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May 17, 2026

The Honorable Robert F. Kennedy, Jr.  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Kennedy:

I write to follow up with you regarding our exchange at the April 17, 2026, hearing. Specifically, I inquired about my concern that the U.S. Department of Health and Human Services (HHS or the Department) has refused to cooperate with the U.S. Government Accountability Office (GAO) relating to its review of the security of information technology (IT) systems at HHS and interventions in those systems by the Department of Government Efficiency (DOGE). By way of background, multiple public reports exposed that DOGE had gained access to the IT system controlling all U.S. government payments<sup>1</sup> and infiltrated systems across HHS and other federal agencies<sup>2</sup>. As a result, I asked GAO in February 2025 to expeditiously investigate and assess the IT systems at the Departments of Education, Labor, and Health and Human Services; DOGE's activities in these systems; the legality of DOGE's interventions; and, potential consequences for children and vulnerable workers.<sup>3</sup>

Shortly prior to your appearance before the Committee on Education and Workforce on April 17, 2026, to discuss the policies and priorities of the Department, my staff was informed that HHS's Office of General Counsel (OGC) had denied GAO's request for a standard observational walkthrough of the Department's systems for verification purposes. After GAO submitted a modified request for artifacts and screenshots as verification, OGC, again, declined to cooperate

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<sup>1</sup> Andrew Duehren *et al.*, *Elon Musk's Team Now Has Access to Treasury's Payments System*, N.Y. TIMES (Feb. 1, 2025), <https://www.nytimes.com/2025/02/01/us/politics/elon-musk-doge-federal-payments-system.html>; Jacob Leibenluft, *"DOGE" Access to Treasury Payment Systems Raises Serious Risks*, CTR. ON BUD. & POL'Y. PRIORITIES (Feb. 11, 2025), <https://www.cbpp.org/research/federal-budget/doge-access-to-treasury-payment-systems-raises-serious-risks>.

<sup>2</sup> Letter from the Honorable Robert C. "Bobby" Scott to Comptroller General Gene Dodaro (Feb. 6, 2025), [https://democrats-edworkforce.house.gov/imo/media/doc/scott\\_letter\\_to\\_gao\\_re\\_doge\\_access\\_to\\_agency\\_data.pdf](https://democrats-edworkforce.house.gov/imo/media/doc/scott_letter_to_gao_re_doge_access_to_agency_data.pdf).

<sup>3</sup> *Id.*

with GAO's investigation. The Department explained to GAO that its noncooperation stemmed from concerns that information, materials, items, or other documentation provided to GAO may not be the same as those provided in litigation.

I am deeply concerned not only by HHS's failure to comply with GAO's requests, but also the possibility that the Department is providing false or inaccurate information in litigation. During the Committee's recent oversight hearing on April 17, 2026, I raised the aforementioned concerns, resulting in the following exchange with you:

*Mr. Scott:* Mr. Secretary, what did the Department mean when it told the GAO that it could not fully cooperate or respond because it was concerned about discrepancies between what it produced in litigation and what it provided to the GAO?

*Secretary Kennedy:* You know, I don't know anything about that issue, but I will check with OGC and get back to you.

*Mr. Scott:* Okay. And can we get a commitment that you'll get the Department to cooperate with the GAO, so they can complete their work?

*Secretary Kennedy:* Of course.<sup>4</sup>

I appreciate the assurances provided during the hearing, and accordingly, I request your responses to the following no later than June 1, 2026:

1. Provide a detailed written explanation regarding what the Department meant when it informed GAO that it could not cooperate or accommodate an observational walkthrough, artifacts, screenshots, and other documentation out of concern for discrepancies with what HHS produced in litigation.
2. Did HHS provide false, incomplete, or inaccurate information in litigation?
  - a. If so, has the Department notified the relevant court(s)?
  - b. Has the Department provided correct information or materials to the relevant parties?
3. Since your commitment given at the April 17, 2026, hearing, what steps has the Department taken to cooperate with GAO's outstanding requests in this audit?
  - a. Will HHS provide an observational walkthrough, artifacts, screenshots, and other documentation requested by GAO? If so, by what date?
  - b. What information or materials, if any, will the Department not provide to GAO that it requested for the audit? What is the rationale for not providing this information?

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<sup>4</sup> *Examining the Policies and Priorities of the Department of Health and Human Services: Hearing Before the H. Comm. on Educ. & Wrkf.*, 119th Cong. (2026).

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Thank you for your attention to this matter. Please send all official correspondence and information related to this request to the Committee's Democratic Staff at [EWDOversight@mail.house.gov](mailto:EWDOversight@mail.house.gov). I look forward to your response.

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**

Ranking Member

cc: The Honorable Tim Walberg, Chairman, Committee on Education and Workforce