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March 3, 2016

VIA ELECTRONIC TRANSMISSION

Lt. Gen. Nadja West
The Surgeon General and Commander, US Army Medical Command
7700 Arlington Blvd.
Falls Church, VA 22042-5140

Dear Lieutenant General West:

I write with concern regarding reports received by my office of a potential threat to public safety as a result of alleged reprisal against a whistleblower within the U.S. Army Medical Command (MEDCOM).

According to information obtained by my office, in 2015, the Department of Defense Office of the Inspector General (DoD OIG) conducted an investigation of Department of Defense Chemical Nuclear and Biological facilities. During that investigation, the DoD OIG received reports that certain routine inspections—including Army MEDCOM inspections—of containment laboratories did not improve lab safety and in fact had failed to address key problems within certain Biosafety Level 3 laboratories. Following DoD OIG's investigation, individuals within the MEDCOM chain of command allegedly removed a civilian physician employee they suspected of cooperation with the DoD OIG to an offsite office with a non-working phone and prohibited the physician's contact with other staff. This physician is reportedly responsible for evaluating the health and safety of hundreds of biocontainment workers who conduct research within Biosafety Level 3 and 4 laboratories on pathogens such as anthrax, plague, and Ebola.

It is my understanding that this physician, among other things, must clinically assess any potential exposures that occur in the course of the researchers' work, as a result of any mishaps or problems with the workers' protective gear. It is also my understanding that, while this physician remains idled, there is no one available with

the necessary experience and training to oversee appropriate risk assessment or treat potentially exposed workers and thus minimize any possible spread of an inadvertently released pathogen.

This situation is precisely what the federal laws protecting whistleblowers are designed to prevent. Federal employees are required to disclose potential wrongdoing, so that agencies may address it. Ignoring those disclosures and punishing the whistleblower for making them only allows those problems to fester and flourish. In no case is this more troubling than when disclosures involve potential threats to public health and safety, like those at issue here. Thus federal law protects employees who report information that they reasonably believe demonstrates “any violation of any law, rule, or regulation,” or “gross management, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.”¹ Moreover, federal agencies may not “take or fail to take, or threaten to take or fail to take, any personnel action against any employee” for “cooperating with or disclosing information to the Inspector General of an agency.”²

I bring this matter to your attention so that you may take appropriate action to address any public health concerns associated with this matter and cease any inappropriate reprisal actions taken by individuals within your command. Additionally, please provide written responses to the following questions by Thursday, March 17, 2016:

1. Please describe the steps you will take to assess and remedy the public health concerns presented in this letter.
2. Please provide any and all applicable policies related to cooperation by individuals under your command with DoD OIG investigations and audits, and to reporting public health and safety concerns and potential wrongdoing within MEDCOM.
3. Please describe in detail what steps you will take to review MEDCOM's reported acts of reprisal in this case.
4. Please describe in detail MEDCOM's response to the DoD OIG evaluation of biocontainment facilities and related safety and inspection processes.

¹ 5 U.S.C. § 2302(b)(8).

² 5 U.S.C. § 2302(b)(9).

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: Patrick J. Murphy
Acting Secretary of the Army
United States Army

Glenn A. Fine
Acting Inspector General
U.S. Department of Defense

The Honorable Carolyn N. Lerner
Special Counsel
U.S. Office of Special Counsel

The Honorable Patrick J. Leahy
Ranking Member
Committee on the Judiciary