

Congress of the United States
Washington, DC 20515

March 5, 2012

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

Dear Secretary Sebelius,

At the Energy and Commerce Committee hearing on March 1, 2012, we provided you with what we believe to be examples of Centers for Disease Control (CDC) grantees engaging in lobbying activity with tax dollars. You responded to this Committee that you were aware that grantees were lobbying, but implied that it was appropriate because it was only lobbying at the state and local level. Your exact words were:

"...the pages of examples which began to be recited were grantees who are lobbying at either the state or local level, not lobbying the federal government..."

Multiple, federal laws and regulations explicitly prohibit using tax dollars to lobby officials of any government, including 18 U.S.C. 1913, which says, in part, that no federal tax dollars shall:

be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation,

More specifically, Office of Management and Budget Circular A-122 provides that federal grant monies may not be used for the following:

- (3) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any Government official or employee in connection with a decision to sign or veto enrolled legislation;
- (4) Any attempt to influence: (i) The introduction of Federal or State legislation; or (ii) the enactment or modification of any pending Federal or State legislation by preparing, distributing or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
- (5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation,

any segment thereof to contribute to or participate in any mass demonstration, march, rally, fundraising drive, lobbying campaign or letter writing or telephone campaign; or
(5) Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

And, your own department has issued AR-12, which states plainly that it is illegal for grantees to lobby to change state and local laws, regulations and policies. AR-12 states, in part:

Any activity designed to influence action in regard to a particular piece of pending legislation would be considered "lobbying." That is lobbying for or against pending legislation, as well as indirect or "grass roots" lobbying efforts by award recipients that are directed at inducing members of the public to contact their elected representatives at the Federal or State levels to urge support of, or opposition to, pending legislative proposals is prohibited.

AR-12 goes further and makes clear that "CDC extends the prohibitions to lobbying with respect to local legislation and local legislative bodies."

We respectfully request that you clarify your understanding of the various federal anti-lobbying prohibitions involving tax dollars and how these prohibitions apply to CDC grantees engaged in seeking to influence state and local government bodies. Moreover, we urge you to launch a full investigation and accounting to determine whether CDC grantees, specifically those receiving Community Transformation Grants or Communities Putting Prevention to Work Grants, have misappropriated federal tax dollars for lobbying activity. We specifically request you review the grants identified in the enclosed attachment where grantees have publicly disclosed efforts to change laws, policies and regulations at the state and local level.

We also request copies of the grant program files pertaining to the funded activities, including but not limited to budget detail and worksheets and regular progress reports including narratives, budget information and all correspondence with CDC grantees and subgrantees regarding the intent, purpose and use of the grant dollars, including copies of all communications involving or by grantees or subgrantees, describing meetings or correspondence with public officials at the state and local level.

Thank you for your prompt attention and response to this letter.

Sincerely,



ED WHITFIELD
Member of Congress



BRETT GUTHRIE
Member of Congress