



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



July 31, 2020

Sent by Email

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Dear Dr. Holman and Ms. Jorge:

I write on behalf of the U.S. Department of Health & Human Services (HHS), Office of Inspector General (OIG) in further response to your email to our office dated May 28, 2020. As you know, on behalf of the OIG, I responded to your email by letter dated July 13, 2020 (the “OIG response”). On July 14, 2020, an article appeared in the *Washington Post* that mischaracterized OIG’s response. I write to clarify the OIG response in light of the *Washington Post* article and others that followed.

Your email of May 28, 2020, expressly requested OIG to make a determination as to whether or not Dr. Moncef Slaoui, the Chief Advisor to HHS’s Operation Warp Speed, should be classified as a Special Government Employee (SGE) pursuant to 18 U.S.C. § 202, rather than as a contractor for HHS. In the OIG response, we stated, in pertinent part, that: “OIG is not in a position to determine that the Department’s decision was unreasonable when it pursued options other than an SGE appointment for Mr. Slaoui’s advisory services for this operation.”

Decisions concerning the classification of individuals as employees, consultants, or contractors within HHS are made by HHS management, not the OIG. Similarly, decisions concerning what financial holdings a Department employee may have are made by HHS ethics officials in the Department’s Office of General Counsel. As such, the OIG response was intended to notify you that we made no determination as to whether Dr. Slaoui should have been classified as a special government employee. Likewise, we did not address Dr. Slaoui’s financial holdings.

Dr. Holman and Ms. Jorge

July 31, 2020

Page 2 of 2

While OIG can and does review (through, for example, audits) alleged mismanagement and ethics issues in HHS (including, for example, reviewing the appropriate employment/contractor classification of individuals or financial conflicts of interest), we have not made a decision to review HHS' arrangement with Dr. Slaoui at this time. If OIG were to conduct such a review, we would assess the available data that pertains to the existing arrangement. Ultimately, HHS management has the authority to make the determination of what actions, if any, to take in response to a finding or recommendation found in an OIG report. OIG has no authority to change an individual's classification or make decisions with respect to what financial holdings can be retained and which must be divested.

If you believe that Dr. Slaoui was improperly classified as a contractor rather than an employee, you may want to raise such concerns to either the Department's Office of Human Resources (<https://www.hhs.gov/about/agencies/asa/ohr/index.html>) or the U.S. Office of Personnel Management (<https://www.opm.gov/>). To the extent that you believe Dr. Slaoui was improperly allowed to maintain investments that create a conflict of interest with his HHS work, you should contact either the Ethics Division of the Department's Office of General Counsel (<https://www.hhs.gov/about/agencies/ogc/key-personnel/ethics-division/index.html>) or the Office of Government Ethics (<https://oge.gov/>).

I hope this information is useful to you. Should you have additional information that you would like us to consider, please feel free to forward it to my attention.

Sincerely,

Robert DeConti
Assistant Inspector General for Legal Affairs