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Top Trump critic will testify before a chairwoman who is a close ally

Rep. Anna Eshoo, who invited Rick Bright to discuss his ouster from HHS, represents a district that has received hundreds of millions of dollars from Bright's former office.



Rep. Anna Eshoo. | Susan Walsh/AP Photo

By **DAN DIAMOND**

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President Donald Trump's ousted vaccine chief turned whistleblower will go public with his claims on Thursday in an unusually friendly setting — a hearing chaired by a close congressional ally whose district benefited from his decisions.

Rick Bright, who was abruptly removed as director of the Biomedical Advanced Research and Development Authority last month, will air his complaints about the Trump administration's pandemic response in front of a House subcommittee overseen by Rep. Anna Eshoo, a Democrat who represents a Northern California district home to a company that received more than \$110 million in awards from BARDA while Bright led the office. Other companies with offices in Eshoo's district benefited from more than \$100 million in awards from BARDA in the decade prior to Bright's leadership.

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Eshoo, who helped craft the 2006 legislation to create BARDA and has since worked to bolster its authorities, also has been a longtime booster of Bright, including for his work to fund the development of vaccines, drugs and diagnostics through public sector-private industry partnerships.

“Dr. Bright, the partnership with BARDA has been a very important one, and I think that you’re taking it to new places,” Eshoo told him in a June 2018 congressional hearing, calling Bright one of her “heroes.”

Eshoo has rushed to hold Thursday’s hearing over Republicans’ objections since Bright publicly alleged on April 22 that the Trump administration forced him out of his job over his opposition to Trump’s demand for approval of an unproven malaria drug to fight Covid-19. The congresswoman told CNN on April 23 that she planned to convene the subcommittee, and hours after Bright formally filed his whistleblower complaint on May 5, Eshoo announced that the hearing would be this week. Democrats have seen Bright’s testimony as an opportunity to highlight the Trump administration’s missteps in the response to the Covid-19 pandemic.

Both Eshoo and a spokesperson for Bright characterized their relationship as professional and not a factor ahead of Thursday’s hearing.



“He is a scientist,” Bright’s spokesperson said. “If members of Congress call him, no matter if it is a Republican or a Democrat, he responds back. This is not about politics.”

Eshoo put it this way: “I announced in April that I would hold a hearing because the American people deserve to hear Dr. Bright’s story. This matter is at the heart of our nation’s response to the worst public health pandemic in a century and it falls under the jurisdiction of my subcommittee. When Dr. Bright filed his complaint, I followed through on my promise to hold a hearing.”

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But Eshoo's approach has sparked tensions on Capitol Hill — some of which have spilled into public view, as lawmakers battle over questions of pace, precedent and whether Bright's allegations have even been investigated yet.

Calling a hearing at this point “premature and not respectful,” Rep. Michael Burgess (R-Texas) wrote a [bracing letter](#) to Eshoo that his office posted on Tuesday, adding that Eshoo has disregarded longstanding practices he followed as the subcommittee's prior chair. “I certainly never sent witness invitations without informing my counterparts or noticed a hearing via tweet,” Burgess wrote, saying that he endorses Bright's right to file his whistleblower complaint but is seeking adequate time to consider it.

For instance, committee lawmakers traditionally discuss the structure, format and potential witnesses about two weeks ahead of a hearing. But Eshoo didn't brief Republicans on the hearing's structure until Monday, about 72 hours beforehand, said two committee aides, giving them little time to prepare or seek witnesses to balance Bright.

Republicans also said that Eshoo didn't inform them about whom she had invited to testify, noting that the California Democrat sent out invitations to potential witnesses like Health and Human Services Secretary Alex Azar on her own personal office's letterhead, rather than the traditional practice of sending invitations through the committee.

