

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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<https://coronavirus.house.gov>

April 11, 2022

Dr. Robert Kadlec
Washington, DC

Dear Dr. Kadlec:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's response to the coronavirus pandemic in order to better understand what went wrong, identify ways to improve the country's response, and determine what corrective steps are necessary to ensure our nation is better prepared for any future public health crisis. These investigations have revealed that Trump Administration officials neglected early warnings, failed to adequately prepare for or develop a coordinated national plan to mitigate the spread of the coronavirus, and engaged in a persistent pattern of political interference in the nation's pandemic response. These failures undermined the nation's ability to respond effectively to the pandemic. As the former Assistant Secretary for Preparedness and Response (ASPR) in the Department of Health and Human Services (HHS), you were directly involved in key events that the Select Subcommittee is actively investigating. I therefore write to request your participation in a transcribed interview, as well as any relevant documents that are in your possession.

During your tenure as ASPR, you played a leading role in developing and executing the federal government's coronavirus response strategy, particularly with respect to the development, procurement, and distribution of medical countermeasures to fight the pandemic.¹ Evidence obtained by the Select Subcommittee indicates that your office may have failed to adequately prioritize scaling up the nation's supply of personal protective equipment and other critical supplies as the virus was first spreading across the country.² Additionally, you have indicated publicly that the Trump White House blocked an initiative to distribute masks to American households that you developed during the initial months of the pandemic.³ Some

¹ Department of Health and Human Services, *Biography: Robert Kadlec, MD, Assistant Secretary for Pandemic Preparedness and Response* (online at www.phe.gov/newsroom/bio/Documents/kadlec-bio-print.pdf) (accessed Apr. 10, 2022); Department of Health and Human Services, *ASPR 2020 Year in Review* (online at www.phe.gov/about/review-2020/Pages/default.aspx) (accessed Apr. 10, 2022).

² See Select Subcommittee on the Coronavirus Crisis, *More Effective, More Efficient, More Equitable: Overseeing an Improving & Ongoing Pandemic Response* (Dec. 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/SSCCInterimReportDec2021V1.pdf>).

³ *Moonshot in the Arm*, National Public Radio (Nov. 5, 2021) (online at www.npr.org/transcripts/1053003777).

public health experts have cited this as a critical missed opportunity to send an unequivocal message that widespread use of masks can slow the spread of the virus.⁴

You were also involved in the Trump Administration’s decision to award a \$628 million vaccine manufacturing contract to Emergent BioSolutions, Inc.—a company with which you had longstanding professional ties. Evidence obtained by the Select Subcommittee shows that you sought to give Emergent’s contract a “priority rating” and that your office determined that Emergent “possesses the required experience and available capacity” to manufacture vaccines.⁵ After public reporting revealed that Emergent contaminated millions of coronavirus vaccines, you acknowledged that the award of this contract was a risky decision.⁶

The Select Subcommittee has obtained detailed evidence showing that Trump Administration officials repeatedly injected politics into coronavirus-related public health decisions, often seeking to baselessly minimize the American public’s perception of the threat. For instance, the Select Subcommittee has found that Trump Administration political appointees attempted to exert pressure on the Food and Drug Administration to authorize ineffective or unproven coronavirus treatments, such as hydroxychloroquine.⁷ According to a whistleblower complaint filed by former Director of the Biomedical Advanced Research and Development Authority (BARDA) Dr. Rick Bright, you removed him from his position at BARDA because, among other reasons, Dr. Bright “rankled those in the Administration who wished to continue to

⁴ See, e.g., *Trump Administration Scrapped Plan to Send Every American a Mask in April, Email Shows*, NBC News (Sept. 17, 2020) (online at www.nbcnews.com/health/health-news/trump-administration-scrapped-plan-send-every-american-mask-april-email-n1240359); *Postal Service’s Plan to Send 650M Face Masks to Americans Allegedly Nixed by White House*, ABC News (Sept. 17, 2020) (online at www.abcnews.com/Politics/postalservices-plan-send-650m-face-masks-americans/story?id=73081928).

⁵ See Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis and Members of the Committee on Oversight and Reform, *Preliminary Findings from Investigation into Emergent BioSolutions, Inc.* (May 19, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Staff%20Memo%20re%20Emergent%20-%20FINAL.pdf>).

⁶ *Congress Is Investigating the Company Whose Factory Ruined Vaccine Doses and Received a \$628 Million Contract*, New York Times (Apr. 20, 2021) (online at www.nytimes.com/live/2021/04/20/world/covid-vaccine-coronavirus-cases/congress-is-investigating-the-company-whose-factory-ruined-vaccine-doses-and-received-a-628-million-contract).

⁷ See, e.g., Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Norris Cochran, Acting Secretary, Department of Health and Human Services (Feb. 8, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-02-08.Clyburn%20to%20Cochran%20re%20WH%20Failures%20on%20Pandemic%20.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Stephen M. Hahn, Commissioner, Food and Drug Administration (Nov. 22, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-11-22.%20Clyburn%20to%20Dr.%20Hahn%20re%20Fed.%20Gov.%20COVID%20Response.pdf>).

push this false narrative” about the efficacy of hydroxychloroquine.⁸ Dangerous misinformation regarding hydroxychloroquine and other discredited coronavirus treatments persists today.⁹

Given the senior position you held at HHS and your active involvement in the pandemic response, you likely possess information material to the Select Subcommittee’s investigations. Please produce by April 25, 2022, all documents and communications in your possession, custody, or control related to your involvement in the federal government’s response to the coronavirus as ASPR. In addition, the Select Subcommittee requests that you sit for a transcribed interview on May 4, 2022.

These requests are consistent with the House of Representatives’ authorization of the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis.”¹⁰

Please confirm by April 15, 2022, that you have received my letter and will comply with these requests. An attachment to this letter provides additional instructions for responding to the Select Subcommittee’s request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,



James E. Clyburn
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

⁸ Dr. Rick Bright, *Complaint of Prohibited Personnel Practice and Other Prohibited Activity by the Department of Health and Human Services* (May 5, 2020) (online at <https://s3.documentcloud.org/documents/6882560/Rick-Bright-Whistleblower-Complaint.pdf>).

⁹ See, e.g., Select Subcommittee on the Coronavirus Crisis, *Hearing on Combating Coronavirus Cons and the Monetization of Misinformation* (Nov. 17, 2021) (online at <https://coronavirus.house.gov/subcommittee-activity/hearings/combating-coronavirus-cons-and-monetization-misinformation>).

¹⁰ H.Res. 8, sec. 4(f); H.Res. 935, 116th Cong. (2020).

Responding to Oversight Committee Document Requests

1. In complying with this request, 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. Produce all 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.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. 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, and no modifications should be made to the original metadata:

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.

7. 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, zip file, box, or folder is produced, each should contain an index describing its contents.
8. 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.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. 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.
15. 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) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. 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, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. 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.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production 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 2105 of the Rayburn House Office Building.
21. Upon completion of the production, 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 that 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, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office 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, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, 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 that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” 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.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.