

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

October 1, 2020

Mr. Den Tolmor
Manager
DD&T Group LLC
544 NE 58 Street
Miami Beach, FL 33139

Dear Mr. Tolmor:

We are writing to request documents and information about DD&T Group LLC's (DD&T) reported work in connection with a \$15 million coronavirus-related communications contract awarded to Atlas Research LLC (Atlas) by the Department of Health and Human Services (HHS).

On August 26, 2020, HHS entered a definitive contract with Atlas to produce a "COVID-19 Immediate Surge Public Service Advertising and Awareness Campaign." On September 4, 2020, pursuant to a modification, all funds obligated for this contract were de-obligated.¹ Then, on September 10, 2020, it appears that the project was awarded under a different contract number, for the exact same amount of money, purpose, and time frame.²

On September 11, 2020, we requested documents and information regarding an HHS communications contract worth \$250 million that was awarded to Fors Marsh Group for the purpose of creating public service advertisements intended to "defeat despair and inspire hope" during the coronavirus crisis.³

On September 25, 2020, *Politico* reported that the contract with your company was part of an advertising campaign intended to start airing prior to Election Day, which was spearheaded by the HHS Assistant Secretary for Public Affairs Michael Caputo, who is

¹ USAspending, *Definitive Contract: PIID 75F40120C00118* (available at www.usaspending.gov/award/CONT_AWD_75F40120C00118_7524_-NONE_-NONE-).

² USAspending, *Definitive Contract: PIID 75F40120C00162* (available at www.usaspending.gov/award/CONT_AWD_75F40120C00162_7524_-NONE_-NONE-).

³ Committee on Oversight and Reform, *Press Release: Maloney, Clyburn, and Krishnamoorthi Call on Trump Administration to Suspend \$250 Million Coronavirus PR Contract* (Sept. 11, 2020) (online at <https://oversight.house.gov/news/press-releases/maloney-clyburn-and-krishnamoorthi-call-on-trump-administration-to-suspend-250>).

your former business partner. According to this report, the campaign is intended to include videos with senior Trump Administration officials and celebrities. Mr. Caputo, who is currently on a 60-day medical leave of absence, has claimed this campaign was “demanded of me by the president of the United States. Personally.”⁴

According to this report, HHS recommended that Atlas use DD&T as a subcontractor, and that DD&T “has now spent weeks working to produce the government’s videos.” The report also stated that “Jeffrey Souder, who does not work for HHS but has held multiple roles for Caputo’s private public relations firms, also has been included in the campaign planning efforts.”⁵ Recent reporting indicates that DD&T is “overwhelmed” by the project.⁶

Although the contract was ostensibly issued to Atlas by the Food and Drug Administration (FDA), an FDA spokesman confirmed the contract is being overseen by HHS, rather than FDA. According to reports, “three FDA officials involved in the agency’s response to coronavirus said they were previously unaware that Caputo’s team had used the FDA to help manage its new advertising campaign.”⁷

A recent report indicates that HHS is aiming to “produce at least 20 public service announcements by Election Day,” and that Department officials have raised serious concerns about the effort. One current HHS official said, “This is a boondoggle” and explained, “We’re in the middle of a pandemic ... we could use that quarter of a billion dollars on buying PPE [personal protective equipment], not promoting PSAs with C-list celebrities.”⁸

We are concerned that the Trump Administration appears to be misusing taxpayer dollars to fund a political propaganda campaign—disguised as a public health effort—just weeks before a presidential election, and that the Administration may be improperly steering federal contracts to individuals with financial ties to senior political appointees.

To assist us in this investigation, please provide the following documents and information by October 15, 2020:

1. All documents and communications referring or relating to the \$15 million HHS contract awarded to Atlas for coronavirus public service advertising and awareness (under contract numbers 75F40120C00162 and 75F40120C00118 or

⁴ *‘It’s Like Every Red Flag’: Trump-Ordered HHS Ad Blitz Raises Alarms*, Politico (Sept. 25, 2020) (online at www.politico.com/news/2020/09/25/trump-hhs-ads-coronavirus-421957).

⁵ *Id.*

⁶ *HHS Ad Blitz Sputters as Celebrities Back Away*, Politico (Sept. 29, 2020) (online at www.politico.com/news/2020/09/29/hhs-ad-blitz-sputters-as-celebrities-back-away-423274).

⁷ *Id.*

⁸ *Id.*

any other contract number) and any related subcontracts, including but not limited to documents and communications related to:

- a. DD&T's interest in providing services to or contracting with the federal government or Atlas;
 - b. any solicitation or request for proposals or offers;
 - c. any offer, bid, or proposal from your company, including type of competition and pricing information;
 - d. Atlas's contract with HHS;
 - e. any agreements or subcontracts between your firm and Atlas or any other contractors, vendors, or other third-party service providers;
 - f. all awards, modifications, and terminations of any contract or subcontract;
 - g. Atlas's or DD&T's services being funded by or integrated into another contract, such as HHS's \$250 million contract with Fors Marsh; and
 - h. Atlas's or DD&T's performance under any such contract or subcontract.
2. A list of all DD&T employees or agents who communicated with Atlas or the federal government regarding the subjects described in Request 1, including a description of the date, subject matter, and participants of any meetings or telephone conferences.
 3. All communications to, from, or relating to any of the following individuals from April 1, 2020, to present:
 - a. Michael Caputo;
 - b. Paul Alexander; and
 - c. Jeffrey Souder.
 4. A list of all individuals considered to appear for any coronavirus public service advertising and awareness campaign.
 5. All communications with individuals related to their contemplated or actual appearance for any coronavirus public service advertising and awareness campaign.
 6. Any work product, including draft work product, your firm has provided to Atlas, HHS, or any federal officials for any coronavirus public service advertising and awareness campaign.

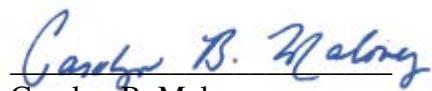
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. House Resolution 935 established the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis."

Mr. Den Tolmor
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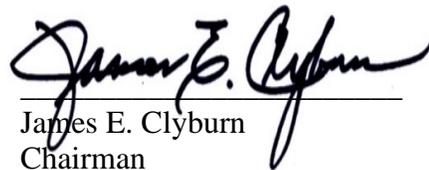
An attachment to this letter provides additional instructions for responding to the Committees' request. Consistent with these instructions, these requests are to be construed as continuing in nature.

If you have any questions regarding this request, please contact Committee staff at (202) 225-5051.

Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



James E. Clyburn
Chairman
Select Subcommittee on the
Coronavirus Crisis



Raja Krishnamoorthi
Chairman
Subcommittee on Economic and Consumer Policy

Enclosure

cc: The Honorable James R. Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

The Honorable Michael Cloud, Ranking Member
Subcommittee on Economic and Consumer Policy

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.