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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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April 10, 2025

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

The Honorable Scott Bessent
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C., 20220

Dear Secretaries Kennedy and Bessent:

We write to you regarding alarming reports that the so-called Department of Government Efficiency (DOGE) team currently has access to the national child support database.¹ While some might think the child support database does not affect them because they are not involved in such an arrangement, this system contains identifying information on all working Americans. For this reason, access to this sensitive information is restricted by federal privacy laws, including Section 6103 of the Internal Revenue Code and 42 U.S.C. § 653(l). Further, it is unclear that there would be any legitimate purpose for which DOGE would need access to this collection of systems. The consequences of improper access to, and use of, the Federal Parent Locator Service (FPLS) would be a flagrant violation of the law and a catastrophic invasion of privacy for tens of millions of Americans.

The Office of Child Support Services (OCSS) within the Department of Health and Human Services (HHS) operates the nation's child support program, and the systems are housed at the

¹ The Washington Post, *HHS grants DOGE access to child support database, overriding objections* (Mar. 8, 2025) <https://www.washingtonpost.com/business/2025/03/08/hhs-doge-child-support/>.

Social Security Administration (SSA). FPLS is composed of multiple subsystems: the National Directory of New Hires (NDNH), the Federal Case Registry (FCR), and numerous other systems involved in the enforcement of child support, like the Federal Offset Program (FOP) and the Passport Denial Program (PDP).

The data elements contained in the composite systems of the FPLS contain deeply personal information of tens of millions of Americans. The personally-identifiable information holds significant commercial value as well as competitive advantage for individuals seeking to use it for financial gain. Likewise, it could be misappropriated to target Americans and businesses for political means or exploitative financial purposes. In many ways, this is one of the most comprehensive and sensitive data systems DOGE has accessed yet because of how many different personally-identifying elements it ties together.

The NDNH holds identifying information on every individual who has been newly hired by an employer in the last two years, regardless of whether or not they pay child support, and anyone receiving unemployment insurance benefits. This information, which is taken from an employee's W-4 form and Quarterly Wage reports, includes name, Social Security Number (SSN), address, employer name, and income information. The FCR holds information on all child support cases handled by states under Title IV-D and non-IV-D cases. It contains case information and identifying information, like date of birth, SSNs, and names, for both parents involved in a child support dispute and the child or children. Since the FCR has minors' identifying information, it is an acutely sensitive database. On the enforcement side, programs are able to intercept certain federal payments to collect past-due child support or locate financial assets through coordinating with financial institutions. These systems contain extensive financial information.

As HHS's own document explains, "information in this database is only available to authorized persons or entities for authorized purposes."² Because the FPLS is populated with tax information, it is subject to Section 6103 of the Internal Revenue Code, which protects tax information and carries criminal penalties for violations. The FPLS is also protected by 42 U.S.C. § 653(l), which prohibits disclosure of FPLS information absent an expressly provided affirmative authority. To access the FPLS and its composite systems, an entity must be statutorily authorized by both statutes. To date, DOGE has not provided any valid – let alone documented – reason for meeting either statutory requirements, so access to the FPLS for unspecified purposes would not be legally permitted.

Strict regulation of this information is longstanding HHS policy. In 2011, the Government Accountability Office sought access to the NDNH "for unspecified purposes related to GAO's investigatory duties" by invoking its "broad statutory right of access to agency records."³ The Acting General Counsel of HHS opined that such access would be prohibited by 42 U.S.C. § 653(l) as GAO is not afforded an explicit statutory exemption. In 2017, Congress resolved this by providing GAO with statutory access to the NDNH. This incident demonstrates how limited NDNH access is – even non-partisan entities with extensive records and data access, like GAO,

² Administration for Children and Families, *A Guide to the National Directory of New Hires* (Apr. 2024) https://acf.gov/sites/default/files/documents/ocse/a_guide_to_the_national_directory_of_new_hires.pdf.

³ Department of Health and Human Services, *Memorandum Opinion for the Acting General Counsel – GAO Access to National Directory of New Hires* (Aug. 23, 2011) <https://www.justice.gov/olc/file/2011-08-23-gao-ndnh/dl>.

have not been allowed to access the database without express statutory permission. Providing a political, non-agency actor like DOGE with access to the child support database, including the NDNH, would be a significant departure compared to how access to the NDNH was monitored historically.

