The Honorable Alex M. Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Azar:

On March 29, 2019, we sent a letter to Centers for Medicare & Medicaid Services (CMS) Administrator Seema Verma requesting information and documents after it was reported that Administrator Verma personally approved the awarding of millions of dollars of contracts to private consultants who wrote her speeches, polished her brand, and traveled with her across the country.\(^1\) Documents obtained from the Department of Health and Human Services (HHS) appear to support many of the allegations that prompted our investigation.\(^2\) These contracts appear to be a highly problematic use of federal funds, and once again, call into question the Trump Administration’s commitment to transparency, ethics, and responsible stewardship of taxpayer dollars.

HHS has not fully cooperated with our investigation.\(^3\) To date, over eight months after we sent our letter, HHS has failed to fully respond to our requests for information and documents. While HHS has made three document productions, these productions have been woefully inadequate.\(^4\) Of particular concern, HHS has not produced documents from custodians in CMS’s Office of the Administrator.

\(^1\) Press Release, “Bicameral Health Leaders Urge HHS OIG to Investigate Verma’s Use of Millions In Taxpayer Funds on GOP Consultants,” House Committee on Energy and Commerce (Mar. 29, 2019); Key Trump health official spends millions on GOP-connected consultants, Politico (Mar. 28, 2019).


\(^3\) Shortly after sending the letter to Administrator Verma, HHS staff informed House Committee on Energy and Commerce staff that HHS’s Office of the Assistant Secretary for Legislation would be responsible for responding to our request.

\(^4\) The most recent of these productions, transmitted in November, came only after repeated follow-up requests from congressional oversight staff.
The documents that have been produced to date raise concerns that HHS is holding back significant amounts of relevant information. The documents also underscore questions about the role that Administrator Verma and her top advisors played in selecting the private consultants. For example, the attached documents, which HHS produced to the House Committee on Energy and Commerce from a custodian in CMS’s Office of Communications, show a top advisor to Administrator Verma directing the selection and onboarding of some of these consultants. The documents also show that these consultants closely coordinated with Administrator Verma’s office, including through weekly calls with Administrator Verma to discuss “ongoing media and event opportunities.”

Based on these documents, we request that HHS prioritize the production of communications from CMS’s Office of the Administrator regarding the selection, involvement, and activities of Porter Novelli, Nahigian Strategies, Pam Stevens, Marcus Barlow, and Brett O’Donnell as it relates to their work with Administrator Verma and CMS. We further request that HHS prioritize producing documents from Administrator Verma and Deputy Administrator and Deputy Chief of Staff Brady Brookes. This request should include documents from any account or device on which official CMS business was conducted.

We ask that HHS fully comply with our requests by no later than January 9, 2020, with immediate prioritization of CMS’s Office of the Administrator communications as discussed above. Given the significant amount of time HHS has already had to respond to our requests, we expect that HHS’s prioritization of this request will not in any way impede HHS’s efforts to respond to the remaining requests in a timely manner.

Failure to provide the requested information and documents by January 9 may require us to use alternative methods to obtain information about the awarding of these contracts. If you or your staff have questions about this matter, please contact Kevin Barstow or Manmeet Dhindsa with the House Committee on Energy and Commerce at (202) 225-2927.

Sincerely,

Frank Pallone, Jr.
Chairman
Committee on Energy and Commerce

Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform

Ron Wyden
Ranking Member
Committee on Finance

Patty Murray
Ranking Member
Committee on Health, Education, Labor, and Pensions
FYI

Confidential and deliberative, pre-decisional communication

From: Brett OD'onnell [mailto:...
Sent: Monday, February 5, 2018 1:21 PM
To: Kendra Kojcsich <...
Cc: Brookes, Brady (CMS/OA) <...
Subject: Re: Contract Update

Kendra

I have fixed the language problem in the memo and the revised is attached. Please let me know if there are other problems I need to address as we now have a gap in my work with CMS.

Thanks

Brett

On Feb 5, 2018, at 12:18 PM, Kendra Kojcsich <...

