

# United States Senate

WASHINGTON, DC 20510

August 3, 2010

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

Dear Secretary Sebelius,

We are writing to express our profound concern regarding the U.S. Department of Health and Human Services' (HHS) television ad campaign touting the benefits of the new health care law for seniors. According to press reports, the ad campaign cost taxpayers \$700,000.

We request that you cease the ad campaign immediately and reimburse the U.S. Treasury for any expenditure of taxpayer funds related to this effort. We also request you provide documentation outlining which HHS account these funds came from.

We believe this ad is a clear violation of the spirit of federal laws that prohibit the use of taxpayer dollars for campaign purposes. The justification for this ad, as expressed by Stephanie Cutter, an Assistant to the President, demonstrates the clear political motivation for the ad.

Ms. Cutter wrote on the White House blog: "As we worked to pass the Affordable Care Act, seniors were the target of a major misinformation campaign that was designed to scare and confuse older Americans about the real impact of reform....We are committed to correcting the record and ensuring seniors have the information they need and get the high-quality care they have earned and deserve."

The Administration's claim to "correct the record" is misleading and offensive. We can debate the relative merits of the new law, but co-opting public funds during a recession, to make a political, poll-tested argument about the new law, is wrong. While we understand the intensity of the Administration's faith in this new law, "correcting the record" through the use of a taxpayer-funded ad campaign is highly inappropriate and breaks with the spirit of the law.

The new law cuts nearly \$530 billion in taxpayer dollars from the Medicare program and uses Medicare dollars to pay for those who are forced to buy federally-mandated health insurance. Congressional Budget Office Director Doug Elmendorf explained in a December 2009 letter to Senator Sessions that the appearance of

savings to the Medicare program was because the Medicare trust fund is “essentially an accounting mechanism.” The cuts to Medicare are effectively double-counted. However, instead of extending Medicare’s solvency, these Medicare funds actually pay for the cost of the new law.

Even worse, according the Actuary of the Centers for Medicare and Medicaid Services (CMS), the dramatic cuts to Medicare could cause some providers to end their participation in the Medicare program, and could jeopardize access to care for seniors. The CMS Actuary also noted that the number of seniors enrolling in Medicare Advantage plans will be reduced by half by 2017.

The job of the Executive Branch, quite simply, is to execute and implement the law, not re-litigate a political debate. Using the power of the state and the Treasury to advance the agenda of one political party is an abuse that should not be tolerated, regardless of which party is in power.

Thank you. We look forward to your response, no later than close of business, Thursday, August 5<sup>th</sup>.

Sincerely,



Tom Coburn, M.D.  
U.S. Senator



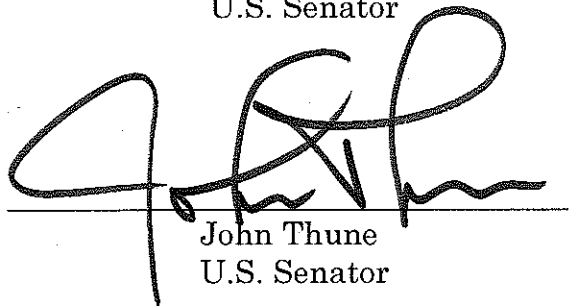
John Barrasso, M.D.  
U.S. Senator



Richard Burr  
U.S. Senator



John McCain  
U.S. Senator



John Thune  
U.S. Senator