Further, beyond the highly sensitive nature of the data and the strict statutory guardrails to access it, the FPLS is not designed to serve policy goals beyond securing child support. If it is used in other instances, the data may be in need of verification. For example, both the SSA and the Internal Revenue Service (IRS) have their own processes for determining the validity of data in the FPLS. IRS does not use FCR data alone to summarily assess “math or clerical” errors between Earned Income Tax Credit claims and FCR data.⁴ At the SSA, if there are inconsistencies between the NDNH’s wage records and the information that the agency has on record, SSA will contact the beneficiary directly. It is unclear for what purpose DOGE would like access to the FPLS and whether it is prepared to undertake the proper data verification steps to ensure that FPLS data is being used properly.

It was reported that career civil servants at HHS sounded the alarm regarding DOGE’s request to access components of the FPLS, citing the extremely sensitive nature of this data and long-standing precedent of protecting this information.⁵ These concerns were overruled as, just two days later, reports confirmed that DOGE had been granted access to the child support database.⁶ It appears that at least one person who spoke up is no longer employed by HHS, raising additional concerns that the Trump Administration may be purging career civil servants who refuse to cooperate with its illegal orders.⁷

Further, it is concerning that DOGE may have secured access to this sensitive information after being denied access to similar databases at the Department of Treasury and IRS, including those that contain SSNs. This would amount to a backdoor circumvention of the preliminary injunctions in place by federal judges and a walkback of the public commitment that the Department of Treasury has made to limit DOGE’s access to personally-identifiable information, like SSNs.⁸

We write to urge you to cease any inappropriate or unlawful FPLS information sharing between OCSS and DOGE immediately. Further, we request a Committee-level briefing with representatives from all implicated agencies and a response to the questions and document requests below by May 5, 2025:

⁴ National Taxpayer Advocate, *Post-Processing Math Error Authority*, 2018 Annual Report to Congress 166 (Jan. 2019),

https://www.taxpayeradvocate.irs.gov/wp-content/uploads/2020/07/ARC18_Volume1_MSP_11_PostProcessing.pdf

⁵ The Washington Post, *DOGE targets child support database full of income data* (Mar. 6, 2025)

<https://www.washingtonpost.com/business/2025/03/06/doge-hhs-ssa-data/>.

⁶ The Washington Post, *HHS grants DOGE access to child support database, overriding objections* (Mar. 8, 2025)

<https://www.washingtonpost.com/business/2025/03/08/hhs-doge-child-support/>.

⁷ *Ibid.*

⁸ Courthouse News Service, *Federal judge extends block on DOGE access to Treasury payment system* (Feb. 21, 2025) <https://www.courthousenews.com/federal-judge-extends-block-on-doge-access-to-treasury-payment-system/>; MSN, *Treasury agrees to block DOGE’s access to personal taxpayer data at IRS* (Feb. 20, 2025)

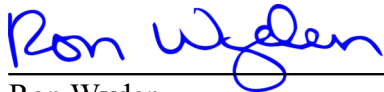
<https://www.msn.com/en-us/money/taxes/treasury-agrees-to-block-doge-s-access-to-personal-taxpayer-data-at-irs/ar-AAIztoSy>.

1. Why is DOGE, or any individuals or entities operating under the direction of DOGE, seeking access to the FPLS?
 - a. How has it used this information to date and how does it intend to use this information moving forward?
 - b. What was the original justification for seeking access to the database?
 - c. Did the justification for seeking access to the database change over time?
 - d. Please provide any documents, emails, meeting notes, or other written materials that purport to substantiate DOGE's specific access request.
2. Which officials at HHS, the Department of Treasury, or DOGE approved the request to grant DOGE access to the FPLS? Please identify each official who granted approval, as well as specifically indicate if any of the below individuals, or direct reports to these individuals, were involved in this decision making. Name any such direct reports.
 - a. Secretary Kennedy, HHS.
 - b. Elon Musk, Special Government Employee, DOGE.
 - c. Amy Gleason, Acting Administrator of DOGE.
 - d. Andrew Gradison, Acting Assistant Secretary of ACF.
 - e. Leland C. Dudek, Acting Commissioner of SSA.
3. Were any Trump Administration nominees not yet appointed to their positions involved in this decision making? Name any such individuals.
4. Were any individuals serving in positions at the White House or the Office of Management and Budget (OMB) involved in this decision making? Name any such individuals.
5. Did the Acting HHS General Counsel draft a Memorandum Opinion, or any other written document, analyzing the lawfulness of granting DOGE employees access to the FPLS under Section 6103 of the Internal Revenue Code and 42 U.S.C. § 653(l), as the office did in 2011 when considering the permissibility of GAO's access?
 - a. If so, please produce these documents.
 - b. If any legal analysis was conducted or discussed, please produce the written documents and/or correspondence.
6. There are multiple components that make up the national child support database known as the FPLS. Please detail which components of the FPLS that DOGE, or any individuals or entities operating under the direction of DOGE, had access to and currently has access to (as of April 10, 2025) and whether there are any limitations.
7. Some programs and agencies have DOGE "liaisons." Are there any individuals who have had access to the FPLS or currently have access to the FPLS (as of April 10, 2025) who are sole DOGE employees?
 - a. If so, please list the training(s) that DOGE employees underwent prior to receiving FPLS access.
8. What type of access did or do (as of April 10, 2025) DOGE employees, or any individuals or entities operating under the guise or direction of DOGE (including such individuals who may have been onboarded to HHS and received a federal agency or departmental email address) have to each component of the national child support database?
 - a. Please provide a list of individuals who had or have (as of April 10, 2025) access beyond read-only access.

