

**House Oversight and Accountability Committee
Select Subcommittee on the Coronavirus Pandemic
November 14, 2024**

**Hearing Titled “Preparing for the Next Pandemic: Lessons Learned and The Path
Forward”
Questions for the Record**

Questions from Rep. Michael Cloud

- 1. Do you own individual stock in Pfizer, Moderna, or any other pharmaceutical company?
a. If so, which companies?**

Response: In addition to the Government-wide conflict of interest laws and the Standards of Ethical Conduct for Employees of the Executive Branch, FDA employees are subject to a stringent ethics requirement that generally prohibits the holding or acquisition of any financial interest in “significantly regulated organizations.”¹ Dr. Marston does not own individual stocks in the companies named above or any other pharmaceutical company.

- 2. Since the beginning of 2020, have you received a royalty payment from any pharmaceutical company?
a. If so, which companies?
b. What was the amount of each payment?**

Response: Since the beginning of 2020, Dr. Marston has not received any royalty payments from any pharmaceutical companies.

- 3. If FDA employees who are responsible for ensuring the safety of interventions like the covid vaccines are accepting payments from the pharmaceutical companies that make those vaccines, does this constitute a conflict of interest?
a. Does this undermine confidence in the FDA’s ability to review these vaccines objectively?
b. Would you be willing to commit to never taking royalty payments from any pharmaceutical company?**

Response: FDA employees are subject to stringent ethics requirements, including Government-wide conflict of interest laws. The federal ethics regulations impose an obligation to recuse or disqualify from particular matters involving specific parties where the employee knows that a person with whom she has a “covered relationship” is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question her impartiality in the matter.

The term “covered relationship” includes a person with whom the employee has a business, contractual, or financial relationship other than a routine consumer transaction. As such, if an FDA employee receives a royalty payment from a pharmaceutical company pursuant to a

¹ <http://www.fda.gov/about-fda/ethics/prohibited-financial-interests-fda-employees>

licensing agreement relating to a COVID-19 vaccine invention, the employee should not perform job duties in which the company is involved, unless authorized by the Agency.

Dr. Marston has and continues to comply with applicable laws and regulations.