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What the Bright Complaint Reveals about the Trump Administration's COVID-19 Response

Last week, Rick Bright, the former director of the Biomedical Advanced Research and Development Authority (BARDA), filed a whistleblower complaint with the U.S. Office of Special Counsel. Dr. Bright claims he was forced out from his role because he “insisted on scientifically-vetted proposals” and “pushed for a more aggressive agency response to COVID-19.” His allegations are shocking. Even in an Administration characterized by cronyism and incompetence, the failure of HHS political leadership to respond to COVID-19 stands out.

The Office of Special Counsel has already found “reasonable grounds to believe” that the Administration retaliated against Dr. Bright, and recommended that his removal be stayed while it investigates.¹ His supervisor Robert Kadlec, the assistant secretary for preparedness and response (ASPR) at the Department of Health and Human Services, must step down. Given the multiple claims of political interference in the contracting process, HHS should fully disclose the terms of all contracts issued under Dr. Kadlec, and all evidence used to support contract awards.

I. The Trump Administration Ignored Requests by Career Officials to Prepare for COVID-19.

- As early as January 10, 2020, Dr. Bright was urging HHS to dedicate appropriate resources to COVID-19. In response, “HHS political leadership leveled baseless criticisms against him for his proactive efforts to invest early in vaccine development as well as in critical supplies such as masks, respirators, and swabs, which were in short supply and would be necessary to combat COVID-19.”²
 - **A Lack of Urgency:** On January 18, Dr. Bright asked Dr. Kadlec to coordinate senior level meetings to plan the COVID-19 response, to which Dr. Kadlec allegedly responded “[n]ot sure if that is a time sensitive urgency.”³
 - **Insufficient Funding:** On January 20, a colleague of Dr. Bright emailed him asking “Is the ASPR (and hopefully through him) the S1 [Secretary Azar] aware of just how BARDA’s hands are tied due to lack of [emerging infectious diseases] funding, and the precious time being lost?” After Dr. Bright sounded the alarm at an HHS meeting, he was excluded from the next meeting, with Dr. Kadlec’s staff noting that Dr. Bright had offended HHS leadership and his request for additional funding set off “quite a shit storm.”
 - **Unconcerned About Shortages:** On January 21, Mike Bowen, a domestic mask manufacturer, emailed Dr. Bright. Dr. Bright asked the ASPR critical infrastructure team to get in touch with Mr. Bowen and tried to expedite manufacturing. On January 26, Mr. Bowen said the “U.S. mask supply is at imminent risk.” On January 27, Mr. Bowen wrote “I’ve spoken with [ASPR staff]. Rick, I think we’re in deep shit. The world.” Dr. Bright emailed his BARDA colleague that Mr. Bowen’s requests for support to expedite mask manufacturing “seem[] to be falling on deaf ears.”⁴ **It took five weeks after Dr. Bright urged action for ASPR staff to begin collecting information from mask producers.**

¹ https://www.washingtonpost.com/opinions/the-trump-administration-fumbled-while-the-virus-spread/2020/05/08/d4bf8686-9078-11ea-a9c0-73b93422d691_story.html

² [Addendum to the Complaint of Prohibited Personnel Practice](#), Submitted by Dr. Rick Bright, 2 (2020).

³ *Id.* at 16.

⁴ According to the complaint, Peter Navarro “was extremely concerned about HHS’s laxity in addressing the pandemic” and started referring to Dr. Kadlec’s operation as a “bottleneck.” *Id.* at 26 and 30.

According to the *Washington Post*, even today, Mr. Bowen’s “production lines that could be making more than 7 million masks a month sit dormant.”⁵

- HHS leadership was similarly reluctant to shore up other supplies. **Dr. Bright, for example, had to go around Dr. Kadlec and directly reach out to the White House to procure testing swabs from Italy.**⁶ Some materials needed to administer vaccines have still not been procured.

II. The Trump Administration Recklessly Promoted Unproven Drugs with Known Side-Effects.

- **Scoring Political Points:** Dr. Bright “opposed the broad use of chloroquine and hydroxychloroquine as lacking scientific merit, even though the Administration promoted it as a panacea and demanded that New York and New Jersey be ‘flooded’ with these drugs. . .” **One official said it could be “a BIG immediate win.”**⁷ Secretary Azar first wanted chloroquine available to *everyone* at the pharmacy, only limiting access to patients under physician supervision after facing internal resistance.

III. The Trump Administration Pressured BARDA to Ignore Expert Recommendations, Circumvent Operating Procedures and Award Lucrative Contracts to Politically Connected Corporations.

- BARDA has awarded contracts and made acquisitions worth nearly \$50 billion to develop and stockpile medical countermeasures, including medicines and personal protective equipment.⁸
- **Profits over Public Health:** In 2018, Dr. Bright began “raising repeated objections to the outsized role Dr. Kadlec allowed industry consultants to play in securing contracts that Dr. Bright and other scientists and subject matter experts determined were not meritorious.”⁹
 - Soon after Dr. Kadlec became assistant secretary, his staff and his friend, an industry consultant, pressured Dr. Bright to improperly extend a contract that failed to meet scientific milestones. **The consultant noted his client was friends with Jared Kushner.**¹⁰
 - Dr. Kadlec also overruled experts to award a \$55 million contract to the consultant’s client for drugs to treat radiation exposure. Dr. Bright called for an investigation by the Inspector General **“to help break up the ‘cottage industry’ of marketing consultants and political influence into these contracts”** after learning that a senior BARDA employee had left to also serve as a consultant for that company.¹¹
- **COVID Cronyism:** “Once the COVID-19 pandemic hit, however, Dr. Bright became even more alarmed about the pressure that Dr. Kadlec and other government officials were exerting on BARDA to invest in drugs, vaccines, and other technologies without proper scientific vetting. . .”
 - **Dr. Bright has reason to believe that Dr. Kadlec spoke to a senior corporate executive about a proposal that had been submitted for review in violation of federal law.**¹²
 - The complaint also alleges “Dr. Kadlec cultivated an environment in which industry partners regularly bypassed agency procedures designed to prevent influence peddling and conflicts of interest . . .”¹³ Taken together, Dr. Bright’s account reveals the stunning failure of the Trump Administration to respond to a crisis that has killed more than 80,000 Americans.

⁵ https://www.washingtonpost.com/investigations/in-the-early-days-of-the-pandemic-the-us-government-turned-down-an-offer-to-manufacture-millions-of-n95-masks-in-america/2020/05/09/f76a821e-908a-11ea-a9c0-73b93422d691_story.html

⁶ When Dr. Bright raised the issue, Dr. Kadlec allegedly said “I don’t care about swabs. I don’t want to hear about swabs.” [Addendum to the Complaint of Prohibited Personnel Practice](#), Submitted by Dr. Rick Bright, 32 (2020).

⁷ *Id.* at 39.

⁸ *Id.* at 4.

⁹ *Id.* at 2.

¹⁰ *Id.* at 9.

¹¹ HHS Office of General Counsel also initiated a procurement integrity investigation at Dr. Bright’s direction.

¹² The complaint states that “Dr. Kadlec responded to Mr. Rosen’s email that he was “looking forward to” speaking with him. . . Dr. Bright, who received notice of his removal just four days later, does not know whether Dr. Kadlec ultimately spoke to Novavax about its proposal but assumes that he did so. This of course warrants further inquiry” *Id.* at 39.

¹³ *Id.* at 38.