

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

September 1, 2015

Mr. Gregory Demske, Esq.
Chief Counsel
Office of Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Mr. Demske:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Tuesday, July 28, 2015, to testify at the hearing entitled "Continuing Concerns with the Federal Select Agent Program: Department of Defense Shipments of Live Anthrax."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

Also attached are Member requests made during the hearing. The format of your responses to these requests should follow the same format as your responses to the additional questions for the record.

To facilitate the printing of the hearing record, please respond to these questions and requests with a transmittal letter by the close of business on September 15, 2015. Your responses should be mailed to Jessica Wilkerson, Oversight Associate, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to jessica.wilkerson@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

cc: Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachments

Attachment 1—Additional Questions for the Record

The Honorable Michael C. Burgess

1. The OIG reported to the committee that the U.S. Army Medical Research Institute of Infectious Disease (USAMRIID) had the third-most referrals from the CDC for potential FSAP enforcement, with three, and that Dugway also has three CDC referrals. According to that referral list, the CDC, the NIH, and USAMRIID had the most referrals in the FDAP.
 - a. What does it say to you that these leading federal agencies in handling select agents had the most referrals?
 - b. Do you think that this reflects well on the OIG enforcement discretion policy of not imposing civil monetary penalties on federal government agency entities?

The Honorable Susan Brooks

1. This event shows us is that we need to not only solve these problems from a managerial level, but be prepared to respond appropriately if these do fall into the wrong hands.
 - a. Absent a strong commitment from the federal government to partner with the private sector on MCM development and procurement, do you believe the federal government is capable of acquiring the MCMs needed to protect the United States against threats like anthrax, smallpox, or Ebola?

Attachment 2—Member Requests for the Record

During the hearing, Members asked you to provide additional information for the record, and you indicated that you would provide that information. For your convenience, descriptions of the requested information are provided below.

The Honorable Michael C. Burgess

Please explain what OIG is doing to consider providing the same civil monetary penalties to federal labs or agencies that non-federal labs would face if they committed the same violations.

The Honorable Richard Hudson

Please provide a summary of the existing tools that CDC has that would allow it to better oversee and take corrective actions against labs that commit violations.