

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

MICHAEL L. ALEXANDER, STAFF DIRECTOR
BRANDON L. MILHORN, MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

November 12, 2010

The Honorable Daniel I. Gordon
Administrator, Office of Federal Procurement Policy
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW, Room 263
Washington, DC 20503

Dear Mr. Gordon:

I am writing to request a briefing regarding the federal government's use of public relations contracts.

In 2009, the federal government awarded nearly \$1.3 billion in public relations and advertising contracts.¹ When used appropriately, public relations contracts may help federal agencies educate the public about health risks, emergency planning, or similar topics. However, federal law prohibits hiring "publicity experts" and spending appropriated funds on "publicity and propaganda" unless specifically authorized by Congress.² This restriction has been interpreted to mean that agencies cannot engage in purely partisan communications, covert propaganda, or "self-aggrandizement" or "puffery."³

I recently learned of two contract awards which raise concerns about agencies' use of public relations and advertising contracts. In 2010, the General Services Administration spent nearly \$235,000 on a contract for "environmental communications consultant services" awarded to Jane Mobley Associates, Inc. According to the Statement of Work for the contract:

A media probe and reports of multiple government agency investigations into potential health risks in the GSA-controlled Bannister Federal Complex [located

¹ USASpending.gov (accessed October 27, 2010). The Subcommittee searched to identify all contracts for "Advertising Services" (Product/Service Code 701) and "Public Relations Services" (Product/Service Code 708).

² Congressional Research Service, *Public Relations and Propaganda: Restrictions on Executive Agency Activities* (May 24, 2005).

³ Congressional Research Service, *Public Relations and Propaganda: Restrictions on Executive Agency Activities* (May 24, 2005).

in Kansas City] have created an impending crisis event for the government. ... The Bannister Federal Complex requires communications support to assist in proactively developing and implementing a communication plan for reaching multiple audiences with a variety of messages. ... Objective: Bring neutral third party expertise to help the government address issues arising from environmental and related concerns in order to continue to meet GSA's mission while regaining and sustaining maximum public trust.

In addition, NOAA recently awarded a \$120,000 contract to EarthSky Communications to "interview 12 NOAA scientists conducting groundbreaking research benefiting the NOAA Pacific Region over the span of a year." According to the Washington Post, the contractor will then create podcasts of each interview and distribute them to media outlets.⁴

It is unclear whether these contracts would constitute illegal propaganda or "puffery." However, I am concerned whether spending money on these services is in the best interests of the taxpayer.

I request that you provide a briefing for Subcommittee staff on these issues, including information regarding OFPP's guidance relating to the award, management, and oversight of public relations and advertising contracts. I request that you provide the briefing on or before **December 3, 2010**.

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 73 (111th Congress).

Please have your staff contact Margaret Daum at (202) 228-3862 with any questions. Please send any official correspondence relating to this request to kelsey_stroud@hsgac.senate.gov.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Contracting Oversight

cc: Scott Brown
Ranking Member
Subcommittee on Contracting Oversight

⁴ *In the Loop: Andy Griffith, Mayberry and Obamacare*, Washington Post (Oct. 21, 2010).