

Congress of the United States
Washington, DC 20515

February 11, 2004

Honorable Tommy G. Thompson
Secretary
Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Secretary Thompson,

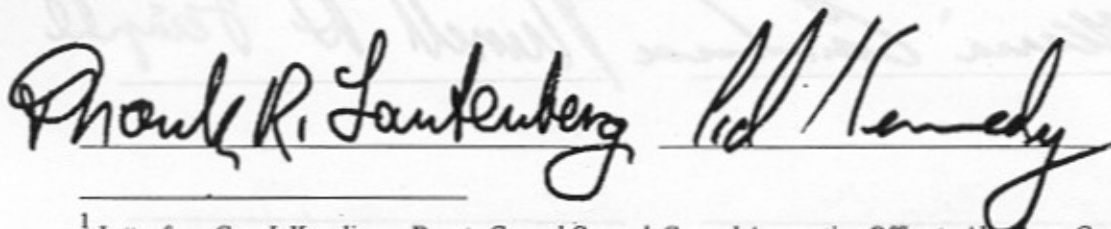
As you know, in response to a request by Senators Lautenberg, Kennedy, Kerry and Corzine and Representatives Schakowsky, Pallone, Stark, Rangel and Jim Davis, the General Accounting Office has begun a legal inquiry into your "plan to distribute a flyer and to broadcast radio and television advertisements regarding provisions of the Medicare Prescription, Drug Improvement, and Modernization Act of 2003 (MMA) and their effect upon Medicare beneficiaries."¹ Your department has been asked to respond by February 23 to a specific set of factual and legal questions from GAO in order to determine the legality of your Medicare campaign.²

In light of this GAO inquiry, we are writing to ask you to immediately suspend the Medicare campaign until the GAO determines whether it is an illegal use of taxpayer funds.

Given that at least \$22.6 million in public funds are at stake, we believe it is imperative that you stop the advertising campaign immediately and withhold the printing and mailing of the flyer. While there are a variety of remedies available against your agency for illegally appropriating public funds, it will be very difficult, if not impossible, to fully recover millions of taxpayer dollars after they are spent.

We would appreciate a response to this urgent request by Thursday, February 12, 2004. If you or your staff has any questions regarding this request, please call us or Dan Katz of Senator Lautenberg's office at 224-8964 or David Nexon of Senator Kennedy's office at 224-5406.

Sincerely,



¹ Letter from Gary L. Keplinger, Deputy General Counsel, General Accounting Office to Alex Azar, General Counsel, Department of Health and Human Services, February 6, 2004, p. 1

² The legality of the campaign has been challenged under the annual appropriations law that prohibits taxpayer funds to be used for "publicity or propaganda purposes." See Public Law 108-199, Div. F, Tit. IV, Sec. 624 and Public Law 108-7, Div. J, Tit. VI, Sec. 626

John

Jim F. Kelly

Hillary Rodham Clinton

Tom Koschke

Harry Reid

Jack Reed

Tom Harkin

Robert A. Neuberger

Maria Cantwell Murphy D. Fiering

Gail Sobel

Rebbie Taberew

J. Wilson

~~John Wilson~~

John Edwards Mack Dayton

Frederic Leaky

Chas. D. M.

Chas. Sch

Robt. Wyde

Barbara Lee

Tom Allen

Hilda L. Solis

Steven A. Rothman

Jeannette Mendenhall - Tom Donald

Deaise L. Majette

Bruce Baird

Ron Kind

Tring Z

Margaret Sunday

Alan B. Mellohan

Martin O. Salas

Robt Lacey John Lee

Woodman George D. H.

Wm. H. Corbett Louise Slaughter

John T. King Danny L. Davis

W. H. C. Jones Tom Fann

Joe Hoefel Jim Moran

Jan Schlosky Frank Pallone, Jr.

Jim Davis Duff Lamson

Michael H. Michael John B. King

Mike Ross John Conaway

Fred Strickland Pete Stark

Tim Ryan Anna Eshoo

Congress of the United States
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George Miller Henry A. Waxman

Department of Health and Human Services
Washington, DC 20201
Lane Evans Ernie L. Ensign

As you know, in response to a request from the Committee on Energy, Kary and Corning and Representatives Schick and Gohmert, the General Accounting Office has begun a legal inquiry into your plan to disseminate a flyer and to broadcast radio and television advertisements regarding provisions of the Energy Independence and Security Act of 2007.
Rosa L. Han Robert Menendez

In light of this GAO inquiry, we are writing to ask you to inform us of the steps you are taking to ensure that the information on the flyer is accurate and that the advertisements are not misleading.
Mark Mark Peter DeFazio

We are requesting a response to our request by Thursday, February 12, 2009. If you or your staff has any questions regarding this request, please call us at Dan Egan of Senator Levin's office at 214-3704 or David Nixon of Senator Kennedy's office at 224-5400.
Wendy K. H. H. H. Carl E. Kieser

Thank you for your cooperation.
Rail M. Grijalva Rahm Emanuel

John M. Green

Mr. Green

Nancy Pelosi