

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

September 11, 2020

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

Dear Secretary Azar:

I write seeking information about a performance work statement (PWS) reportedly issued by the U.S. Department of Health and Human Services (HHS) for a communications contract regarding the coronavirus disease of 2019 (COVID-19) pandemic.¹ Among other things, the Committee is concerned that HHS may use more than a quarter-billion dollars in taxpayer funds on private communications consultants charged with distorting the facts and misleading the public about the Trump Administration's failed response to the COVID-19 pandemic. Given the White House's unrelenting push to put politics above science, the Committee is deeply troubled by any effort to sideline public health officials in favor of outside communications consultants, particularly just months before the presidential election.

According to a recent press report, several weeks ago, HHS sent multiple communications firms a PWS, in which HHS identified a series of goals for a new communications contract, including "defeat despair and inspire hope" about the COVID-19 pandemic, "instill confidence to return to work and restart the economy," build a "coalition of spokespeople," and provide public health, therapeutic, and vaccine information as the country reopens.² The centerpiece of this contract reportedly consists of public service advertisements aimed at persuading people to "engage in behavior that actively promotes health behaviors or good citizenship."³ The report also notes that HHS plans to spend more than \$250 million on

¹ *HHS Bids \$250 Million Contract Meant To 'Defeat Despair and Inspire Hope' on Coronavirus*, Politico (Aug. 31, 2020).

² *Id.*

³ *Id.*

this contract, and that the vast majority of these funds will be spent by January 2021—a period of only five months from when HHS reportedly began circulating the PWS.⁴

Although federal agencies may use outside communications firms to promote agency and program initiatives, senior health officials in the Trump Administration have relied heavily on private communications consultants, including consultants with strong partisan political ties.⁵ In particular, the Committee recently issued a joint staff report on a 17-month investigation into Centers for Medicare & Medicaid Services (CMS) Administrator Seema Verma's use of Republican communications consultants.⁶ Among other things, the investigation showed that Administrator Verma and her top aides misused federal contracts to bring handpicked partisan communications consultants into CMS operations—building a shadow operation that worked to burnish Administrator Verma's public profile and promote her personal brand, while sidelining CMS's in-house communications team.⁷

This type of practice, standing alone, raises serious questions about the Trump Administration's stewardship of taxpayer dollars and may even violate federal law prohibiting the use of taxpayer funds for publicity or propaganda purposes.⁸ But it is especially troubling given the Trump Administration's record of pervasive political interference in our public health institutions throughout the COVID-19 pandemic.

Indeed, the White House has brazenly interfered in public health agencies' search for safe and effective COVID-19 treatments and vaccines—sidelining the Centers for Disease Control and Prevention, undermining its public health guidance, and denigrating the Administration's

⁴ *HHS Bids \$250 Million Contract Meant To 'Defeat Despair and Inspire Hope' on Coronavirus*, Politico (Aug. 31, 2020).

⁵ See, e.g., *Exclusive: Key Trump Health Official Spends Millions on GOP-Connected Consultants*, Politico (Mar. 29, 2019); *Trump Allies Received Hundreds of Thousands of Dollars Under Federal Health Contract*, Politico (Nov. 11, 2019).

⁶ Majority Staff, House Committee on Energy and Commerce, Majority Staff, House Committee on Oversight and Reform, Minority Staff, Senate Committee on Finance, and Minority Staff, Senate Committee on Health, Education, Labor, and Pensions, *Investigation of CMS Administrator Seema Verma's Use of Private Communications Consultants* (Sept. 2020).

