

Congress of the United States
Washington, DC 20515

February 7, 2025

The Honorable Juliet T. Hodgkins
Principal Deputy Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue, SW
Washington, D.C. 20201

Dear Principal Deputy Inspector General Hodgkins:

We write to express deep concern that, after infiltrating the Department of Treasury's federal payment systems on January 31, 2025, associates of Elon Musk—ostensibly operating under the direction of President Trump and the “Department of Government Efficiency” (DOGE)—have now obtained access to data systems at the Department of Health and Human Services (HHS) and the Centers for Medicare & Medicaid Services (CMS). On February 3, 2025, the *New York Times* and *Wall Street Journal* reported that DOGE demanded and received access to data systems that facilitate payments to providers and suppliers for the health programs millions of Americans rely on every day.¹ On February 5, 2025, CMS issued a statement saying the Agency was cooperating with DOGE and had provided access to two of CMS' data systems.²

CMS oversees health insurance coverage for over 160 million Americans through Medicare, Medicaid, the Children's Health Insurance Program, and the Affordable Care Act (ACA) Marketplaces, and distributes more than \$1.5 trillion in payments annually.³ CMS payment systems include sensitive personal information about tens of millions of seniors, adults, and children—including detailed information about all of those Americans' current and previous physical and mental health concerns and diagnoses, medical treatments and other services they have received, medications prescribed, and doctors and other health providers they have consulted. These systems also include personally identifiable information on millions of physicians and other health providers including names, identification numbers, services provided, and home addresses.

Federal laws protect sensitive personal and financial information from improper disclosure and misuse, including by barring disclosure to individuals who lack a lawful and legitimate need for it. The Privacy Act of 1974 as amended⁴ protects Americans against an unwarranted invasion of their privacy related to the disclosure of their personal information. We and the American public have not been made aware of any legitimate purpose for DOGE to access such CMS/HHS information.

¹ *Inside Musk's Aggressive Incursion Into the Federal Government*, New York Times (Feb. 3, 2025).

² Centers for Medicare & Medicaid Services, *CMS Statement on Collaboration with DOGE* (Feb. 5, 2025) (press release).

³ Centers for Medicare & Medicaid Services, *Fiscal Year 2024 Financial Report* (Nov. 2024) (12074).

⁴ Privacy Act of 1974, Pub. L. No. 93-579.

We are, therefore, extremely concerned about individuals associated with the DOGE accessing CMS/HHS data for improper uses, which could include stopping lawful payments for health care services for Americans, attacking providers who are perceived as not supporting President Trump, or exacting harm on patients receiving certain necessary health care services.

Already, the Trump Administration and the DOGE have demonstrated a willingness to indiscriminately target individuals and organizations, including faith-based community organizations that provide essential housing and other services.⁵ Furthermore, we are concerned that the individuals obtaining access to this information could have conflicts of interest that will influence the way they use, store, and maintain such data, create incentives for them to unlawfully edit or modify the data, and lead them to share this very sensitive information about millions of Americans with third parties who have no legitimate right to access such information. Attempts for payment suspensions in other parts of the federal government have already been attempted by associates of DOGE.⁶

It is the essential mission of the HHS Office of the Inspector General (HHS-OIG) to conduct oversight of HHS and CMS, to identify problems and implement effective safeguards, to correct programmatic vulnerabilities, to ensure laws are appropriately followed, and to hold bad actors accountable. Therefore, we ask HHS-OIG to conduct an urgent review of the actions of the DOGE at HHS and CMS and respond in writing to the following questions as soon as possible:

1. Has DOGE, or any individuals or entities operating under the guise of or direction of DOGE (including such individuals who may have been onboarded to the Agency and received an Agency or Departmental email address) requested or received access to any HHS or CMS system that includes health care information about providers, suppliers, beneficiaries, or contractors?
 - a. If so, which databases do they have access to, what type of information are they reviewing, and for what purpose?
 - b. Have laws, guidance, and regulations been appropriately followed in accessing such data?
2. Has DOGE, or any individuals or entities operating under the direction of DOGE gained access to HHS or CMS databases that include personal health information or other personally identifiable information?

⁵ Wisconsin Public Radio, *Musk Calls for Cutting Funds to Lutheran Groups, Including in Wisconsin* (Feb. 6, 2025) (www.wpr.org/news/musk-flynn-lutheran-social-services-refugees).

⁶ *Musk Calls for Cutting Funds to Lutheran Groups, Including in Wisconsin*, New York Times (Feb. 6, 2025).

- a. If so, what laws, guidance, and regulations are being followed to ensure appropriate and robust limits are being placed on the access, use, maintenance, creation, editing, transfer, and sharing of such information?
3. Have any outside, non-federal servers been connected to or integrated into HHS or CMS data systems that would allow a user the ability to access, review, edit, modify, create, delete, or transfer data?
 - a. If so, have proper CMS, HHS, or other federal protocols been followed in using a non-federal data system?
4. To what extent has the DOGE, or any individual or entity operating under the direction of or in concert with DOGE (including such individuals who may have been onboarded to the Agency and received an Agency or Departmental email address) undergone appropriate federal screening and training to responsibly access the data they have been reviewing, editing, modifying, or deleting?
5. What safeguards have CMS and/or HHS undertaken to ensure no conflicts of interest among DOGE, or any individuals or entities operating under the guise of or direction of DOGE (including such individuals who may have been onboarded to the Agency and received an Agency or Departmental email address)?
6. What steps have CMS and/or HHS undertaken to avoid improper access, use, creation, deletion, transfer, or sharing of Agency data or program vulnerabilities related to DOGE's access to the Department/Agency?

The Honorable Juliet T. Hodgkins

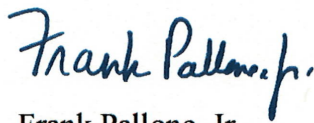
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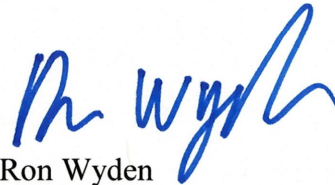
7. What, if any, activities has DOGE undertaken at the HHS-OIG office related to accessing data or computer systems? Anecdotal reports indicate the HHS-OIG website was not functioning at various times since January 20, 2025. Has DOGE (or individuals working under their direction or in concert with them) made or directed changes to the HHS-OIG website or databases? If so, please detail the changes made, who ordered them, and for what purpose.

Thank you for your attention to this urgent matter. We look forward to your prompt response.

Sincerely,



Frank Pallone, Jr.
Ranking Member
House Committee on Energy & Commerce



Ron Wyden
Ranking Member
Senate Committee on Finance



Richard Neal
Ranking Member
House Committee on Ways and Means