Hi Brett,

Just a quick update for you on the HHS/CMS contract. I got a call this morning from them that we need to place a temporary hold on work/transferring the contract to us until their committee reviews.

Your previous contract was covered with Deloitte until Feb 2nd. I am told they should have an answer this week. I'll keep you posted on what I hear this week but just wanted to shoot you an update since I just talked to them this morning.

Best,
Kendra

KENDRA KOJCSICH
Vice President
Direct Line: [redacted]
Mobile: [redacted]

PORTER NOVELLI
1615 L Street NW, Suite 1150, Washington, DC 20036 | porternovelli.com
T: [redacted]
Twitter: [redacted]
Memorandum

TO: KENDRA KOJCSICH
FROM: Brett O'Donnell
DATE: February 5, 2018 (revised)
SUBJECT: CMS Scope of Work and Company Narrative

O’Donnell and Associates, has been and will continue to provide strategic communications consulting to CMS and the CMS administrator, Seema Verma. Our tasks have included:

- Media training-General media training for the administrator
- Media preparation-Preparation for specific media appearances
- Media strategy-developing both short and long-term media strategy for both the administrator and the roll out of specific initiatives
- Message strategy-developing message strategy for CMS programs and rollouts of specific initiatives
- Speech writing/editing
- Press release writing/editing
- Speech preparation

Proposed Rate

I am proposing approximately 25 hours per week or 60 hours per month of work at a rate 197.00 per hour, which is my best rate for government work. However, I would be willing to discount that rate to a monthly retainer of $10,000.00 per month.

About O’Donnell and Associates, Ltd.

We believe that an effective communications strategy is the foundation of getting an individual or organization recognized and developing potent advocacy for outstanding ideas. Our mission is to listen and understand your needs and what the essence of the individual or organization is, and then to develop communications strategies, including branding that ensure that the ideas, marketing or policies are clearly communicated and built around a comprehensive message strategy.

O’Donnell & Associates goes beyond the normal boundaries of a communications strategist
to develop an organic communications strategy that continues to evolve with the challenges you face. Our goal isn’t to build communications effectiveness for a day’s worth of media coverage, but to develop strategies that will bring continued attention to the individual, organization, and their vision by reaching the appropriate audience through a variety of mediums, including public presentations and media appearances.

We help you look for opportunities to communicate and anticipate and prepare you to defend your organization through times of crisis through our whole messaging strategies. We can help you meet the entire range of communication challenges that you face in the fast paced and ever evolving cultural, political and media climate without compromising your integrity or vision.

About Brett O’Donnell

Brett O’Donnell is the President of O’Donnell & Associates and currently serves as a message and media strategist for numerous members of congress and for profit and non-profit corporations. In 2016 O’Donnell helped seven U.S. Senate candidates to victory and to preserve the Republican majority in the U.S. Senate. Also, in 2016 O’Donnell served as the message strategist for the Vote Leave campaign leading the way for Brexit in Britain. In 2014, O’Donnell was the communications consultant to seven candidates who were elected to the United States Senate, helping Republicans take back the majority in the Senate. O’Donnell has consulted for Representative Cathy McMorris Rodgers and the House Republican Conference. O’Donnell was the Chief Strategist to the Bachmann for President Campaign and was responsible for Representative Bachmann’s debate preparation. O’Donnell also assisted in preparing Governor Mitt Romney for Presidential Primary debates in Florida, a critical win in Romney’s bid to become the Republican nominee. He was the Director of Messaging for the McCain Presidential Campaign from January of 2007-November of 2008 where his duties included message strategy and development, supervision of the debate preparation process for both the primary and general election debates, speech writing, public speaking and media training and ensuring that the campaign’s message remained consistent across all its components from advertising and direct mail to its website. O’Donnell and Associates, Ltd. is a political and corporate strategic communications consulting firm. During The 2008 presidential campaign O’Donnell was twice named to Time Magazine’s “Five Most Important People Not Running for President” list and has been described as the “best political debate coach” in the country. He was a fellow at Harvard University’s Institute of Politics in the fall of 2012.

