

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

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<http://oversight.house.gov>

October 3, 2017

Lt. General Nadja Y. West
Surgeon General of the U.S. Army and
Commanding General, U.S. Army Medical Command
HQDA, Office of the Surgeon General (Army)
7700 Arlington Boulevard, Suite 112
Defense Health Headquarters (DHHQ)
Falls Church, VA 22042

Dear Lt. General West:

I write regarding an Army contract award (W81XWH12PO497) for a Tactical Mechanical Tourniquet (TMT) and the existing Combat Application Tourniquet (CAT). The CAT is part of the Individual First Aid Kit issued to every soldier and has proven effective at saving soldiers' lives on the battlefields of Iraq and Afghanistan. In 2005, the Army introduced the CAT and since then, the mortality rate due to exsanguination decreased by a reported 85 percent.¹ The U.S. Army Institute of Surgical Research named the CAT one of the Army's 10 Greatest Inventions.² Last year, the Army introduced an updated version 7 of the CAT.³

In light of the CAT's effectiveness, it is unclear why the Army made a contract award to pursue alternatives, at an estimated cost of \$291,281 to taxpayers.⁴ In briefings, Army officials neither demonstrated a need for an alternative to the CAT nor a deficiency in the CAT's performance to justify the costs of developing and procuring the TMT. This raises questions about how and why the Army would make this award when there is no evidence of a publishing capability gap that the CAT fails to satisfy. Documents and information obtained by the Committee raise concerns related to the process for awarding the TMT contract. The Army may have also provided inaccurate information to Congress in response to our initial questions.

¹ Matthew L. Schehl, *Army, Marines Field Next-Generation Tourniquet*, ARMYTIMES, Oct. 16, 2016, available at <https://www.armytimes.com/off-duty/gearscout/2016/10/16/army-marines-field-next-generation-tourniquet/>.

² *Tourniquet Named as Army Great Invention*, 4 THE POINT: A NEWSL. FOR U.S. ARMY MED. RES. & MATERIAL COMMAND, Oct. 2006, at 1-2 available at <http://mrmc.amedd.army.mil/assets/docs/Point/Point1006.pdf>.

³ *Army Debuts New Combat Tourniquet*, MIL. REPORT, Oct. 24, 2016, <http://www.military.com/military-report/army-debuts-new-combat-tourniquet.html>.

⁴ U.S. Army, Responses to Congressional Questions from June 22, 2017, Congressional Staff Briefing regarding Tourniquets (on file with the Committee).

Army officials briefed my staff on June 22, 2017.⁵ Unfortunately, the officials who provided the briefing were unable to answer key questions. Information provided subsequent to the briefing has been insufficient for the Committee to understand how and why the Army moved forward with the TMT contract. Documents provided to the Committee indicate the Army took personnel actions against several officials who were involved in the TMT contracting process. The documents did not make clear why those personnel actions were taken.

To assist the Committee in understanding the process leading up to and following this contract award as it relates to the CAT and TMT, please provide the following documents and information as soon as possible, but no later than October 18, 2017:

1. All documents and communications referring or relating to contract W81XWH12PO497, including, but not limited to, those referring or relating to acquisition planning, market research, proposals, evaluations, contracting officer award decision, applicable determinations and findings, performance reports, payments, and the complete contract file.
2. All documents and communications referring or relating to CAT capability testing, identification of capability gaps, continual evaluation results/improvement, and costs, since January 1, 2011.
3. All documents and communications referring or relating to efforts to reevaluate and replace the CAT.
4. All documents and communications referring or relating to the TMT, including, but not limited to, those referring or relating to development, testing, procurement (including decision documentation), or patents.
5. All documents and communications referring or relating to TMT patents and/or the Medical Support Systems Program Management Office, including, but not limited to, communications to or from retired patent holders.
6. All documents and communications referring or relating to USA Individual First Aid Kit updates and limb tourniquets for the period January 1, 2016, to January 31, 2017.
7. All documents and communications referring or relating to personnel actions against individuals for their role in the evaluation of TMT or the decision to replace the CAT and award the TMT contract.

⁵ June 22, 2017 Army Briefing to Congressional Staff on Tourniquets (Rep. Wilson and staff, Senator Graham staff and House Oversight and Government Reform Committee staff in attendance),

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8. All documents and communications referring or relating to capability/cost benefit analysis comparing the CAT and TMT.
9. All documents and communications referring or relating to limb tourniquets between and among staff in the Non-Commissioned Officer In Charge, Concept and Capabilities Division, and Capabilities, Development, Integration Directorate from January 1, 2010, to January 31, 2017.

An attachment to this letter provides additional instructions for responding to the Committee's request. Please contact Julie Dunne of the Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Trey Gowdy

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.

**COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
115TH CONGRESS**

NOTICE OF APPEARANCE OF COUNSEL

Counsel submitting: _____

Bar number: _____ **State/District of admission:** _____

Attorney for: _____

Address: _____

Telephone: (_____) _____ - _____

Pursuant to Rule 16 of the Committee Rules, notice is hereby given of the entry of the undersigned as counsel for _____ in (select one):

All matters before the Committee

The following matters (describe the scope of representation):

All further notice and copies of papers and other material relevant to this action should be directed to and served upon:

Attorney's name: _____

Attorney's email address: _____

Firm name (where applicable): _____

Complete Mailing Address: _____

I agree to notify the Committee within 1 business day of any change in representation.

Signature of Attorney

Date