

United States Senate

WASHINGTON, DC 20510

May 8, 2020

The Honorable Robert Kadlec, M.D.
Assistant Secretary for Preparedness and Response
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Assistant Secretary Kadlec:

We are concerned by recent reports you failed to disclose your work with multiple biodefense entities to the Senate Health, Education, Labor, and Pensions (HELP) Committee during the nomination process to become Assistant Secretary for Preparedness and Response (ASPR) at the Department of Health and Human Services (HHS). By failing to disclose these ties, you limited the Senate, ethics officers, and the public's ability to fully understand your background and potential conflicts of interest. Additional emails and documents released this week, related to Dr. Rick Bright's complaint filed with the Office of Special Counsel (OSC), suggest a troubling pattern of political interference within the Office of the ASPR in recent years.

As we face an unprecedented public health crisis, we seek your assurances that all decisions you make as the Assistant Secretary for Preparedness and Response are driven by public health, and request additional information from you in order to understand any potential conflicts of interest that may have arisen as a result of the omissions in your Committee paperwork. All work by the Department, particularly during the COVID-19 response, must be done based on scientific and public health need and be in no way influenced by political, financial, or personal ties.

According to the reports, you did not disclose your connection to two companies that conduct business relevant to your current position. In 2012, you co-founded East West Protection LLC, an international biodefense preparedness company, where you served as a director until 2015.¹ You sold your share of the business in January 2015 to Fuad El-Hibri, the company's co-founder, though you were quoted in the press in April and August 2015 as affiliated with East West.² You also served as an international biodefense consultant for Emergent BioSolutions Corporation, also founded by Mr. El-Hibri.³ You did not list either of these affiliations on your HELP Committee or Office of Government Ethics (OGE) paperwork during your 2017 nomination process.

Since your confirmation as the ASPR in August 2017, Emergent has received more than \$733 million from your office – making it the most highly paid contractor for the office.⁴

¹ https://www.washingtonpost.com/investigations/before-pandemic-trumps-stockpile-chief-put-focus-on-biodefense-an-old-client-benefited/2020/05/04/d3c2b010-84dd-11ea-878a-86477a724bdb_story.html

² <https://www.dcbbar.org/bar-resources/publications/washington-lawyer/articles/april-2015-infectious-disease.cfm>; https://www.centerforhealthsecurity.org/our-work/pubs_archive/pubs-pdfs/2015/Science%20final%20accepted.pdf

³ https://www.washingtonpost.com/investigations/before-pandemic-trumps-stockpile-chief-put-focus-on-biodefense-an-old-client-benefited/2020/05/04/d3c2b010-84dd-11ea-878a-86477a724bdb_story.html

⁴ https://www.washingtonpost.com/investigations/before-pandemic-trumps-stockpile-chief-put-focus-on-biodefense-an-old-client-benefited/2020/05/04/d3c2b010-84dd-11ea-878a-86477a724bdb_story.html

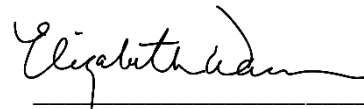
Furthermore, Emergent reportedly identified transferring the stockpile from the CDC to ASPR as part of its annual corporate strategy for 2017 – a transfer you pushed for and that ultimately occurred in 2018, despite concerns from public health experts. Emergent has also recently received funding through the COVID-19 response: it received \$14.5 million from the Biomedical Advanced Research and Development Authority (BARDA), which is under the ASPR, to expedite development of a therapy for use in COVID-19 patients.⁵ Emergent has partnered with several pharmaceutical companies to support manufacturing of their COVID-19 vaccine candidates.⁶ These manufacturing efforts will take place at Emergent’s Baltimore Bayview facility, one of three Centers for Innovation in Advanced Development and Manufacturing (CIADM) created through public-private partnerships with BARDA. BARDA officials were recently quoted in several Emergent press releases announcing these partnerships.⁷

In light of these concerning reports, we request you provide the HELP Committee with corrected paperwork accurately reflecting your prior employment and work with your Designated Agency Ethics Official to determine whether you conducted any work in violation of ethics laws. We request a briefing on these steps and your assurances that all decisions made at ASPR are driven by public health no later than May 19, 2020. To schedule the requested briefing, please contact Elizabeth Letter with Senator Murray’s HELP Committee Staff at 202-224-0767. Thank you in advance for your attention to this matter.

Sincerely,



Patty Murray
United States Senator



Elizabeth Warren
United States Senator

Robert P. Casey, Jr.

Robert P. Casey, Jr.
United States Senator



Margaret Wood Hassan
United States Senator

⁵ [https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-partners-us-government-comprehensive?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-partners-us-government-comprehensive?field_nir_news_date_value[min]=)

⁶ [https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field_nir_news_date_value[min]=);
[https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-development-and-manufacturing-0?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-development-and-manufacturing-0?field_nir_news_date_value[min]=);
[https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-development-and-manufacturing?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-development-and-manufacturing?field_nir_news_date_value[min]=)

⁷ [https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-partners-us-government-comprehensive?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-partners-us-government-comprehensive?field_nir_news_date_value[min]=); [https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field_nir_news_date_value\[min\]=](https://investors.emergentbiosolutions.com/news-releases/news-release-details/emergent-biosolutions-signs-agreement-be-us-manufacturing?field_nir_news_date_value[min]=)



Christopher S. Murphy
United States Senator



Tammy Baldwin
United States Senator