In 2004 O’Donnell was retained by the Bush-Cheney campaign to assist the President in debate preparation for 2004 presidential debates, including preparing debate strategies for the President and the Vice-President, and consulting on the rules for the debate formats. Karl Rove said that O’Donnell’s “hard work and preparation for the debates sent the President into the final stretch of the campaign with a wind at his back.” Mark McKinnon, President, Maverick Media and Media Advisor to President Bush said of O’Donnell, “The guy has great chops. He knows more about presidential debates than anyone I’ve ever talked to.” (New York Times, March 19, 2006) Since then O’Donnell has consulted for a number of presidential, gubernatorial, senate and house
campaigns. O'Donnell has also written for Sean Hannity and worked in the speech preparation and practice department at the 2004 and 2008 Republican National Conventions.

O'Donnell has also consulted for Rick Warren, author of the Purpose Driven Life, and other non-profit humanitarian organizations for message/marketing strategy, communications strategy, and rapid response and media communications. He and his firm also provide messaging, communications, crisis communications, media training, speechwriting, and marketing consulting for Fortune 500 companies. O'Donnell has appeared as a guest on the Comedy Central's Colbert Report, appeared numerous times on Fox News, CNN and MSNBC as a political analyst and he has guest lectured at Harvard University's Institute of Politics and the LBJ School of Government at the University of Texas.

Prior to his consulting work, O'Donnell was the Director of Debate at Liberty University for eighteen years where his teams won eighteen national rankings championships in intercollegiate debate. O'Donnell was named the Keele debate coach of the year by the National Debate Tournament in 1997. He taught at the University of Michigan's summer debate institute for seven years and has authored numerous articles and scholarly papers on intercollegiate debate, media, and political communication.
Will do

Sent from my iPhone

On Nov 29, 2017, at 9:35 AM, Wallace, Mary H. (CMS/OC) <[redacted]> wrote:

Yep – I’m also free at 12 so that sounds good. Want to just call my desk? Its [redacted]

From: Brookes, Brady (CMS/OA)
Sent: Wednesday, November 29, 2017 8:53 AM
To: Wallace, Mary H. (CMS/OC) <[redacted]>
Subject: RE: Follow up

I am available between 12-1:30 if you have 5-10 min to check in on this issue during that window?

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From: Wallace, Mary H. (CMS/OC)
Sent: Tuesday, November 28, 2017 8:31 PM
To: Brookes, Brady (CMS/OA) <[redacted]>
Subject: RE: Follow up

Yep that sounds good. Let me know what times work for you. There are only a few things tomorrow that I couldn’t move.

I had my team do some additional digging this afternoon and here is what I know (good news is some of it matches what Brett told you)

Chris had a call with Deloitte since we were taken off guard by the “stop work” email:

- Brett – they said he’ll be covered by Deloitte through the month of December. He has 85 hours remaining on his arrangement with them, so that is good news and should give us time to move him to Porter with no gap in service.
- Nahigian has zero $ left on Deloitte – indeed, they are in the hole. It turns out the contract with NS included a ceiling of $425K and as of 10/31 they had billed $385K. It is likely they worked over that during November and will attempt to bill for work they won’t recoup. According to Deloitte, they were informed of this multiple times. I told them I may be asking for evidence of that notification. They said they told Keith and Marcus and KO. As of now – Marcus can’t get paid and he was told as such.
- This is the view from Deloitte – all of this re-enforces my view that we get this work under a contract that we have more knowledge and control over what is going on.

Laura talked to Contracts today about the Porter contract:

- OAGM agreed that we can move forward adding "communications consulting work" to their contract. They want to check to make sure it fits in the current scope but Laura is confident that it does.