⁷ *Id.*

⁸ Letter from Rep. Carolyn B. Maloney, Chairwoman, House Committee on Oversight and Reform, Rep. Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce, Sen. Ron Wyden, Ranking Member, Senate Committee on Finance, and Sen. Patty Murray, Ranking Member, Senate Committee on Health, Education, Labor, and Pensions, to Comptroller General of the United States Gene L. Dodaro (Sept. 10, 2020).

own public health experts.⁹ Alarming, it appears the White House's pressure campaign recently resulted in the Food and Drug Administration (FDA) issuing an emergency use authorization (EUA) for convalescent plasma, a decision that has been criticized by some HHS officials and other public health experts due to inadequate data on its efficacy.¹⁰ During the White House press conference announcing the EUA, FDA Commissioner Stephen Hahn made false and misleading statements about the efficacy of the use of convalescent plasma.¹¹ These statements, which Commissioner Hahn later walked back,¹² came one day after President Trump accused FDA of being part of a "deep state" plot as it seeks to follow safety and efficacy standards and protocols for COVID-19 therapeutics and vaccines.¹³ Reports indicate that HHS officials are now "wrestling for control of FDA's messaging," including by removing an external communications consultant experienced in FDA communications who advised Commissioner Hahn to apologize for his misstatements.¹⁴

Given senior Trump Administration health officials' past reliance on partisan communications consultants and the White House's relentless politicization of our nation's public health system, I am deeply concerned that HHS is pursuing a dishonest COVID-19 messaging campaign designed primarily to benefit President Trump's reelection prospects. Now more than ever, HHS must ensure that taxpayer dollars are used to promote public health and safety—not to deceive the public about the Trump Administration's failed record on the eve of the presidential election.

In light of these concerns, I request the following information no later than September 25, 2020:

1. A copy of the following documents:

⁹ Letter from Rep. Frank Pallone, Jr., Chairman, Rep. Anna G. Eshoo, Chairwoman, and Rep. Diana DeGette, Chairwoman, House Committee on Energy and Commerce, to Food and Drug Administration Commissioner Stephen Hahn (Aug. 24, 2020).

¹⁰ The White House, *Remarks by President Trump in Press Briefing* (Aug. 23, 2020); *Advisers See No Data Favoring Trump-Touted Plasma Therapy*, Bloomberg (Sept. 1, 2020); *F.D.A.'s Emergency Approval of Blood Plasma Is Now on Hold*, New York Times (Aug. 19, 2020).

¹¹ Eric Topol, MD, *Dear Commissioner Hahn: Tell the Truth or Resign*, Medscape (Aug. 31, 2020).

¹² *FDA Chief Hahn Walks Back Plasma Claims, But His Correction Still Missed the Mark, Experts Say*, FiercePharma (Aug. 25, 2020).

¹³ *Trump Calls Out FDA Chief, Suggests Agency is Slow-Walking Covid Clinical Trials*, Politico (Aug. 22, 2020).

¹⁴ *Hahn, HHS in 'Tit for Tat' Feud over Covid-19 Messaging*, Politico (Sept. 2, 2020).

- a. The PWS referenced in this letter (“PWS”); and
 - b. Any contracts, task orders, or agreements HHS has entered into in connection with the PWS.
2. A complete list of all communications firms to which HHS sent the PWS.
3. A complete description of the account(s) HHS will use to pay for the services described in the PWS and the total amount HHS intends to spend on the contract described in the PWS. If funds from multiple accounts will be used, please specify the amount from each account.
4. The total amount HHS has spent to date on communications or public relations contractors related to the COVID-19 pandemic. If HHS has engaged multiple communications or public relations contractors for work related to the COVID-19 pandemic, please specify the amount paid to each such contractor.
5. The amounts under the contract described in the PWS that HHS expects to spend to promote or publicize each of the following messages or initiatives:
 - a. Combatting vaccine hesitancy or encouraging people to take any eventual vaccine for COVID-19;
 - b. Encouraging people to wear masks whenever they go out in public;
 - c. Encouraging people to get tested regularly for COVID-19 and informing people how they may access COVID-19 testing; and
 - d. Emphasizing the importance of engaging in social distancing.
6. The amounts under the contract described in the PWS that HHS expects to spend to promote or publicize the following messages or initiatives:
 - a. Sharing best practices for business operations;
 - b. Restarting the economy;
 - c. Delivering economic information; and
 - d. Returning to work.

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Should you have any questions about these requests, please contact Peter Rechter or Kevin Barstow from the Majority staff at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Chairman