

COMMITTEE ON
**SCIENCE, SPACE, AND
TECHNOLOGY**
CHAIRMAN LAMAR SMITH



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Statement of Oversight Subcommittee Chairman Paul Broun (R-Ga.)
Business Meeting to Consider Issuance of Subpoenas

Chairman Broun: Good afternoon and thank you all for fitting this business meeting into your very busy schedules.

We are here today to discuss and vote on a two-prong subpoena against a senior-level member of the Administration, Mr. Todd Park, the former United States Chief Technology Officer.

The Committee has invited Mr. Park to testify before us on five different occasions on his knowledge of privacy and security matters relating to the Affordable Care Act website, HealthCare.gov. We have written directly to Mr. Park, as well as the Director of the Office of Science and Technology Policy, but to no avail. The Committee's concerns about HealthCare.gov are well known, as we have held two hearings since the website's botched launch last October. Additionally, recent reports about a successful hack of the website have further raised the stakes on the need to ensure Americans who log on to HealthCare.gov later this year are safe from cyber criminals.

The main reason for Mr. Park's refusal to testify, based on our correspondence with OSTP, has been that: "OSTP has not been substantially involved in the privacy and security standards for HealthCare.gov. Thus, neither Mr. Park nor any other OSTP staff member is in a position to testify on the data security standards of the website."

OSTP correspondence also referenced Mr. Park's testimony before the Committee on Oversight and Government Reform last November, where, in response to questions from Members, Mr. Park stated:

- "I don't actually have a really detailed knowledge base of what actually happened pre-October 1. I don't know what levers were available. So I would hesitate to make any point now."
- "I am not even familiar with the development and testing regimen that happened prior to October 1. So I can't really opine about that."

However, the Committee – both the Majority and the Minority – has in its possession documents that appear to contradict much of what Mr. Park said in his prior congressional appearance, as well as, in what has been explained to this Committee in correspondence from OSTP.

Let me read from a couple of the documents:

- In a June 26, 2013 e-mail from Mr. Park to Ms. Marilyn Tavenner, CMS Administrator, Ms. Michelle Snyder, former CMS Chief Operating Officer, and Mr. Henry Chao, CMS Deputy Director of Office of Information Services, Mr. Park writes: "Marilyn, I'm also going to visit with Henry and team

for one of our evening deep-dive sessions to get up to speed on the latest status of IT and testing – during the week of July 8.”

- In a July 25, 2013, e-mail from Mr. Chao to Mr. Park, with several people carbon copied, Mr. Chao writes: “Todd, if you recall we had agreed to provide you a walk through and demo of the online application in its current form so you can get a chance to peek under the covers of hc.gov. Michelle mentioned you contacted her about this and that I should follow-up with you to schedule this walk through.”

The Committee did not receive these documents from OSTP, despite requesting them in a letter last December. That is one part of the reason for today’s meeting. It is inexcusable for an agency, of which this Committee has complete jurisdiction, to not provide records from a request made nine months ago. The other reason for today’s meeting is that it would certainly appear, upon reading the contents of some of the e-mails, that Mr. Park has more knowledge about the website than either he or OSTP has represented to Congress.

We have made every effort to invite Mr. Park to testify, going so far as to schedule a briefing offered by Mr. Park for Oversight Members. In a disappointing turn of events, that briefing was cancelled the evening before it was scheduled to take place when OSTP was informed that it would be transcribed.

I find OSTP’s lack of transparency and accountability to be intolerable. In order to be effective in its oversight of the federal government, the Committee needs access to the documents and people it deems important to issues under its jurisdiction. Any obstruction of the Committee’s ability to carry out those responsibilities should be responded to in as strong a manner as required.

I urge all my colleagues to support today’s resolution, and I now recognize my good friend from New York, Ranking Member Maffei for his statement.