Next steps: We can revise the SOW and RFC paperwork tomorrow and will get it over to OAGM. It will take a couple days to finalize. I expect OAGM will be able to get a revised paperwork package to Porter on Friday – work can then begin immediately.
Hi Mary,

I spoke to Brett after our discussion and he is fine with moving to PN. He said that Deloitte has set aside enough money for him to bill through the end of December. Also, as a side note, he said he hasn't been paid by Deloitte yet. I also spoke to Marcus and I think we do need to consider how to transition this because I am not sure there will be enough left on the contract to do that. Can we touch base tomorrow?

Thanks!

Brady

Brady Brookes
Deputy Chief of Staff
Centers for Medicare & Medicaid Services
Cell: [redacted]
Desk: [redacted]

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Yes – sorry I didn’t get to this yesterday. My open question is on how much of her time we are looking for? A few hours a week or more than that but only for a few months? Just remember that people like this are expensive per hour. But also we have to know what the expectation is on her availability. She also needs concrete deliverables but I’m assuming that would be fairly straightforward.

Mary Wallace, Acting Director, Office of Communications, Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mailstop, S1-01-25, Baltimore, MD 21244

From: Brookes, Brady (CMS/OC)
Sent: Tuesday, July 24, 2018 9:25 AM
To: Wallace, Mary H. (CMS/OC)
Subject: RE: Item we discussed Friday

Can we touch base on this today to discuss timing? She is asking for an update.

Brady Brookes
Deputy Chief of Staff
Centers for Medicare & Medicaid Services

From: Brookes, Brady (CMS/OC)
Sent: Monday, July 23, 2018 10:14 AM
To: Wallace, Mary H. (CMS/OC)
Subject: Item we discussed Friday

The goal of the new contract action will be to find media opportunities and book media for the Administrator. In addition to connecting the Administrator to reporters for introductions and background discussions.

Pam Stevens number is

What is our next step?

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I would say that plus the ability to get strategic consultation from Keith and Ken ad hoc.

I think they just want Danielle and no one else. That's what I read from this.

I don't think it will be large, but just to be able to consult them on specific actions we are taking or ideas we have.

Okay – any idea the size of the strategic consultation? Ballpark?

Thanks! I think what I have highlighted on select opportunities. In addition, I think we want to keep them for select communications consultation. We do not plan to use them for advance, the book, etc.

Just a reminder to let me know what tasks you want for the new contract.
From: Wallace, Mary H. (CMS/OC)
Sent: Tuesday, August 28, 2018 11:58 AM
To: Brookes, Brady (CMS/OA)
Subject: Strategic Corps Contractor Tasks

Here you go

Nahigian Strategies

- Advance work for all trips - Matt M, Taylor, and freelancers - Tom, Carter, Greg
- Run of show document - Taylor/Matt
- Briefing books - Taylor/Matt/Danielle
- Community management for social media - Cassie/Lynn/Steph/Danielle
- Writing social media copy - Cassie/Lynn/Steph/Danielle
- Speech prep - Ken/Keith/Marcus
- Speech writing - Ken
- Earned and social media reports after events (Both PN and NS tag team this) - Cassie/Lynn/Danielle
- National media pitching for Administrator - Danielle
- Coordinating special events (Blue Button 2.0, HIMMS, and other special projects) - Danielle/Cassie/Taylor/Keith
- Quarterly strategic communications meetings - Marcus/Danielle/Keith/Ken
- Maintain communications spreadsheet and calendar - Marcus/Danielle/Cassie

Porter Novelli

- Oversee social media strategy and recommendations - Kendra
- High-level notes at traveling and events - Bethany
- Oversee media and assist on media staffing and recommendations for events with NS - Kendra
- Earned and social media reports after events - Kendra, Jess Kendra, Bethany, Nora
- Staffing interviews as needed - Kendra K.
- Coordinate with CMS staffers and all contractors - Kendra

Mary Wallace, Acting Director, Office of Communications, Centers for Medicare & Medicaid Services
7500 Security Boulevard | Mailstop, S1-01-26 | Baltimore, MD 21244 | 410-786-7126
Can you have her put names next to these?

Mary – here you go. Let me know if you need anything additional.

Here you go. Let me know if Mary needs more detail.

