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MITRE

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The Honorable Darrell Issa
Chair, House Oversight and Government Reform Committee
2347 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for taking the time earlier this week to talk with me about MITRE's continued cooperation with your Committee's inquiry, our concerns about the disclosure of security sensitive information and the contractual requirements of our government customer, CMS.

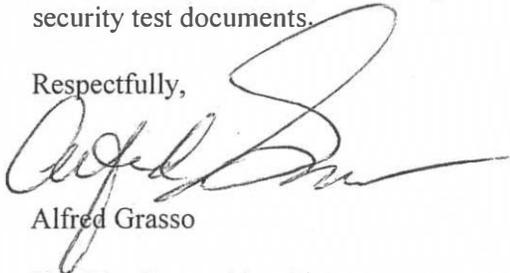
Your Committee's December 9, 2013 subpoena served on MITRE calls for the production of "all Security Control Assessments, including, but not limited to, draft and final versions, conducted for the Centers for Medicare & Medicaid Services pertaining to the implementation of the Affordable Care Act through HealthCare.Gov." As you know, MITRE provided your Committee with copies of these Security Control Assessments ("SCAs") in redacted form on November 5, 2013.

The portions of the SCAs redacted by MITRE contain information about cybersecurity methods and the fundamental cyber-architecture of HealthCare.gov that transcends the specific security control vulnerabilities which have been the focus of news reports and the Committee's public inquiry. In the wrong hands, this information could cause irreparable harm to the basic security architecture of HealthCare.gov and potentially to the security of other CMS data networks that share attributes of this architecture. The resulting potential for risk to the privacy of Americans' personal information is the reason that MITRE remains concerned about disclosure of the previously redacted information.

Your Committee's subpoena places MITRE in a difficult position. As we discussed on Tuesday, the SCA reports were produced by MITRE under contract to CMS. The reports are designated contract deliverables and are therefore owned by CMS. In a December 4 letter, CMS instructed MITRE that under the terms of our contract, we are not authorized to release the SCAs without CMS approval.

MITRE continues to believe that HHS is the appropriate party to provide the Committee with the unredacted SCA documents you are seeking. Nonetheless, I understand from consultation with MITRE's legal counsel that MITRE has no alternative but to comply with the terms of a congressional subpoena absent some form of judicial intervention. The documents are hereby submitted on the enclosed CD. They appear in password encrypted PDF files and are Bates Numbered 00001 through 01760. We trust that you will make every effort to protect the privacy of Americans and maintain the confidentiality of the security test documents.

Respectfully,



Alfred Grasso

Cc: The Honorable Elijah Cummings
Daniel Kane, Centers for Medicare and Medicaid Services