

U.S. House of Representatives

COMMITTEE ON VETERANS' AFFAIRS

ONE HUNDRED SIXTEENTH CONGRESS

3460 O'NEILL HOUSE OFFICE BUILDING

WASHINGTON, DC 20024

<http://veterans.house.gov>

February 8, 2019

The Honorable Robert Wilkie
Secretary
Department of Veterans Affairs
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Mr. Secretary:

I am writing to request information about alleged improper influence of Mr. Ike Perlmutter, Dr. Bruce Moskowitz, and Mr. Marc Sherman over policy and personnel decisions of the Department of Veterans' Affairs. The Department declared these three members of President Trump's National Golf Club Mar-a-Lago "asserted influence *over the Department*" as a defendant in Federal court.¹ Public documents in response to a Freedom of Information Act (FOIA) request provide further evidence of their power over key Department officials and their involvement in procurement decisions and potentially other policy and programmatic decisions made by the Department.

The Committee on Veterans' Affairs is opening an investigation into this relationship so that Congress, veterans, and the American people can better understand the scope and nature of this relationship between the Department and these individuals who have not served in the U.S. military nor U.S. government, and are not accountable to veterans and the American people.

Public documents show that Mr. Ike Perlmutter, Chairman and Chief Executive Officer of Marvel Entertainment, LLC., Dr. Bruce Moskowitz, an Internal Medicine specialist, and Mr. Marc Sherman, an attorney without health care industry experience, ostensibly used their wealth and connections to President Trump and his family to make decisions for the Department. Top Department officials apparently treated these Mar-a-Lago members as having decision-making authority, and emails demonstrate these powerful men weighed in on candidates to lead the

¹ Memorandum of Points and Authorities in Support of Defendant's Motion to Dismiss at 21.
<https://democracyforward.org/wp-content/uploads/2018/08/DOJ-Reply-to-VoteVets-Complaint-11-16-18.pdf>

Veterans Health Administration,² and organized meetings and summits between VA and commercial entities. Documents also show these men were involved in the procurement of an electronic health record from Cerner Corporation: they were granted access to review the confidential draft contract between the Department and Cerner Corporation more than three months before Congress received access to the contract and more than two months prior to contract signing.

Email correspondence evinces these Mar-a-Lago members were promised development of “a project plan and...timeline for action”³ when senior Department officials were directed by these men to stand up an “emergency committee” on mental health care delivery.⁴ These individuals—despite having no experience delivering healthcare to veterans—rejected advice provided by Department experts, arranging calls and naming themselves to an “executive committee” to direct Department development of technology with Apple Inc.⁵ that could personally enrich Dr. Moskowitz and his family,⁶ and organized a Department-led medical device registry summit in which Dr. Moskowitz’s family and foundation played a prominent role.⁷ Former VA Secretary Shulkin and other Department officials participated and promoted Marvel Entertainment at a Veterans Day event at the New York Stock Exchange.

Travel records and email correspondence demonstrate that you, former VA Secretaries and acting Secretaries, and other key VA officials, flew to Mar-a-Lago on official travel paid for by taxpayers. After meeting with these individuals at Mar-a-Lago on or about April 20, 2018,⁸ you wrote via email to these individuals that you were “honored” to visit with them.⁹ Reports and sources also allege these individuals caused Department leaders who disagreed with them to lose their jobs or be passed over for promotions, in one instance these men allegedly directed or encouraged two VA officials to contact congressional aides and advocate for the resignation of Secretary Shulkin and his deputy in February 2018.¹⁰

² Department of Veterans Affairs, FOIA Service, VA Senior Leadership Emails https://www.oprm.va.gov/foia/foia_library.aspx (under heading “Senior Leadership Emails/Travel”) [hereinafter VA Senior Leadership Documents], [PORemailsto9618Redacted](#) .

³ VA Senior Leadership Documents, [POR emails to 5-3-18 Redacted](#) at 36.

⁴ *Id.* at 36-37.

⁵ VA Senior Leadership Documents, [DS TB CS to 6-22-18 Redacted](#)

⁶ *Id.* At 158- 159.

⁷ VA Senior Leadership Documents, [Emails JHB to 6-22-18.1 Redacted](#)

⁸ VA Senior Leadership Documents, [Robert Wilkie West Palm Beach, FL – 04.17-20.2018 Redacted](#)

⁹ VA Senior Leadership Documents, [RLW emails up to 6-5-18 Redacted](#)

¹⁰ Donovan Slack, *VA Secretary David Shulkin's top PR aide asked Congress to help get him fired*, USA Today (Feb. 28, 2018), <https://www.usatoday.com/story/news/politics/2018/02/28/va-secretary-david-shulkins-top-pr-aide-lobbied-congress-get-him-fired-sources-say/380726002/?platform=hootsuite>;

Lisa Rein, *Top aide to VA chief Shulkin is said to have advocated his ouster*, The Washington Post (Feb. 28, 2018), https://www.washingtonpost.com/politics/top-aide-to-va-chief-shulkin-said-to-have-advocated-his-ouster/2018/02/28/3a2ceb68-1cc6-11e8-ae5a-16e60e4605f3_story.html?noredirect=on&utm_term=.afb7b78c803a

In order to investigate the extent of influence these individuals had and continue to wield over Department policies, decisions, and personnel, I request you produce the following documents:

