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ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

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October 22, 2013

Mr. John Stratton
Verizon Enterprise Solutions
1320 North Court House Road
Arlington, VA 22201

Dear Mr. Stratton:

The House Oversight and Government Reform Committee is conducting oversight of the ongoing problems related to HealthCare.gov following its October 1, 2013, launch. The Committee seeks your company's cooperation in an effort to obtain important information about the problems plaguing HealthCare.gov and efforts to address those problems that the Administration has so far refused to divulge.

The Department of Health and Human Services (HHS), whose component agency the Center for Medicare and Medicaid Services (CMS) is the lead integrator on the HealthCare.gov project, wrote in an October 20, 2013, blog post that the agency will solicit additional help from outside organizations and individuals:

> Our team is bringing in some of the best and brightest from both inside and outside government to scrub in with the team and help improve HealthCare.gov.[1]

HHS has dubbed this effort the "tech surge."[2] In an October 21, 2013, statement to the media, White House Press Secretary Jay Carney provided some additional details:

> These are additional contractors as well as a few experts who are part of the Presidential Innovations Fellows program, which was started by the President in his first year -- rather, his first term -- and it pairs top innovators from the private sector, nonprofits and academia with top innovators within government to collaborate.[3]

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[1] "Doing Better: Making Improvements to HealthCare.gov," HHS.gov Digital Strategy (Oct. 20, 2013) *available at* http://www.hhs.gov/digitalstrategy/blog/2013/10/making-healthcare-gov-better.html
[2] *Id.*
[3] White House Press Briefing by the Press Secretary (Oct. 21, 2013) *available at* http://www.whitehouse.gov/the-press-office/2013/10/21/press-briefing-press-secretary-10212013

On the same day, President Obama indicated the Administration had already engaged those additional contractors:

> Experts from some of America's top private-sector tech companies who, by the way, have seen things like this happen before, they want it to work. They're reaching out. They're offering to send help. We've had some of the best IT talent in the entire country join the team. And we're well into a "tech surge" to fix the problem.[4]

Despite the President's assertion that "we're well into a 'tech surge'" neither the White House nor HHS is providing additional details about which private sector companies have been engaged or whether they are being engaged through the appropriate procurement processes. Your company has, however, been prominently mentioned in public discussion related to HealthCare.gov.[5] To help shed light on whether or not Verizon Enterprise Solutions is indeed one of the "tech companies" to which President Obama alluded in his remarks and other concerns, we request that you provide the following information and documents to the Committee no later than October 25, 2013:

1. Please indicate in writing whether the administration or any entity working on the HealthCare.gov project has been in contact with your company regarding technical problems related to the implementation of the Affordable Care Act since October 1, 2013. If so, please describe the nature of these contacts and a specific description of any and all problems brought to your attention.

2. Please provide all documents and communications referring or relating to any contact that you or any employee of your company has had with CMS, HHS, the Office of Management and Budget, or the Executive Office of the President between October 1, 2013, and the present referring or relating to HealthCare.gov or the implementation of the Affordable Care Act.

3. Please provide all documents and communications referring or relating to any contact that you or any employee of your company has had with any company contracted to work on HealthCare.gov or the implementation of the Affordable Care Act between October 1, 2013, and the present referring or relating to HealthCare.gov or the implementation of the Affordable Care Act.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may "at any time" investigate "any matter" as set

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[4] Remarks by the President on the Affordable Care Act (Oct. 21, 2013) *available at* http://www.whitehouse.gov/the-press-office/2013/10/21/remarks-president-affordable-care-act

[5] Barr, Alistair; "HHS brings in Verizon to help HealthCare.gov" *USA Today* (Oct. 22, 2013) *available at* http://www.usatoday.com/story/news/nation/2013/10/21/verizon-hhs-healthcare-site-fix/3144761/

forth in House Rule X. An attachment to this letter provides additional information about responding to the Committee's request.

When producing documents to the Committee, please deliver production sets to the Majority Staff in room 2157 of the Rayburn House Building and the Minority Staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive documents in electronic format.

If you have any questions about this request, please call Rich Beutel or Brian Blase of the Committee staff at (202) 225-5074. Thank you for your prompt attention to this important matter.

Sincerely,

Darrell Issa
Chairman

Enclosure

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

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Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,

CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been

located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Schedule Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.