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SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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<https://coronavirus.house.gov>

August 12, 2020

Dr. Moncef Slaoui  
Chief Advisor  
Operation Warp Speed

Dear Dr. Slaoui:

The Select Subcommittee on the Coronavirus Crisis is examining your role as chief advisor to Operation Warp Speed, the Trump Administration's program to develop, manufacture, and distribute coronavirus vaccines, therapeutics, and diagnostics. The Select Subcommittee strongly supports efforts to develop and distribute a life-saving coronavirus vaccine, but I am concerned that your financial interests in for-profit companies receiving federal funding to develop vaccines for the coronavirus raise serious ethical concerns and could reduce public trust in the Administration's vaccine efforts.<sup>1</sup>

Prior to joining Operation Warp Speed, you were an executive at GlaxoSmithKline (GSK) for more than 30 years and a venture capitalist focused on investing in pharmaceutical companies. As of May 2020, you reportedly held approximately \$10 million in GSK securities. You refused to sell these shares when you joined Operation Warp Speed, stating: "This is my retirement. What I said regarding the GSK shares, I said I cannot take the job if I have to sell them."<sup>2</sup> On July 31, 2020, GSK and Sanofi jointly secured an agreement of up to \$2.1 billion to supply the federal government with 100 million doses of its experimental coronavirus vaccine, the largest such deal announced to date.<sup>3</sup> You have asserted that you will donate a portion of GSK stock gains to the National Institutes of Health (NIH) after you leave Operation Warp Speed. However, it is unclear whether there is any enforceable requirement for you to do so. You also appear poised to reap financial benefits from any gains in GSK stock value that accrue

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<sup>1</sup> *Trump's Vaccine Chief Has Vast Ties to Drug Industry, Posing Possible Conflict of Interest*, New York Times (May 20, 2020) (online at [www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html](http://www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html)); *Chief of White House's 'Operation Warp Speed' Vaccine Effort Can Keep Investing in Pharma Firms, Under IG Ruling*, Washington Post (July 14, 2020) (online at [www.washingtonpost.com/business/2020/07/14/chief-white-houses-operation-warp-speed-vaccine-effort-can-keep-investing-pharma-firms-under-ig-ruling/](http://www.washingtonpost.com/business/2020/07/14/chief-white-houses-operation-warp-speed-vaccine-effort-can-keep-investing-pharma-firms-under-ig-ruling/)).

<sup>2</sup> *Trump's Vaccine Chief Has Vast Ties to Drug Industry, Posing Possible Conflicts*, New York Times (May 20, 2020) (online at [www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html](http://www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html)).

<sup>3</sup> *Sanofi and GlaxoSmithKline Snag Biggest Coronavirus Vaccine Deal Yet*, New York Times (July 31, 2020) (online at [www.nytimes.com/2020/07/31/health/covid-19-vaccine-sanofi-gsk.html](http://www.nytimes.com/2020/07/31/health/covid-19-vaccine-sanofi-gsk.html)).

in the future, even if they relate to the company's federal contract awarded during your tenure at Operation Warp Speed.

From 2017 to 2020, you sat on the board of Moderna, a biotechnology firm that has received federal funding to pursue a coronavirus vaccine.<sup>4</sup> Until recently, you also held significant holdings in Moderna, the value of which rose to nearly \$12.4 million following the release of preliminary, partial data from an early phase of Moderna's coronavirus vaccine trial.<sup>5</sup> On April 16, 2020, the federal government awarded \$483 million in support to Moderna in pursuit of a coronavirus vaccine.<sup>6</sup> On May 18, 2020, after you joined Operation Warp Speed and following widespread public pressure, you agreed to divest your holdings in Moderna.<sup>7</sup> On June 3, 2020, it was reported that Operation Warp Speed had selected Moderna as a finalist.<sup>8</sup> The federal government awarded another \$472 million in support for Moderna on July 26, 2020.<sup>9</sup>

I am concerned that these conflicts of interests were not addressed before you were appointed to run Operation Warp Speed. It remains unclear whether you have undisclosed conflicts, as the Administration has structured your employment agreement to avoid the ethics rules and requirements to disclose outside positions, stock holdings, and other potential conflicts that are applicable to federal employees.<sup>10</sup> You have been hired as a federal contractor with an annual salary of one dollar, rather than an employee, and the Administration has refused to disclose any ethics restrictions in your contract.<sup>11</sup> The Administration also has not explained whether your contractual arrangement is consistent with federal regulations restricting the use of contractors to make policy decisions, direct and control federal employees, or hold positions that resemble those of government employees.<sup>12</sup>

Addressing potential conflicts of interest is critical to assure the public that decisions pertaining to the manufacturing and distribution of a coronavirus vaccine are made with a sound scientific basis, not for political reasons or for the financial benefit of any individual.