1. Unredacted copies of any documents and communications that have been provided to individuals or organizations via FOIA request, including unredacted copies of the documents under the heading "Senior Leadership Emails/Travel" available on the Department's website.¹¹
2. Any documents and communications in your possession, control, or custody sent to or received from Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman, including communications via nongovernmental email accounts or via Multimedia Messaging Service (MMS) or Short Message Service (SMS) on nongovernmental electronic devices.
3. Any documents and communications in your possession, control, or custody referring or relating to Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman including communications via nongovernmental email accounts or via MMS or SMS on nongovernmental electronic devices.
4. Any documents and communications sent or received from Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman in the possession, control, or custody of the following Department officials: Mr. James Byrne, Acting Deputy Secretary; Mr. John Ulliot, Assistant Secretary for Public and Intergovernmental Affairs; Mr. James Gfrerer, Chief Information Officer; Mr. Curt Cashour, Press Secretary; Mr. Darin Selnick, Mr. Jake Leinenkugel, Ms. Jacquelyn Hayes-Byrd, and Mr. Camillo Sandoval. This includes communications via nongovernmental email accounts or via MMS or SMS on nongovernmental electronic devices.
5. Any documents and communications referring or relating to Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman in the possession, control, or custody of the above named Department officials. This includes communications via nongovernmental email accounts or via MMS or SMS on nongovernmental electronic devices.
6. Any documents and communications in the possession, control, or custody of the Department of former Department officials Dr. David Shulkin, Secretary, Mr. Thomas

¹¹ VA Senior Leadership Documents, *supra* note 2 (https://www.oprm.va.gov/foia/foia_library.aspx).

Bowman, Deputy Secretary, Mr. Peter O'Rourke, Ms. Genevieve Morris, Chief Health Information Officer sent to or received from Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman. This includes communications via nongovernmental email accounts or via MMS or SMS on nongovernmental electronic devices.

7. Any documents and communications in the possession, control, or custody of the Department referring or relating to Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman sent or received by the above named former Department officials. This includes communications via nongovernmental email accounts or via MMS or SMS on nongovernmental electronic devices.
8. Any documents and communications in the possession, control, or custody of the Department in which a VA Secretary or other Department official directed Department officials to communicate with Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman via nongovernmental email accounts or via SMS or MMS on nongovernmental electronic devices.
9. Telephone records or call logs in the possession, control, or custody of the Department, including the date and time of each call in which you spoke with Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman.
10. Telephone records or call logs in the possession, control, or custody of the Department, including the date and time of each call in which Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman communicated with any of the following Department officials: Mr. James Byrne, Acting Deputy Secretary; Mr. John Ulyot, Assistant Secretary for Public and Intergovernmental Affairs; Mr. James Gfrerer, Chief Information Officer; Mr. Curt Cashour, Press Secretary; Mr. Darin Selnick, Mr. Jake Leinenkugel, Ms. Jacquelyn Hayes-Byrd, or Mr. Camillo Sandoval.
11. Telephone records or call logs in the possession, control, or custody of the Department, including the date and time of each call in which Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman communicated with former Department officials Dr. David Shulkin, Secretary, Mr. Thomas Bowman, Deputy Secretary, Mr. Peter O'Rourke, and Ms. Genevieve Morris, Chief Health Information Officer.
12. Telephone records or call logs in the possession, control, or custody of the Department, including the date and time of each call in which any Department official or employee spoke directly with or participated in a conference call with Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman.

13. Any documents and communications referring or relating to Mr. Aaron Moskowitz and Dr. Bruce Moskowitz's participation in discussions or meetings with the Department and Apple Inc. referring or relating to the development of a mobile or software application.
14. Any documents and communications referring or relating to Dr. Moskowitz and his relatives, and the development of a medical device registry or organization of the June 4, 2018 summit on device registries.
15. Any documents and communications referring or relating to Dr. Moskowitz, his relatives, and Department officials and the Biomedical Research and Education Foundation.
16. Any documents and communications referring or relating to former Secretary Shulkin's participation or the participation of Department officials in the November 7, 2017 Veterans Day New York Stock Exchange event presented by Marvel Entertainment LLC, including any opinion provided by Department ethics officials sanctioning participation in the event.
17. Any documents and communications referring or relating to official travel of current and former Department officials to Trump National Golf Club Mar-a-Lago, including documents demonstrating the cost to the U.S. taxpayer.
18. Any additional documents and communications in the possession, control, or custody of the Department referring or relating to Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman.
19. Any additional documents and communications in the possession, control, or custody of the Department sent or received from Mr. Perlmutter, Dr. Moskowitz, and Mr. Sherman.
20. Any documents and communications referring or relating to any personal referrals related to current or future agency contracts, programs, or projects by Mr. Perlmutter, Dr. Moskowitz, or Mr. Sherman.

Please provide the documents in electronic, soft-copy format. Do not alter the documents in any way, including but not limited to applications of redactions or a water mark. Only relevant documents and tangible things should be provided as part of the submission. Also provide the contact information for the individual(s) responsible for assembling the submission. This/These individual(s) shall certify and attest to the accuracy of the submission and whether the Department has complied with the request.

The Honorable Robert Wilkie
February 8, 2019
Page 6

The deliverables opened by this request will not be closed until the Committee is sufficiently satisfied with the responses provided, including whether the formatting instructions have been adhered to. The Committee reserves the right to, at its discretion, order an alternative organization of the submission. The Department has a continuing duty to supplement the record by providing relevant documents and tangible things to the Committee until the matter is closed.

Government officials and private individuals who seek to use the Department for personal enrichment, or who make poor decisions that waste taxpayer dollars or negatively affect the delivery of veterans' healthcare and benefits must held to account.

Please produce these documents by February 22, 2019. Should you have any questions about this request, please contact Grace Rodden, Committee General Counsel, at (202) 225-9756 or at grace.rodden@mail.house.gov. Thank you for your prompt attention to this request.

Sincerely,



Mark Takano
Chairman

cc: Phil Roe, M.D.
Ranking Member