Thanks,
Laura

Nahigian Strategies
- Advance work for all trips
- Run of show document
- Briefing books
- Community management for social media
- Writing social media copy
- Speech prep
- Speech writing
- Earned and social media reports after events (both PN and NS tag team this)
- National media pitching for Administrator
- Coordinating special events (Blue button 2.0, HIMMS, and other special projects)
- Quarterly strategic communications meetings
- Maintain communications spreadsheet and calendar

Porter Novelli
- Oversee social media strategy and recommendations
- High-level notes at traveling and events
- Oversee media and assist on media staffing and recommendations for events with NS
- Earned and social media reports after events
- Staffing interviews as needed
- Coordinate with CMS staffers and all contractors
Laura – Mary said no rush, but wanted to know the eta on that bulleted list you were going to provide around Nahigian work, I think you discussed it at the porter meeting on Monday. Thanks!
Activity Report
September 2018

Centers for Medicare and Medicaid Services (CMS)
Medicare Open Enrollment National Multimedia & Education Campaign
Contract HHSM-500-2011-00028l, Order HHSM-500-T0005
Option Year 2 (9/15/18 – 8/31/19)

Strategic Communications

Met with CMS Office of Communications (OC) and Office of the Administrator (OA) and Nahigian Strategies on 2018 Activities and Initiatives:

- The Porter Novelli Public Services (PNPS) team continued to coordinate and participate in calls with CMS OC, OL, OA, and regional offices and Nahigian Strategies. The team coordinated a weekly status call to review activities across the PNPS and NS accounts.

- PNPS prepared and delivered weekly reports for Administrator Verma’s Twitter account to provide growth analysis and recommendations.

- Staffed “Burden Reduction” event held at Washington Medstar Hospital. Participated in all meetings with Nahigian Strategies for planning and logistics. Provided on the ground support by staffing the event for the Administrator.

- Provided media coverage and reporting for Administrator’s Activities.

- PNPS assisted in the production and filming of the eMedicare video featuring Administrator Verma and individuals from the Osher Lifelong Learning Institute. Participated in all meetings with CMS and Osher Lifelong Learning Institute to confirm participants in the shoot as well as location. Provided on the ground video and logistical support.
Activity Report
October 2018

Centers for Medicare and Medicaid Services (CMS)
Medicare Open Enrollment National Multimedia & Education Campaign
Contract HHSM-500-2011-00028I, Order 75FCMC18F0001
Option Year 2 (9/15/18 – 8/31/19)

Met with CMS Office of Communications (OC) and Office of the Administrator (OA) and Nahigian Strategies on 2018 Activities and Initiatives:

- The Porter Novelli Public Services (PNPS) team continued to coordinate and participate in calls with CMS OC, OL, OA, and regional offices and Nahigian Strategies. The team coordinated a weekly status call to review activities across the PNPS and NS accounts. PNPS also participated in ad hoc calls to discuss logistics and press activity for York, PA and Indianapolis, IN events.

- Provided media coverage and reporting for Administrator’s Activities. Created media lists and conducted outreach for York, PA and Indianapolis, IN events.

- Staffed York, PA and Indianapolis, IN events. Participated in all meetings with Nahigian Strategies for planning and logistics.

- Provided briefing book updates and support for York, PA events.

- PNPS provided comprehensive media monitoring and media reports for coverage of the event.

- Created assets for PA-Medicare event, including laptop stickers and briefing book.

- Sourced speechwriter for Medicare events and travel.

Strategic Communications Nonevent Activities

- Prepared and delivered weekly reports for Administrator Verma’s Twitter account to provide growth analysis and recommendations.

- Produced eMedicare video with Administrator Verma; script writing, production and post production work.
Activity Report
November 2018

Centers for Medicare and Medicaid Services (CMS)

Met with CMS Office of Communications (OC) and Office of the Administrator (OA) and Nahigian Strategies on 2018 Activities and Initiatives:

- The Porter Novelli Public Services (PNPS) team continued to coordinate and participate in calls with CMS OC, OL, OA, and regional offices and Nahigian Strategies.

