

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

November 8, 2013

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

Dear Chairman Issa:

I again write on behalf of the Office of Science and Technology Policy (OSTP) in response to your most recent letter regarding Chief Technology Officer Todd Park's willingness to testify at a hearing before your Committee. Given that OSTP has assured you that it is not a question of whether Mr. Park will testify, but rather a question of when, your letter unfairly characterizes OSTP's efforts to work with the Committee to schedule an appearance from Mr. Park as a "refusal to testify." It goes on to threaten Mr. Park with a subpoena despite acknowledging that he is actively "playing a role in the effort to improve the [healthcare.gov] website." Such a quick rush to a confrontational approach without any effort at accommodating Executive Branch interests is disheartening. Your insistence that Mr. Park appear at this critical juncture—with no justification for why he must testify next week—would divert resources from the important task now at hand: to do all we can to improve healthcare.gov as quickly as possible. We have offered to make Mr. Park available early next month, and notwithstanding your latest letter, we hope that you will agree to schedule Mr. Park's appearance at a time that poses a lesser risk of slowing the progress being made to improve healthcare.gov.

As you know, OSTP and OMB wrote to you on October 30 and outlined the substantial efforts the Administration has already made to provide Congress with information concerning the implementation of the Federally Facilitated Marketplace (FFM). We informed you that Mr. Park was currently assisting CMS in the ongoing and critically important efforts to quickly improve the healthcare.gov website. We offered to work with the Committee to accommodate its interest in obtaining additional information about the effort to improve the website, but we explained that Mr. Park was (and remains) working full time on the project to improve the website by the end of November.

OSTP was surprised to receive, in response, a November 5 letter from you requesting that Mr. Park testify at a hearing that you opted to schedule only eight days later, on November 13. At that time, I wrote again and reiterated that Mr. Park was actively engaged in the critically important work of improving the website. I suggested that we could satisfy the interest of all parties by scheduling Mr. Park's appearance at a date certain early next month. Further, I explained that if the Committee had any more immediate interest obtaining information about healthcare.gov, we were willing to discuss making Mr. Park available for a limited briefing for your staff before the end of this month.

These efforts to accommodate your interest in hearing from Mr. Park were rebuffed and met instead with a subpoena threat in your letter yesterday. You explained that the Committee feels it has a duty to conduct oversight of the Executive Branch, but conspicuously absent from your letter was any statement or justification that would explain the legislative need to compel Mr. Park to appear next week as opposed to a few weeks from now. OSTP is left to wonder why you would demand Mr. Park appear on November 13, knowing that doing so is more likely to hurt rather than help the goal of fixing the website as soon as possible.

I know that this Office would like to count you as a partner in the ongoing efforts to improve the FFM shopping experience. Threatening the use of subpoenas to pull experts like Mr. Park away from that project will not help those efforts. There will be ample time to analyze why the technology behind the website did not perform well initially, and whether there are any lessons learned for Federal IT acquisition policy that Congress may want to address. Mr. Park is not going anywhere. OSTP urges you to choose cooperation over confrontation—to work with us to improve healthcare.gov for everyone and arrive at a mutually agreeable date for Mr. Park's testimony.

Sincerely,

A handwritten signature in dark ink, appearing to read "Donna M. Pignatelli". The signature is fluid and cursive, with the first name "Donna" being more prominent and the last name "Pignatelli" following in a similar style.

Donna M. Pignatelli
Assistant Director for Legislative Affairs

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