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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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May 22, 2012

The Honorable Kathleen Sebelius
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Sebelius:

It has been reported that the Department of Health and Human Services recently finalized a \$20 million contract with a public relations firm to launch a nationwide multimedia campaign to advertise the Patient Protection and Affordable Care Act. I write to respectfully request further information about this contract, including the request for proposal (RFP), a detailed statement of the expected work product, the planned content of taxpayer-funded advertisements, the target audiences, and the timetable for advertisements this year.

In addition, I am seeking HHS's legal opinion concerning whether this public relations contract complies with the Consolidated Appropriations Act of 2012, which bars certain public relations spending. That law states in relevant part: "No part of any appropriation contained in this or any other Act shall be used ... for publicity or propaganda purposes."¹ Please provide an explanation of the extent to which this new multimedia campaign does or does not constitute "publicity or propaganda."

This request follows a related, broader inquiry to which HHS has not yet responded. On February 28, 2012, as part of the Subcommittee on Contracting Oversight's ongoing oversight efforts, Senator Claire McCaskill and I requested basic information about HHS contracts for the acquisition of public relations, publicity, advertising, or similar services from fiscal year 2008 through present. The Subcommittee asked for a response by March 16, 2012, and it has still received nothing from HHS. The same request was addressed to ten other federal agencies, all but two of which have responded. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Thank you for your attention to this request.

Sincerely,



Rob Portman
Ranking Member
Subcommittee on Contracting Oversight

¹ Consolidated Appropriations Act of 2012, div. F, tit. V, sec. 504 (P.L. 112-74).