

Congress of the United States

Washington, DC 20515

March 20, 2023

The Honorable Chiquita Brooks-LaSure
Administrator
Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Dear Administrator Brooks-LaSure,

The Committee on Oversight and Accountability and the Committee on Energy and Commerce are investigating the recent ransomware attack on Healthcare Management Solutions, LLC (HMS), a subcontractor to ASRC Federal Data Solutions, LLC (ASRC), which supports the Centers for Medicare and Medicaid Services' (CMS) Office of Hearings and Inquiries. Following a briefing CMS provided to congressional staff on December 15, 2022, we request additional documents and communications to assist the Committee in its investigation into this major incident and CMS's response.

On October 8, 2022, HMS "was subject to a ransomware attack on its corporate network."¹ CMS was notified about the data breach a day later, and on October 18, 2022, CMS "determined with high confidence that the incident potentially included personally identifiable information and protected health information for some Medicare enrollees."² However, it was not until December 1, 2022, that CMS made the determination that the data breach constituted a "major incident," as defined in the Federal Information Security Modernization Act of 2014.³ In other words, bad actors had access to Medicare beneficiaries' information for two months before CMS determined this ransomware attack was a "major incident" triggering a legal obligation to inform Congress of such incident.⁴

According to a CMS press release, "[i]nitial information indicates that HMS acted in violation of its obligations to CMS,"⁵ resulting in the potential exposure of the personal information of approximately 254,000 Medicare beneficiaries.⁶ The compromised information potentially includes the following personally identifiable information (PII) and protected health information (PHI): name, address, date of birth, phone number, Social Security Number, Medicare beneficiary identifier, banking information, including routing and account numbers, and Medicare entitlement, enrollment, and premium information.⁷

¹ CMS.gov press release, *CMS Responding to Data Breach at Subcontractor* (Dec. 14, 2022), available at <https://www.cms.gov/newsroom/press-releases/cms-responding-data-breach-subcontractor>.

² *Id.*

³ Letter from CMS Administrator Chiquita Brooks-LaSure (Dec. 8, 2022), *on file with committee staff*.

⁴ Federal Information Security Modernization Act of 2014 (Pub. L. No. 113-283, Dec. 18, 2014).

⁵ *Supra*, n.1.

⁶ *Id.*

⁷ *Id.*

Administrator Chiquita Brooks-LaSure

March 16, 2023

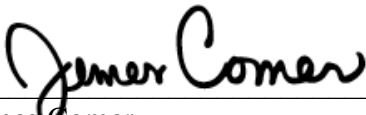
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To assist our investigation into this major incident and the response by CMS, please provide the following documents and communications regarding the HMS ransomware attack covering the time period October 8, 2022, to the present, no later than April 3, 2023:

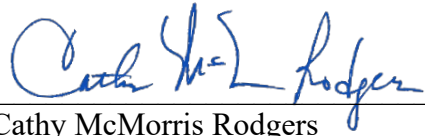
1. All documents and communications between HMS, ASRC, and CMS regarding any aspect of the ransomware attack, including any action proposed or taken by CMS, HMS, and ASRC as a result of the ransomware attack;
2. All documents and communications between CMS and any other federal agency, public entity, or private entity, regarding any aspect of the HMS ransomware attack;
3. All documents and communications related to notifying Congressional Committees of the breach; and
4. All documents and communications related to the determination that the breach met the criteria of a “major incident.”

To schedule the delivery of responsive documents or ask any follow-up or related questions, please contact Committee on Oversight and Accountability Majority staff at (202) 225-5074 and the Committee on Energy and Commerce at (202) 226-9770. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
House Committee on Oversight
and Accountability



Cathy McMorris Rodgers
Chair
House Committee on Energy and Commerce

cc: The Honorable Jamie Raskin, Ranking Member
House Committee on Oversight and Accountability

The Honorable Frank Pallone, Ranking Member
House Committee on Energy and Commerce