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## United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

May 2, 2022

President Joseph R. Biden Jr.  
The White House  
1600 Pennsylvania Ave N.W.  
Washington, D.C. 20500

Dear President Biden:

On April 1, 2022, the leadership of the Senate Committee on Commerce, Science, and Transportation (the Committee) sent a bipartisan letter to you emphasizing the need for a qualified nominee to fill the open Director of the Office of Science and Technology Policy (“OSTP”) position.<sup>1</sup> Unfortunately, that letter has not received a response, nor has a nominee for this Cabinet level position been received by the Senate for consideration. OSTP is critical to maintaining American competitiveness across numerous science and technology sectors. It is important that OSTP have a director who can ensure America is a leader in these areas. To that end, I write separately to further urge you to nominate an individual with a proven history of strong leadership to be Director of OSTP. Until this post is filled, OSTP’s leadership will be encumbered by the lingering allegations of misconduct against Dr. Lander and the senior leadership that still remains at OSTP.<sup>2</sup> As I have stated previously, I stand ready to work with you and Chair Cantwell to ensure that the important mission of OSTP and its dedicated public servants are protected.

At the beginning of your Administration, you pledged to ensure a safe working environment for federal employees.<sup>3</sup> For well over a year at OSTP, former Director Lander violated the White House’s internal safe and respectful workplace policy. After being informed by whistleblowers, your Administration ignored Dr. Lander’s conduct and chose not to enforce your policies. Instead, the White House Counsel’s office simply “closed” the matter on October 26,

<sup>1</sup> See Letter from Maria Cantwell and Roger Wicker, Chair and Ranking Member, S. Comm. on Com., Sci., and Transp., to Joseph R. Biden, President of the United States (April 1, 2022), <https://www.commerce.senate.gov/services/files/F995E6FF-C1A7-48C1-BA90-24277A870340>; see also Letter from Eddie Bernice Johnson and Frank Lucas, Chairwoman and Ranking Member, H. Comm. on Sci., Space and Technology, to Joseph R. Biden, President of the United States (Feb. 7, 2022), [https://science.house.gov/imo/media/doc/ejb\\_lucas\\_letter\\_on\\_lander\\_misconduct.pdf](https://science.house.gov/imo/media/doc/ejb_lucas_letter_on_lander_misconduct.pdf).

<sup>2</sup> Letter from David Z. Seide and Dana Gold, Senior Counsels, Government Accountability Project to S. Comm. on Com., Sci., and Transp. et al (March 10, 2022) [hereinafter *GAP letter*], <https://whistleblower.org/wp-content/uploads/2022/03/Government-Accountability-Project-OSTP-Disclosure-Letter-3-10-2022-1.pdf>; see also Alex Thompson, *Biden’s top science adviser bullied and demeaned subordinates, according to White House investigation*, POLITICO (Feb. 7, 2022), <https://www.politico.com/news/2022/02/07/eric-lander-white-house-investigation-00006077>.

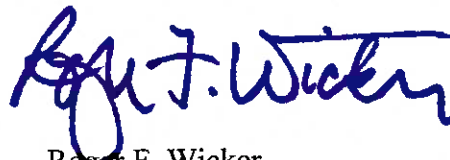
<sup>3</sup> Reuters, *Biden threatens to fire anyone who is disrespectful*, YouTube (Jan. 20, 2021), <https://www.youtube.com/watch?v=y-PN1WWV04g> (“But I’m not joking when I say this: If you’re ever working with me and I hear you treat another colleague with disrespect, talk down to someone, I promise you I will fire you on the spot. On the spot. No ifs, ands, or buts. Everybody. Everybody is entitled to be treated with decency and dignity. That’s been missing in a big way the last four years.”).

2021.<sup>4</sup> On January 28, 2022, the White House Office of Management and Administration finally admitted that former Director Lander violated the Safe and Respectful Workplace Policy, however, your Administration chose not to act.<sup>5</sup>

Additionally, my Committee staff continues to receive reports of a toxic work environment at OSTP.<sup>6</sup> Director Lander cultivated a destructive work environment for well over a year, with reports detailing consistent bullying and harassment predating his confirmation as director.<sup>7</sup> If the White House cannot maintain its policies within its own walls, federal employees are unlikely to believe that policies regarding workplace behavior will protect them.

It is my hope that you will promptly nominate strong and accountable leadership for OSTP. I stand prepared to work with you and Chair Cantwell to efficiently process this nominee and ensure the mission and people of OSTP are protected.

Sincerely,



Roger F. Wicker  
Ranking Member  
Senate Committee on Commerce,  
Science, and Transportation

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<sup>4</sup> Seide and Gold, *supra* note 2, at 14-15.

<sup>5</sup> *Id.*

<sup>6</sup> We believe the events disclosed in the following articles regarding OSTP exemplifies the work conditions of that office. Federal employees are/were recording conversations and meetings in order to ensure that they are/were not abused or otherwise misrepresented. According to the articles some employees are utilizing these recordings to make some conversations and meetings within OSTP public. See generally Alex Thompson and Max Tani, *Biden science office leaks about meeting to stop leaking*, POLITICO (March 2, 2022), <https://www.politico.com/newsletters/west-wing-playbook/2022/03/02/ostps-leak-hunt-springs-a-leak-00013381> (“An OSTP spokesperson told West Wing Playbook: “It’s kind of a riddle wrapped inside a mystery inside an enigma that you’re asking us to comment on a leaked audiotape of a meeting where we addressed how upsetting it is for our staff that meetings keep being taped and leaked.” . . . Nelson addressed this, in part, at the meeting last Friday. “I know that some people are feeling very hurt, I know that some colleagues are feeling quite anxious, because we already know and I think that we can agree, no matter how we feel about the events of the last couple of weeks that we do not have the workplace that all of us as human beings deserve. And we need to do better, a lot better.”); Alex Thompson and Max Tani, *Biden’s science office to staff: Stop recording each other*, POLITICO (March 10, 2022), <https://www.politico.com/newsletters/west-wing-playbook/2022/03/10/bidens-science-office-to-staff-stop-recording-each-other-00016121>.

<sup>7</sup> See generally Seide and Gold, *supra* note 2.