

Ranking Member Bennie G. Thompson (D-MS)
Committee on Homeland Security
Statement for the Record

Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technology

Joint hearing with Committee on Oversight and Government Reform Subcommittee on
Energy Policy, Health Care and Entitlements:

***“Evaluating Privacy, Security, and Fraud Concerns with ObamaCare’s Information
Sharing Apparatus”***

2154 Rayburn House Office Building - Wednesday, July 17, 2013

President Obama signed the Affordable Care Act (ACA) in the East Room of the White House on March 23, 2010.

That act called for the federal government to operate health care insurance marketplaces and develop a complex computer web-based service that will allow millions of Americans access to affordable health care.

Creating this web-based system will require the Federal government to collect and use the personal information of millions of our citizens in a responsible and confidential way.

These computer systems must safeguard the Personal Identifying Information of the millions of people who will sign up to purchase health care under the ACA.

Our constituents want assurances that if these systems are breached and personal information is hacked, the government will act quickly to inform the public about the extent of the breach and the corrective actions taken.

The public has a right to expect these protections. And I am happy to report that these protections are in the law.

So if the law provides safeguards to protect the personal identifying information of the people who enroll in the system, why are we here today?

What can we learn about the safeguards before the system has been completed?

We can ask whether, at this point, there are any known risks or weaknesses in the system.

And that is why I asked GAO to appear at this hearing. In June, GAO issued a report that clearly stated that this system is not finished.

GAO said that the part of the system that is the responsibility of the federal government appears to be on schedule.

Unfortunately, GAO also found that there are actions that the states must take along with the Federal government. Those actions are lagging behind.

So, if we are concerned about the actions that may compromise the efficacy of this system, I would suggest that we hear testimony from the representatives of those states that lag behind. They need to explain why they have agreed to establish exchanges but have failed to take the necessary actions.

And we need to find out whether these states need additional help to complete their part of this complex system. In other words, we need to do oversight that seeks solutions and improves the working of government. Because that is what the people sent us here to do.

We do not need to conduct the kind of oversight that seeks to instill irrational fears for political gain.

We need to be clear. At this point there is no evidence that this system is being constructed in a way that would allow anyone's personal information to be lost or stolen.

However, we do know that computer systems get hacked every day. And when those systems are hacked, responsible companies alert their customers, find the problem and make corrections. And we must be certain that the Federal government does the same thing with this computer system.

It would be irrational to use the mere possibility of breach to stop the efforts to construct this web-based system. We would not call for the abandonment of on-line shopping simply because the credit card company gets hacked.

A few months ago, the Federal Reserve got hacked. No one called for the closing of the federal monetary system.

And why not? Because we all know that Hacking Happens.

It is not my intention to downplay the significance of hacking. We all know that the threat is real and to be the victim of identity theft or similar crimes can be devastating. The solution is not to shut down all the computers and go home. The sound course of action is to build a safe and secure system with constant monitoring that is responsive and accountable.

Of course we can choose not to follow a sound course of action. I think that leaves us two options. One option is to walk away from millions of Americans who need affordable health insurance. We could give up because it is hard and it has risks. But something about that doesn't seem American to me.

The second option is to be like our friends in Russia. Because the government fears hackers, they have recently announced that some government agencies will switch from using computers to using typewriters and paper files. That doesn't seem like progress to me.

This country must continue moving forward.

We are going to hear testimony today about the efforts that the Centers for Medicare and Medicaid Services have made to construct this system. At this point in the process, much work has been done and much remains to be done.

I look forward to hearing about the challenges of this system and learning about what Congress should do to assure that the Executive Branch is able to implement this law passed by us and ruled constitutional by the Supreme Court.

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