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November 2, 2025

Dr. Robert Kadlec
Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, Designate
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dr. Kadlec,

I write to you today regarding your nomination to be Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs at the Department of Defense (DoD), and the concerns I have regarding multiple investigations of management failures and financial conflict of interest during your tenure as the Assistant Secretary of Health and Human Services for Preparedness and Response (ASPR) from 2017 to 2021. Specifically, there are serious allegations that you knowingly failed to disclose your significant financial conflicts of interest to the Senate during your 2017 confirmation process, that you exercised improper political pressure on career government officials as ASPR in order to benefit your former clients financially, and that you may have misappropriated federal funding, ultimately contributing to a culture of "cronyism and backroom dealing" that marred the HHS response to the COVID pandemic.[1] These were significant policy mistakes, with deadly consequences. This record, which includes three audits or investigations by GAO and the HHS Inspector General identifying wrongdoing at ASPR during your tenure and an Office of Special Counsel (OSC) settlement, reveals that you lack the skills, character, and judgment necessary to serve effectively in a critical national security position.

As the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, you would be the principal advisor to the Secretary of Defense for our nation's nuclear, chemical, and biological weapons programs. If confirmed, you would be responsible for developing policy, advising on emerging threats, staffing the Nuclear Weapons Council, and managing our nation's nuclear arsenal and other weapons of mass destruction.[2] This represents an extraordinary responsibility and requires an individual with a successful and proven track record.

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[1] Letter from the Senate HELP Committee to the Department of Health and Human Services Assistant Secretary for Preparedness and Response, Dr. Robert Kadlec, et al. May 8, 2020, https://www.help.senate.gov/imo/media/doc/05062020%20Kadlec%20Ethics%20Letter%20Updated%20signed%20pdf.pdf; Letter from Katz Banks Kumin Partner Debra S. Katz to the U.S. Office of Special Counsel, April 12, 2024, https://www.osc.gov/Documents/Public%20Files/FY25/DI-20-000743/24.04.12%20-%20DI-20-000743%20WB%20Comments_Redacted.pdf.

[2] Department of Defense, "DoD Directive 5160.05e: Roles And Responsibilities Associated With The Chemical And Biological Defense," November 12, 2024, P. 4 and 5, https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/516005E.PDF?ver=2019-07-18-145422-583.

My concerns about your ability to fill this stem from the misbehavior and mismanagement that were revealed in your previous role, as ASPR from 2017 to 2021, spanning the height of the COVID-19 pandemic.[3]

Multiple reports and investigations have revealed a pattern of decision-making that either financially benefited previous clients or resulted in disastrous policy decisions, leaving the nation unprepared for the COVID pandemic. According to these reports, you acted:

> [T]o bolster the nation's stockpile of defenses against biological and chemical weapons, a focus [you] made a priority over preparing for a natural pandemic… [you] scaled back a long-standing interagency process for spending billions of dollars on stockpile purchases, diminishing the role of government experts and restricting decision-making to [yourself] and a small circle of advisers…[you] committed additional spending to biodefense countermeasures such as smallpox and anthrax vaccines while cutting planned spending on emerging infectious diseases, despite warnings from scientists that a natural contagion could also be devastating…[your] office halted an Obama-era initiative to spend $35 million to build a machine that could produce 1.5 million N95 masks per day, [4]

These failures appear even more stark given your unreported conflicts of interest. Your office made a $2.8 billion smallpox vaccine deal in 2017 with Emergent BioSolutions, "paying more than double the price per dose [HHS] had previously paid for the drug."[5] Your office also awarded Emergent $261 million for anthrax vaccines in 2019.[6] As I noted in a May 2020 letter to you, you had a personal connection to this company and its founder, Fuad El Hibri.[7] You sold your interest in a startup business—East West Protection LLC—to Mr. El-Hibri in January 2015 and received at least $360,000 as an international biodefense consultant for Emergent BioSolutions, "including outreach to senior government officials in Saudi Arabia and other countries."[8] And you did not list either of these affiliations on your HELP Committee or Office of Government Ethics (OGE)

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[3] Robert Kadlec Bio, https://www.congress.gov/117/meeting/house/114328/witnesses/HHRG-117-RU02-Bio-KadlecR-20220119.pdf; Centers for Disease Control, "CDC Museum COVID-19 Timeline," https://www.cdc.gov/museum/timeline/covid19.html.

[4] Washington Post, "Before pandemic, Trump's stockpile chief put focus on biodefense. An old client benefited," Jon Swaine and Robert O'Harrow Jr. and Aaron C. Davis, March 4, 2020, 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.

[5] *Id.*

[6] Memorandum from the majority staff of the Select Committee on Coronavirus Oversight, p. 10 [On file with the Office of Senator Elizabeth Warren]

[7] Letter from the Senate HELP Committee to the Department of Health and Human Services Assistant Secretary for Preparedness and Response, Dr. Robert Kadlec, et al. May 8, 2020, https://www.help.senate.gov/imo/media/doc/05062020%20Kadlec%20Ethics%20Letter%20Updated%20signed%20pdf.pdf.