- The team worked with CMS to create a weekly communications coordination call (Mondays) with the consultants and CMS staff as well as a separate weekly call with the Administrator (Fridays) to discuss ongoing media and event opportunities.

- The team coordinated a weekly status call/meeting to review activities across the PNPS and NS accounts.

- The team coordinated a weekly status call/meeting to review activities with Joanna Barbour, Pam Stevens and Marcus Barlow.

- PNPS also participated in ad hoc calls to discuss logistics and press activity for the interoperability rule, open enrollment, KAPR, the Innovation Conference at the White House, and other ongoing media opportunities.

- Created media lists for marketplace, interoperability embargo interviews, and potential editorial boards.

- Staffed Boston events which included advance, notetaking, press interviews, etc. Participated in all meetings with CMS, Nahigian Strategies, and PNPS hosting for planning, logistics, and press activities.

- Provided briefing book updates and support for Boston events.

- Coordinated with Pam Stevens on booking press on Boston radio and Boston Herald, coordinated with reporters and staffed both interviews.

- PNPS provided comprehensive media monitoring and media reports for coverage of the event.
• Created a one-pager on interoperability and model waiver.

• Coordinated with pool of speechwriters for varies speaking engagements.

• Prepared and delivered weekly reports for Administrator Verma's Twitter account to provide growth analysis and recommendations.
Activity Report
December 2018

Centers for Medicare and Medicaid Services (CMS)

Met with CMS Office of Communications (OC) and Office of the Administrator (OA) and Nahigian Strategies on 2018 Activities and Initiatives:

- The Porter Novelli Public Services (PNPS) team continued to coordinate and participate in calls with CMS OC, OL, OA, and regional offices and Nahigian Strategies.

- The team participated in weekly communications coordination call (Mondays) with the consultants and CMS staff as well as a separate weekly call with the Administrator (Fridays) to discuss ongoing media and event opportunities.

- The team worked with CMS to create the Vision presentation for the CMS internal meeting.

- The team coordinated a weekly status call/meeting to review activities across the PNPS and NS accounts.

- The team coordinated a weekly status call/meeting to review activities with Joanna Barbour, Pam Stevens and Marcus Burlow.

- PNPS also participated in ad hoc calls to discuss logistics and press activity for the marketplace open enrollment media tour and other ongoing media opportunities.

- The team has been working to secure opportunities for the Administrator for the California trip.

- Coordinated, staffed and prepared briefing for 6 marketplace open enrollment RMT/SMT interviews for the Administrator.

- Coordinated, staffed and prepared briefing for 25 marketplace open enrollment RMT/SMT interviews for Randy Pate.

- Coordinated with pool of speechwriters for varies speaking engagements.
- Prepared and delivered weekly reports for Administrator Verma's Twitter account to provide growth analysis and recommendations.
Activity Report
January 2019
Centers for Medicare and Medicaid Services (CMS)

Met with CMS Office of Communications (OC) and Office of the Administrator (OA) and Nahigian Strategies on 2019 Activities and Initiatives:

- The Porter Novelli Public Services (PNPS) team continued to coordinate and participate in calls with CMS OC, OL, OA, and regional offices and Nahigian strategies.

- The team participated in weekly communications coordination call (Mondays) with the consultants and CMS staff as well as a separate weekly call with the Administrator (Fridays) to discuss ongoing media and event opportunities.

- The team coordinated a weekly status call/meeting to review activities across the PNPS and NS accounts.

- The team coordinated a weekly status call/meeting to review activities with Joanna Barbour, Pam Stevens and Marcus Barlow.

- PNPS also participated in ad hoc calls to discuss logistics and press activity the California trip, the Philadelphia trip and other ongoing media opportunities.

- The team has been working to secure opportunities for the Administrator for the California trip and the Philadelphia trip.

- Coordinated with pool of speechwriters for varies speaking engagements.

- Prepared and delivered weekly reports for Administrator Verma’s Twitter account to provide growth analysis and recommendations.