

OPENING STATEMENT

Rep. Eric Swalwell (D-CA)
Committee on Science, Space, and Technology

Oversight Subcommittee Hearing

"The Role of the White House Chief Technology Officer in the HealthCare.gov Website Debacle"

November 19, 2014

Mr. Chairman, first, I would like to take a moment to thank you for your service. You served two years as Ranking Member and four years as Chairman. During your tenure, you have always conducted your chairmanship with generosity and great courtesy. While we have not always seen eye-to-eye on the matters before the Subcommittee, no Member on this side of the aisle has ever had reason to complain about the way you have conducted yourself, and that has gone a long way towards keeping relations civil and even cordial in the midst of disagreement. Thank you.

Today may be a day of disagreement, but I sincerely believe that if you conduct this hearing as fairly as you have your past hearings, that we will all emerge with a clear understanding of what Mr. Park did and did not do related to HealthCare.gov.

Fairness is particularly important because this hearing has the feel of a trial. The only witness before us is Mr. Park. The title of the hearing implies that we are going to examine his involvement in the development of the Healthcare.gov website. Most significantly, a staff report released by you and Chairman Smith on October 28 functions as a prosecutor's memorandum that makes very damning allegations regarding Mr. Park's honesty before the Committee on Oversight and Government Reform and Dr. Holdren's candor in his replies to this Committee regarding Mr. Park's involvement in cybersecurity. As a former prosecutor, I believe that the allegations you have made against Mr. Park could place him in legal jeopardy. He deserves a chance to tell his story and put these allegations to rest, and I believe he can do that.

Mr. Park is a successful entrepreneur in the IT world who took a break from developing successful companies to come to Washington, D.C. to help the government and the country think of creative ways to use information technology to improve our economy and address important social problems.

He is a patriot and the son of immigrants who have played their own role in keeping the American economy vibrant and expanding. Mr. Park's parents are here today. Mr. Park's wife is here today. Mr. Park's pastor is here today as well as friends from the IT business world. I mention this to remind all the Members to not confuse their feelings towards the Affordable Care Act with Mr. Park as a person. He served the public and did his best and should be thanked for his contributions. In fact, Mr. Park has returned to the Bay Area and is attempting to recruit other bright, innovative stars from the IT world to come to Washington and take a few years to try to make a difference for the good of the country. Good luck with that message after today, Mr. Park.

I have reviewed a Minority staff report, which I ask be made part of the record, built on a complete review of the documents produced by the White House. The staff make a very strong argument, supported by White House documents, that Park did not have deep, direct, or intimate involvement in any of the work of developing the on-line marketplace launched on October 1, 2013 or the cybersecurity standards and techniques used for the site.

If he was playing such a role, there should be monthly progress reports from contractors that show progress against deliverables and requirements, costs of work, a critical path analysis that identifies where problems threaten a successful launch and discussion of the integration process for the site across an army of contractors on the project. None of those documents have been produced because he was not the day-to-day manager on the project. Nor are there the kind of documents that the contractors doing the actual work would possess—which would include discussion of code, performance and testing results. Those documents can be found at CMS, which managed this complex acquisition, and among the contractors, who did the work, but not in Todd Park's records.

The records that did come to us make it very clear what he was doing: He acted to gather information when the White House had questions about the project and he acted to help CMS find resources when they asked for help from the White House. 90% of the records fall into one category or the other. Gathering information for the boss or to use as a spokesman or providing assistance to the actual managers sounds more like the kind of work our Legislative Assistants and Committee staff do than that of people deeply involved in a project. The record shows Park was not in charge of anything, and what he did do on healthcare.gov was about information aggregation or assistance at the request of others.

There is another missing element in the records the Committee has received from the White House: the thousands of pages of records related to Mr. Park's full time job as Chief Technology Officer of the United States. Because we only requested records related to HealthCare.gov, it is easy to lose sight of the fact that his very limited work on Healthcare.gov was coming while he did a wide-ranging job as CTO.

Park's job was about trying to push technology throughout all levels of the country to improve our competitiveness and quality of life. As just one example, he drove an initiative to find innovative methods to use IT and big data to combat human trafficking. I don't think there is any Member who favors human trafficking—that is about as non-partisan an initiative as you can get. Park was working, full time, in a much wider swath of issues and areas than healthcare.gov. Members should never lose sight of that and get tunnel vision about Park simply because we have such a narrow set of records.

I believe that if Mr. Park is given a fair chance to answer questions here today, that Members on both sides of the aisle will conclude that Park was not a principal actor in the development of HealthCare.gov prior to October 1, 2013 and had no role in developing cybersecurity standards or techniques for the web site. Mr. Park, I am going to apologize to you now for the way you have been treated, and I am hopeful that you will get apologies from the Chairman by the end of this hearing.