[8] Letter from the Senate HELP Committee to the Department of Health and Human Services Assistant Secretary for Preparedness and Response, Dr. Robert Kadlec, et al. May 8, 2020, https://www.help.senate.gov/imo/media/doc/05062020%20Kadlec%20Ethics%20Letter%20Updated%20signed%20pdf.pdf; Memorandum from the majority staff of the Select Committee on Coronavirus Oversight, pp. 2, 11 [On file with the Office of Senator Elizabeth Warren].

paperwork during your 2017 nomination process.[9] Despite this revelation, you still failed to properly update your OGE Public Financial Disclosures to reflect your work with Emergent. As late as 2021, none of your official filings with OGE reflect any of your connections with Emergent, including your January 2021 termination report, raising even more concerns about your questionable judgment.[10]

On May 24, 2020, HHS gave Emergent a $628 million contract "to expand the manufacturing capacities and capabilities" of the company's facilities and another $30 million contract on July 23, 2020, "to reserve two additional manufacturing suites."[11] Despite "multiple inspections and audits conducted in 2020" finding "serious quality control issues" at the facilities, you requested that Emergent receive a "priority rating."[12] That factory later "ruined millions of doses of the Johnson & Johnson Covid-19 vaccine."[13]

During that same time period, a whistleblower in your office raised concerns over "unethical and unlawful" behavior in the office of the ASPR, suggesting that you "facilitate[d] awards of lucrative contracts to companies and institutions with ties to pharmaceutical consultants enjoying undue HHS leadership influence."[14]

In May 2020, the OSC referred the whistleblower disclosure to the HHS Inspector General (OIG) to investigate.[15] While the IG conducted its investigation, the Office of Special Counsel (OSC)

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[9] Letter from the Senate HELP Committee to the Department of Health and Human Services Assistant Secretary for Preparedness and Response, Dr. Robert Kadlec, et al. May 8, 2020, https://www.help.senate.gov/imo/media/doc/05062020%20Kadlec%20Ethics%20Letter%20Updated%20signed%20pdf.pdf.

[10] Executive Branch Personnel Public Financial Disclosure Reports (OGE Form 278e), On file with the Office of Senator Elizabeth Warren

[11] Memorandum from the majority staff of the Select Committee on Coronavirus Oversight, p. 3 [On file with the Office of Senator Elizabeth Warren]

[12] *Id.*

[13] New York Times, "Congress is investigating the company whose factory ruined vaccine doses and received a $628 million contract," Sharon LaFraniere and Sheryl Gay Stolberg, April 20, 2021, https://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.

[14] Letter from Katz Banks Kumin Partner Debra S. Katz to the U.S. Office of Special Counsel, April 12, 2024, P. 7, https://www.osc.gov/Documents/Public%20Files/FY25/DI-20-000743/24.04.12%20-%20DI-20-000743%20WB%20Comments_Redacted.pdf; Washington Post, "Before pandemic, Trump's stockpile chief put focus on biodefense. An old client benefited," Jon Swaine and Robert O'Harrow Jr. and Aaron C. Davis, March 4, 2020, 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.

[15] Department of Health and Human Services Office of Inspector General Office of Evaluation and Inspections, "Report of Findings To the Secretary of Health and Human Services," September 2023, P. 1, https://osc.gov/Documents/Public%20Files/FY25/DI-20-000743/24.01.29%20-%20DI-20-000743%20Agency%20Report_Redacted.pdf; Washington Post, "Before pandemic, Trump's stockpile chief put focus on biodefense. An old client benefited," Jon Swaine and Robert O'Harrow Jr. and Aaron C. Davis, March 4, 2020, 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; [15] Letter from the Senate HELP Committee to the Department of Health and Human Services Assistant Secretary for Preparedness and Response, Dr. Robert Kadlec, et al. May 8, 2020, https://www.baldwin.senate.gov/imo/media/doc/05062020%20Kadlec%20Ethics%20Letter%20Updated%20signed%20pdf.pdf.

announced a settlement with the whistleblower for an undisclosed amount.[16] Although the IG report was not issued until September 2023, it substantiated several of the whistleblower's allegations, including that "HHS noncareer officials [ASPR] exerted pressure on HHS career officials," although it "did not find that this pressure led to a violation of law, rule, or regulation."[17]

I also have significant concerns over your interference in HHS's evidence-based decision-making, which eroded the integrity of scientifically backed policy. Despite weak data on the safety and efficacy of chloroquine and hydroxychloroquine to treat COVID, the IG report "substantiated that HHS distributed donated hydroxychloroquine from the SNS [Strategic National Stockpile] to retail pharmacies and found that these distributions posed a substantial and specific danger to public health and safety" since "HHS expanded the supply of the drugs that were available for off-label prescribing for COVID-19 outside of hospitals, which FDA assessed as too risky for outpatients due to the known and potential health risks of hydroxychloroquine."[18] Despite HHS officials claiming that hydroxychloroquine "was [in part] being distributed for FDA-approved purposes…because FDA had identified ongoing supply shortages of the drug," data showed that "[h]ydroxychloroquine use peaked in March 2020 to 133% of pre-pandemic rates."[19] This example of scientific misconduct put millions of lives at risk and is particularly concerning given the need for evidence-based decision-making within our national nuclear, chemical, and biological weapons infrastructure.