Azar, HHS Assistant Secretary for Emergency Preparedness and Response Robert Kadlec and White House trade adviser Peter Navarro — who were all extensively mentioned in Bright’s complaint — declined to testify this week, meaning that Bright will not face challenges from other witnesses on Thursday. Eshoo also has not made clear if her office independently vetted Bright’s allegations, which [center on his contention](#) that he was ousted as BARDA chief after resisting Trump’s efforts to speed approval of the malaria drug hydroxychloroquine as a treatment for Covid-19.

“She’s really ignored all the serious steps you’d have to have a serious inquiry into his allegations,” said a senior GOP committee aide.

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The Office of Special Counsel on Friday recommended that Bright [be temporarily reinstated](#) during its own investigation.

Meanwhile, lawmakers spent days wrestling over safety and process issues for the hearing amid the Covid-19 pandemic, such as how the 33-member subcommittee can hear Bright’s testimony while ensuring that members remain socially distanced.

Eshoo addressed many of the criticisms in a [letter back to Burgess on Tuesday](#), saying that the committee had worked out a plan to protect members and that urgency was paramount. “The reason we are acting quickly should be obvious,” the congresswoman wrote. “Every day we delay, and the federal government continues its dysfunctional approach to this crisis, more lives are endangered.”

The letters lay bare tensions within the powerful House Energy and Commerce Committee, including a fight over why Eshoo's subcommittee is leading the hearing and not the panel's Oversight and Investigations subcommittee, which traditionally oversees health care whistleblower allegations and requires witnesses to give sworn testimony. But Bright is set to testify before the Health subcommittee overseen by Eshoo, which aides said has not sworn in a witness for about two decades.

Offering sworn testimony raises the risks if a witness is found to have committed perjury, and Eshoo told POLITICO that she would not have Bright sworn in, suggesting it was unnecessary.

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“It is illegal for anyone to lie to Congress,” the congresswoman said.

Bright, who was selected to lead BARDA in November 2016, has approved several contracts for companies based in Eshoo's district and neighboring Northern California districts. The Bay Area has been a hotbed of biomedical activity, and Bright has traveled there for [meetings and events](#).

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BARDA in March 2017 awarded [two contracts worth up to \\$90 million](#) to SRI International, which is based in Eshoo's district, and in October 2017 awarded a [separate \\$25 million contract](#) to the company for the development of a biosimetry diagnostic test. BARDA had [previously awarded](#) tens of millions of dollars to SRI International before Bright took charge of the office.

Prior to Bright's tenure, BARDA also awarded multiple contracts to MedImmune, including a \$90 million award for flu vaccine in 2009. MedImmune conducted its vaccine R&D work in Eshoo's district before closing the office in 2012. BARDA also [awarded \\$94 million](#) in 2011 to GlaxoSmithKline for its partnership with Anacor, which was based in Eshoo's district at the time. Pfizer acquired Anacor in 2016.

Meanwhile, [BARDA awarded \\$62 million to Genentech](#) in October 2018 for flu and other projects, and another \$25 million in March 2020 as part of the Covid-19 response. Genentech, which is based in a neighboring district, has been a top donor to Eshoo through its parent company Roche, contributing more than \$134,000 to the congresswoman, according to the Center for

Responsive Politics. [BARDA also awarded \\$22 million](#) in July 2018 to Diassess, a flu company based in a nearby California district.

Eshoo, who has served in Congress since 1993, said that she had “no idea what entities in my congressional district have or are working with BARDA,” referring questions to the agency.

A BARDA spokesperson said that the office has funded just three industry partners located in Eshoo’s current district — SRI, MedImmune (which has shuttered its office) and Stanford University — among its more than 250 industry partners in the office's history.

Bright and Eshoo also worked closely together on the reauthorization of the Pandemic and All Hazards Preparedness Act, which Eshoo co-sponsored and which strengthened BARDA’s authority when it passed in June 2019. Its passage was a moment of celebration in Bright’s office, said several current and former staff.

"He wanted to be sure that all of BARDA thanked Rep. Eshoo," said one of Bright’s former staffers. "We all had to sign our names on a card that was to be given to her."

A Bright spokesperson responded: "He sends hand-written thank you notes to members of Congress on both sides of the aisle."

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