

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF SCIENCE AND TECHNOLOGY POLICY  
WASHINGTON, D.C. 20502

November 6, 2013

The Honorable Darrell Issa  
Chairman  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Issa:

I am writing in response to your November 5, 2013, invitation to Todd Park to testify at a hearing before the Committee on Oversight and Government Reform next Wednesday regarding the development of the healthcare.gov website. As you know, OSTP has been engaged in constructive exchanges with you and your staff about balancing congressional requests for information about healthcare.gov against the need to focus on improving the website as quickly as possible. We share a common, paramount goal: to ensure, as you have said, that the Administration “can fix this [website] and fix it quickly.”<sup>1</sup> To that end, I want to make clear that, at the appropriate time, Mr. Park is open to testifying at a hearing before your Committee and to providing an appropriate pre-hearing briefing for you and your staff. However, because Mr. Park is currently occupied full time on the critically important work of improving the website for the millions of Americans seeking affordable health insurance options, his testimony needs to be scheduled at a time that is less disruptive to that work.

OSTP and OMB summarized in an October 30 letter to you the substantial time and resources that the Administration has devoted to accommodating congressional requests for information regarding implementation of the Federally Facilitated Marketplace. These efforts bear repeating, especially in light of the additional steps that have been taken even since the date of that letter. In the last two weeks, for example, Secretary Sebelius testified before both the Senate Finance and House Energy and Commerce Committees. The Secretary has now appeared six times before Congress to discuss implementation of the Affordable Care Act. Similarly, the Centers for Medicare & Medicaid Services (CMS) Administrator Marilyn Tavenner appeared twice before Congress in the last two weeks to testify before the Senate HELP and House Ways and Means Committees. CMS officials have appeared in multiple hearings before your Committee to discuss the agency’s efforts to stand up the Marketplaces. In addition to these hearings, I understand that senior HHS and CMS officials have participated in a number of congressional briefings on the development of healthcare.gov since the launch of the marketplace.

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<sup>1</sup> Rep. Darrell Issa, CBS Face the Nation, 10/27/13: “I hope for the American people that they can fix this and fix it quickly.”

The same effort to comply with legitimate oversight interests holds true with regard to recent requests for information from your Committee specifically, which have been directed at those officials and agency employees who are actively involved in the website improvement effort. According to press reports, a CMS employee who is part of the larger CMS team that is working on the website agreed to participate in a transcribed interview and answered questions from your staff for over nine hours last Friday. I understand that additional CMS officials are scheduled to brief your staff this week. Moreover, I understand that the United States' Chief Information Officer, Steven VanRoekel, made himself available for a briefing with your staff just this Monday—notwithstanding his involvement in aspects of the website repair effort—and stayed for nearly two hours until he exhausted the questions staff sought to ask. I trust that these efforts to provide information to you and to Congress have been helpful and have already addressed a number of questions that may have arisen after the launch of healthcare.gov.

As explained in our October 30 letter, Mr. Park is central to the work to improve the healthcare.gov shopping experience as quickly as possible, and he is devoting nearly all of his attention and expertise to assisting CMS in that critical effort. Pulling him away from that work even for a short time at this stage would be highly disruptive and would risk slowing the progress that has been made thus far to fix identified issues with the website. As all understand, appearing at a hearing before Congress is not a matter to be taken lightly, nor one that requires simply showing up on the appointed day. Rather, substantial preparation is required to draft and review written testimony, and to be ready, to the extent possible, to respond to questions on a variety of topics.

In light of the above, all parties would be best served by scheduling Mr. Park's appearance before the Committee at a date certain in the first two weeks of December. Most critically, it would permit Mr. Park's intensive work on improving healthcare.gov during this critical period to continue unabated. Further, as CMS has stated, healthcare.gov is expected to be functioning far better for the vast majority of users by the end of November; therefore, the demands on Mr. Park's time should be diminishing by that time. Finally, if Mr. Park were to appear as a witness at a hearing scheduled one week from today, it would be difficult for him to devote the time and attention that he wants to give to prepare to address the various questions that the Committee may have.

Notwithstanding this, OSTP is willing to continue conversations with your staff about making Mr. Park available for an informal briefing for your staff before the end of the month. Your staff expressed interest in such a briefing to help bring greater clarity to expectations and topics to be discussed at any hearing. The scheduling constraints imposed by Mr. Park's ongoing work on healthcare.gov preclude him from appearing for such a briefing in the next two weeks, but I am confident that we could arrive at a mutually agreeable time before the end of the month for a briefing on terms similar to those that applied to Mr. VanRoekel.

Thank you again for your invitation. OSTP looks forward to continuing to work with the committee to find a mutually agreeable date in December for Mr. Park's testimony. In the meantime, we will continue to work with your staff regarding the request for a briefing in an effort to accommodate any immediate interest in information regarding the status of the website

improvement effort. And most importantly, we continue to look forward to working with the Committee to ensure healthcare.gov works better for everyone.

Sincerely,

A handwritten signature in black ink that reads "Donna M. Pignatelli". The signature is written in a cursive style with a large initial 'D'.

Donna M. Pignatelli  
Assistant Director for Legislative Affairs

cc: The Honorable Elijah E. Cummings  
Ranking Minority Member  
Committee on Oversight and Government Reform