Another audit, released in 2022 by the Government Accountability Office (GAO), found your previous office at HHS did not "have procedures that define political interference in scientific decision-making or describe how it should be reported and addressed" which "may explain" why they "did not identify any formally reported internal allegations of potential political interference in scientific decision-making."[20] Furthermore, an HHS OIG report issued in April 2024 found that during your tenure, "ASPR may not have used BARDA FY 2018 and FY 2019 appropriations for their intended purpose in accordance with Federal requirements."[21] The report concludes that ASPR "may have violated the Purpose Statute of the Antideficiency Act."[22] Specifically, ASPR

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[16] US Office of Special Counsel, "OSC Announces Settlement Agreement Between HHS and Former BARDA Director Dr. Rick Bright After his Reassignment," August 9, 2021, https://osc.gov/News/Pages/20-21-Settlement-Rick-Bright.aspx.

[17] Department of Health and Human Services Office of Inspector General Office of Evaluation and Inspections, "Report of Findings To the Secretary of Health and Human Services," September 2023, P. 2, https://osc.gov/Documents/Public%20Files/FY25/DI-20-000743/24.01.29%20-%20DI-20-000743%20Agency%20Report_Redacted.pdf.

[18] *Id.*

[19] Health Affairs, "Demographic Variation In US Outpatient Hydroxychloroquine And Ivermectin Use During The COVID-19 Pandemic," Michelle Rockwell, et al., February 19, 2025, doi.org/10.1377/hlthaff.2024.00452.

[20] Government Accountability Office, "Scientific Integrity: HHS Agencies Need to Develop Procedures and Train Staff on Reporting and Addressing Political Interference," April 2022, P. 2, https://www.gao.gov/assets/730/720120.pdf.

[21] Department of Health and Human Services Office of the Inspector General, "Fiscal Year 2018 And 2019 Biomedical Advanced Research And Development Authority Appropriations May Not Have Been Used For Their Intended Purpose In Accordance With Federal Requirements," April 2024, P. 5, https://oig.hhs.gov/documents/audit/9840/A-03-20-03002.pdf.

[22] *Id.*

"could not support that employees whose salaries were paid with BARDA appropriations performed work that supported BARDA's mission,"[23] and "could not identify the type of work that ASPR employees performed."[24]

Together, this series of reports and allegations raises serious concerns about your ability to manage a public health or national security crisis and act impartially when making policy or acquisition determinations. Your willingness to let personal and political biases improperly color your policy recommendations is part of an ongoing string of failures during your previous federal service. Given my concerns about these matters, I request a response to the following questions by November 10, 2025:

1. Why did you not disclose your conflicts of interest with pharmaceutical and biodefense companies during your 2021 nomination process before HELP?
    a. Please provide a list of any companies you have advised or lobbied for in the last five years
2. Why did you not update your OGE financial disclosure forms to reflect your connections with Emergent after you realized you failed to disclose it?
    a. Will you list your past or present connections with Emergent on any future OGE disclosure reports, if confirmed?
3. Are you currently employed, and if so, where?
    a. Please provide a list of any companies or interests you are currently employed by or advising.
4. What is your understanding of the whistleblower protections afforded to scientists?
5. Would you recuse yourself from any policy or decision-making for companies you have advised?
6. What was your role in Emergent Biosolutions' 2017 contract?
7. What was the justification for paying Emergent Biosolutions "more than double the price per dose [HHS] had previously paid"[25]?
8. Are you aware of any criminal referrals being made regarding allegations against your office, investigated by the HHS IG?
9. Did you or anyone in your office ever delay, withhold, or fail to obligate congressionally appropriated funds?
10. Do you deny the findings of the OIG report that you may have violated the Purpose Statute of the Antideficiency Act by misappropriating BARDA funds?
    a. If so, please provide a detailed account of how the findings are inaccurate.
11. Who authorized expenses related to misappropriated FY2018 and FY2019 per the HHS OIG's report?
    a. What was the justification for these expenses?

[23] *Id.*, P. 9.
[24] *Id.*
[25] Washington Post, "Before pandemic, Trump's stockpile chief put focus on biodefense. An old client benefited," Jon Swaine and Robert O'Harrow Jr. and Aaron C. Davis, March 4, 2020, 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.

12. Did you or anyone in your office exert political pressure on any career officials at HHS?
13. Did you or anyone in your office suppress or seek to discredit scientific findings or guidance that may have conflicted with your political objectives?
14. If confirmed to be the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, how will you prevent a similar culture of "cronyism and backroom dealing" that was prevalent during your time at HHS?

Sincerely,

Elizabeth Warren
United States Senator