

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
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October 11, 2012

The Honorable Fred Upton  
Chairman  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Upton:

I am writing to express my concern over recent criticism by you and by other Republican leaders over efforts by the Obama Administration and the states to educate the public about the important new benefits of the Affordable Care Act. You criticized the Department of Health and Human Services for “conduct[ing] little substantive oversight” of grants awarded to states to implement new health insurance exchanges, and you described California’s plan to inform the public about new insurance requirements via popular media as an effort “to subsidize Hollywood and insert propaganda into the popular culture.”<sup>1</sup> House Republican Conference Chair Jeb Hensarling criticized the efforts of HHS to inform the public about the new Affordable Care Act benefits and requirements as “wasting taxpayer dollars on PR campaigns.”<sup>2</sup>

Your letter seems to be an instance of partisan oversight. Beginning in 2003, the Bush Administration spent more than \$70 million on a public relations campaign for Medicare, including an expenditure of \$600,000 to fly a blimp over football stadiums, state fairs, and an auto race to promote its 1-800-MEDICARE information line.<sup>3</sup> After the Medicare Part D drug benefit was passed into law, the Bush Administration spent even more, planning a three-year, \$300 million public relations campaign that included a \$25 million advertising campaign and a

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<sup>1</sup> Letter from Chairman Fred Upton and Ranking Member Chuck Grassley to Kathleen Sebelius, Secretary, Department of Health and Human Services (Sep. 28, 2012); Letter from Chairman Fred Upton and Chairman Cliff Stearns to Robert Mathis, Managing Director Ogilvy Public Relations (Sep. 27, 2012).

<sup>2</sup> House Republican Conference Chair Jeb Hensarling, Medicare on Main Street (Oct. 5, 2012).

<sup>3</sup> *Look up in the Sky – it’s the Medicare Blimp*, St. Petersburg Times (Oct. 23, 2003).

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bus tour featuring high-level Administration officials that visited 100 cities in 2005.<sup>4</sup> A 2006 GAO report that I requested found that in total, the Bush Administration spent over \$1.6 billion on public relations and media contracts in a two-and-a-half year span.<sup>5</sup>

Despite the fact that the Bush Administration spent vastly more taxpayer funds on public relations than the amount for which you are now criticizing the Obama Administration, I am not aware of you criticizing, or asking for oversight of these actions. To the best of my recollection, you also remained silent when GAO found that the Bush Administration violated the prohibition on using funds for covert propaganda in promoting Medicare Part D.<sup>6</sup>

I have repeatedly called on you to carry out Committee oversight in a fair and evenhanded manner. I am concerned that your new investigation of the Obama Administration's efforts to educate the public about the new health care law fails that test.

Sincerely,



Henry A. Waxman  
Ranking Member

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<sup>4</sup> See: Government Accountability Office, *Media Contracts: Activities and Financial Obligations for Seven Federal Departments* (Jan. 13, 2006) (GAO-06-305); *Medicare Drug Benefit Outlined in Campaign*, The Washington Post (Oct. 10, 2005); *Health Secretary Urges Local Leaders to Tout Drug Plan*, The Denver Post (Aug. 28, 2005).

<sup>5</sup> Government Accountability Office, *Media Contracts: Activities and Financial Obligations for Seven Federal Departments* (Jan. 13, 2006).

<sup>6</sup> In 2003, the Bush Administration hired public relations firms to craft "video news releases" touting the new Medicare Part D benefits. These "news releases" were provided to news stations and aired without any disclaimer that they were produced by the government. GAO concluded that these releases violated the prohibition on the use of federal funds for publicity or propaganda purposes. Government Accountability Office, *Decision: Department of Health and Human Services, Centers for Medicare and Medicaid Services – Video News Releases* (May 19, 2004) (B-302710).