of the site, developing the software that runs it, or its administration."

Questions and Discussion from the Committee Members

Chairman Murphy (R-PA) asked the contractors if the parts of the website where they performed security assessments were working functionally on October 1st. All witnesses

agreed that their responsibility on the website functioned correctly but they were unaware if their product was embedded in healthcare.gov and if CMS performed overall testing.

Ranking Member DeGette (D-CO) asked the witnesses for clarification that CMS's protocol is to hire independent contractors to test different parts of the security aspects of the site. In response, Mr. Providakes elaborated that his team performed security assessments on a narrow part of the website under time constraints. After further questions, Ms. Bowers explained to the congresswoman that her team has not seen any unusual activity that poses a threat to the American people when using the website.

Mr. Olson (R-TX) asked all witnesses if each one of them would be comfortable with signing up for health plans on HealthCare.gov, given their knowledge on security of the website. Mr. Providakes and Ms. Bauers both agreed they would be comfortable with putting in their information into HealthCare.gov.

To download the witness testimonies and view a recording of the hearing, click [here](#).