- b. If any portions of the FPLS or its data have been edited, modified, deleted, or moved by DOGE since January 20, 2025, please describe those changes.
 - c. For each component, were any individual query searches performed by DOGE?
 - i. If so, what were the keyword searches?
- 9. Have any data points or fields from the FPLS been downloaded or exported by DOGE, or any individuals or entities operating under the direction of DOGE, since January 20, 2025?
 - a. If so, please describe the purpose of this data exportation.
 - b. If so, please describe how this data is being used outside of the FPLS.
 - c. If so, please describe who has access to this data.
 - d. If so, please describe where this information is being held.
 - e. If so, please describe how this information is being protected.
 - f. If so, were any private or commercial servers connected or integrated into FPLS to review, edit, modify, access, delete, move, or otherwise change data?
- 10. Have DOGE, or any individuals or entities operating under the direction of DOGE, used any artificial intelligence (AI) tools, including machine-learning algorithms or large-language models, on any portion of the FPLS?
 - a. If so, please describe the AI tools that were used and their purpose.
- 11. Have DOGE, or any individuals or entities operating under the direction of DOGE, used any of the data from the FPLS for any AI tool development, including as training weights?
- 12. Have DOGE, or any individuals or entities operating under the direction of DOGE, disclosed any of the sensitive, personally-identifiable information in the FPLS to any unauthorized persons at federal agencies since January 20, 2025?
- 13. Have DOGE, or any individuals or entities operating under the direction of DOGE, disclosed any of the sensitive, personally-identifiable information in the FPLS to any unauthorized persons outside the federal government since January 20, 2025?
- 14. Please confirm whether data contained within the FPLS has been shared with the following government agencies by OCSS or DOGE since January 20, 2025, and, if so, for what purpose and the extent of the data shared:
 - a. The Department of Commerce?
 - b. The Department of Defense?
 - c. The Department of Energy?
 - d. The Department of Homeland Security?
 - e. The Department of Housing and Urban Development?
 - f. The Department of Justice?
 - g. The Department of Labor?
 - h. The Department of Transportation?
- 15. In order to receive access to the NDNH, an agency is required to enter into a Memorandum of Understanding (MOU) or Computer Matching Agreement (CMA). While not an agency, did DOGE enter into such an agreement with OCSS?
 - a. If so, please provide a copy of this signed document.
- 16. In order to receive access to the NDNH, an agency is required to sign a security addendum, which sets out the security requirements and safeguards an agency must have in place to receive NDNH information. While not an agency, did DOGE sign a security addendum with OCSS?

- a. If so, please provide a copy of this signed document.
17. 42 U.S.C. § 653(l) requires the imposition of an administrative penalty and a fine for each act of unauthorized access to, disclosure of, or use of, information in the NDNH. What enforcement steps has HHS initiated related to this, or other, unauthorized access to, disclosure of, and use of information in the NDNH since January 20, 2025?
18. Given that both the SSA and the IRS have determined that FPLS is not reliable enough to be used for novel purposes, please explain why they believe the data is inaccurate, provide an updated estimate of its accuracy, and explain whether and how you plan to improve the accuracy of this data?
19. What steps are being taken by HHS to prevent DOGE, or any individuals or entities operating under the direction of DOGE, from utilizing personally-identifiable information for political purposes?

Sincerely,



Ron Wyden
United States Senator
Ranking Member, Committee
on Finance



Sheldon Whitehouse
United States Senator



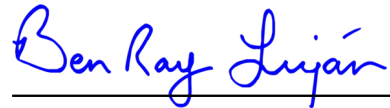
Catherine Cortez Masto
United States Senator



Elizabeth Warren
United States Senator




Bernard Sanders
United States Senator



Ben Ray Luján
United States Senator



Peter Welch
United States Senator



Tina Smith
United States Senator