

THOMAS R. CARPER, DELAWARE, CHAIRMAN

CARL LEVIN, MICHIGAN
MARK L. PRYOR, ARKANSAS
MARY L. LANDRIEU, LOUISIANA
CLAIRE McCASKILL, MISSOURI
JON TESTER, MONTANA
MARK BEGICH, ALASKA
TAMMY BALDWIN, WISCONSIN
HEIDI HEITKAMP, NORTH DAKOTA

TOM COBURN, OKLAHOMA
JOHN MCCAIN, ARIZONA
RON JOHNSON, WISCONSIN
ROB PORTMAN, OHIO
RAND PAUL, KENTUCKY
MICHAEL B. ENZI, WYOMING
KELLY AYOTTE, NEW HAMPSHIRE

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
KEITH B. ASHDOWN, MINORITY STAFF DIRECTOR

March 11, 2013

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

Dear Madam Secretary:

As part of the Subcommittee's ongoing oversight of government transparency, I am writing to request information regarding how the Department of Health and Human Services manages Freedom of Information Act (FOIA) requests.

In order to gain a better understanding of how the Department processes, manages, and oversees its FOIA responsibilities, please provide information responsive to the following questions:

- (1) What are the current capabilities of the Department's FOIA website?
- (2) Can the FOIA website be used to submit FOIA requests to all components of the Department? If not, why not?
- (3) To what extent may requesters track their requests online?
- (4) How are FOIA requests tracked within the Department?
- (5) Does the Department use software or dedicated hardware acquired from or managed by contractors to process or respond to FOIA requests? If so, please provide the name of the contractor, contract number, a description of the contract scope and the work performed, the contract start and end dates, and the contract costs for the past four years, including base and options value, as well as obligated amount.
- (6) Do contractors process FOIA requests, make determinations, calculate fees, or participate in the FOIA request or response process? If so, please provide the name of the contractor, contract number, a description of the contract scope and the work performed, the contract start and end dates, and the contract costs for the past four years, including base and options value, as well as obligated amount.

The Honorable Kathleen Sebelius

March 11, 2013

Page 2

- (7) If a determination is made to release documents or information to a requester, are the documents and information made public? If so, in what format and where are they made available?
- (8) What percentage of responses are made electronically?
- (9) Is the Department aware of the FOIA Online portal?¹ Has the Department considered joining FOIA Online? Why or why not?

I request that you provide this information as soon as possible, but in no case later than **March 28, 2013**.

The jurisdiction of the Subcommittee on Financial and Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress). An attachment to this letter provides additional information about how to respond to the Subcommittee's request.

Please contact Sarah Garcia with Chairman McCaskill's Subcommittee staff at (202) 224-5602 or Justin Rood with Dr. Coburn's Committee staff at (202) 224- 4751 with any questions. Please send any official correspondence relating to this request to Lauren_Corcoran@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight



Tom A. Coburn, M.D.
Ranking Member

Enclosure

cc: Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight

¹ FOIA Online, Home Page (online at <https://foiaonline.regulations.gov/foia/action/public/home#>).