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<sup>4</sup> *Trump's Vaccine Chief Has Vast Ties to Drug Industry, Posing Possible Conflicts*, New York Times (May 20, 2020) (online at [www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html](http://www.nytimes.com/2020/05/20/health/coronavirus-vaccine-czar.html)).

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

<sup>6</sup> Department of Health and Human Services, *Fact Sheet: Explaining Operation Warp Speed* (Aug. 7, 2020) (online at [www.hhs.gov/about/news/2020/08/07/fact-sheet-explaining-operation-warp-speed.html](http://www.hhs.gov/about/news/2020/08/07/fact-sheet-explaining-operation-warp-speed.html)).

<sup>7</sup> *White House Coronavirus Vaccine Advisor Moncef Slaoui to Divest \$12.4 Million of Moderna Holdings*, CNBC (May 19, 2020) (online at [www.cnbc.com/2020/05/18/coronavirus-vaccine-adviser-moncef-slaoui-to-divest-12point4-million-of-moderna-holdings.html](http://www.cnbc.com/2020/05/18/coronavirus-vaccine-adviser-moncef-slaoui-to-divest-12point4-million-of-moderna-holdings.html)).

<sup>8</sup> *Trump Administration Selects Five Coronavirus Vaccine Candidates as Finalists*, New York Times (June 3, 2020) (online at [www.nytimes.com/2020/06/03/us/politics/coronavirus-vaccine-trump-moderna.html](http://www.nytimes.com/2020/06/03/us/politics/coronavirus-vaccine-trump-moderna.html)).

<sup>9</sup> Department of Health and Human Services, *Fact Sheet: Explaining Operation Warp Speed* (Aug. 7, 2020) (online at [www.hhs.gov/about/news/2020/08/07/fact-sheet-explaining-operation-warp-speed.html](http://www.hhs.gov/about/news/2020/08/07/fact-sheet-explaining-operation-warp-speed.html)).

<sup>10</sup> 18 U.S.C. § 208; Pub.L. 95-521 (1978).

<sup>11</sup> *Ethics Groups Call on Coronavirus 'Vaccine Czar' to Disclose Potential Conflicts*, ABC News (May 29, 2020) (online at [abcnews.go.com/Politics/ethics-groups-call-coronavirus-vaccine-czar-disclose-potential/story?id=70935155](http://abcnews.go.com/Politics/ethics-groups-call-coronavirus-vaccine-czar-disclose-potential/story?id=70935155)).

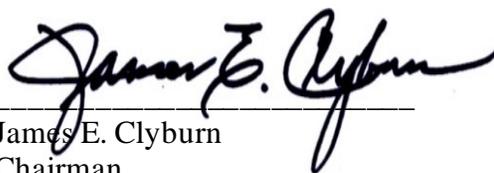
<sup>12</sup> See 48 C.F.R. § 7.503(a)(5); 48 C.F.R. § 37.104(a)-(b).

For all these reasons, the Select Subcommittee requests that you produce the following documents and information by August 26, 2020. These requests are consistent with House Resolution 935, which established 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, including ... the development of vaccines and treatments.”

1. A detailed list of your financial interests and outside positions, including but not limited to interests and positions in entities that are developing vaccines or therapeutics for the coronavirus.
2. All documents and communications with any federal employee regarding your financial interests, outside positions, potential conflicts of interest, and steps to address potential conflicts of interest, in connection with your role at Operation Warp Speed.
3. All documents and communications with any federal employee regarding your role as chief adviser to Operation Warp Speed, including discussions regarding the terms or structure of your contract or the decision to hire you as a contractor rather than a federal employee.
4. All communications with any officer, director, or employee of any company in which you have a financial interest or hold an outside position regarding Operation Warp Speed or federal support for efforts to develop a vaccine or treatment for the coronavirus, including but not limited to communications with GlaxoSmithKline and Moderna.

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

## 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.