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January 15, 2014

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Madam Secretary:

At 1:55 p.m. today my staff received an email from Kristine Blackwood, a legislative affairs employee at HHS, offering a classified briefing at 8:15 a.m. tomorrow prior to our hearing which is scheduled to begin at 9:30 a.m.¹ In this e-mail, Ms. Blackwood indicated that this briefing would be similar to one given previously to Members of the House Energy and Commerce Committee.²

I would remind you that on December 23, 2013, your staff stated in an e-mail to my Committee Staff Director that your agency would contact our Committee last week – the week of January 6, 2014 – to arrange a meeting to discuss these issues.³ Despite the commitment to follow-up last week, we never heard from your agency until earlier today when we received the last minute briefing offer for tomorrow morning.⁴ We have not received any explanation about why your agency failed to meet its commitment -- or even any notice that it would not be met. We notified the Department of this hearing last week.

Underscoring the scheduling challenge for such a briefing, we also received a letter from your staff today objecting to the Committee's letter of invitation to Frank Baitman, HHS's Chief Information Officer, to testify at our hearing tomorrow.⁵ HHS's letter stated "...we believe that this request [to Mr. Baitman to testify at the Committee's hearing] is unreasonable and inappropriate given the 36 hour notice"⁶ On one hand, HHS believes it is unreasonable for the Committee to request the testimony of HHS's Chief Information Officer on 36 hours notice,

¹ Email from Kristine Blackwood to Committee staff, January 15, 2014.

² *Id.*

³ E-mail from Jim Esquea, Assistant Secretary for Legislation at the Department of Health and Human Services, to Committee staff, December 23, 2013.

⁴ Email from Kristine Blackwood to Committee staff, January 15, 2014.

⁵ Letter from Jim Esquea, Assistant Secretary for Legislation at the Department of Health and Human Services to Darrell Issa, Chairman of the Committee on Oversight and Government Reform.

⁶ *Id.*

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yet you propose a Committee briefing – for multiple elected officials in a secure environment-- on 18 hours notice.

While we are interested in information about security incidents surrounding HealthCare.gov, given this short notice and HHS's broken scheduling commitments, it is not feasible to schedule this last minute briefing request for tomorrow that your agency was supposed to have proposed last week.

I would also like to remind you that in December I cut short my trip to my California District to meet with you after the White House indicated that you wanted to meet with me to discuss the security issues associated with Healthcare.gov. Despite my acceptance of your invitation, you choose not to meet with me to discuss these matters. While I remain interested in your Department's perspective, I am concerned that the pattern of incompetence and broken commitments Americans have seen in the botched rollout of HealthCare.gov appears to extend to your Department's legislative outreach efforts.

I can only hope that your concerns about the handling of sensitive documents are sincere and not just a ploy intended to distract from a serious discussion with your agency's security experts about bypassed objections to the launch of HealthCare.gov scheduled for tomorrow. My staff will follow-up with your staff to continue our efforts to schedule a workable time and date.

Sincerely,



Darrell Issa
Chairman

cc: The Honorable Elijah E. Cummings, Ranking Minority Member