

United States Senate

WASHINGTON, DC 20510

December 19, 2018

The Honorable Alex M. Azar II
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Azar,

We write to express our concern about the Trump Administration's ongoing attempts to undermine the evidence-based Teen Pregnancy Prevention Program (TPPP). The TPPP is a key contributor to the body of evidence on how to best support adolescents to prevent unintended pregnancies, and is making a positive difference in the lives of young people.¹ The current program is also reflective of a bipartisan commitment to evidence-based policymaking. The September 2017 report from the bipartisan Commission on Evidence-Based Policymaking highlighted TPPP as an example of a program that is developing an increasingly rigorous portfolio of evidence.² By attempting to direct funding in accordance with ideological goals, rather than towards the development of evidence-based practices, the Trump-Pence Administration is undoing years of progress towards supporting adolescent sexual and reproductive health and wellbeing.

To date, efforts to dismantle or fundamentally alter TPPP have been ruled in violation of the law by numerous courts. These actions include the decision to unilaterally terminate all TPPP grants two years early; four separate federal courts found this decision unlawful. Additionally, the Office of Adolescent Health (OAH), which administers TPPP, issued two Funding Opportunity Announcements (FOAs) for Tier 1 and Tier 2 grants on April 20, 2018. The Tier 1 FOA was ruled by two federal judges to be in violation of the appropriations language that establishes the parameters for TPPP.

Given the Trump-Pence Administration's repeated attempts to fundamentally alter or end this evidence-based work despite a clear message from the courts that such efforts are incompatible with the law, we remain concerned about the ongoing administration of this program. We therefore respectfully request answers to the questions below by January 4, 2019.

1. On September 26, 2018, the Department of Health and Human Services (HHS or the Department) released a statement announcing it would not be issuing \$19.4 million in Tier 1 grants because of the court orders invalidating the Tier 1 FOA.³ Please specify how HHS spent the \$19.4 million in FY2018 funding, or otherwise obligated the funds,

¹ <https://www.hhs.gov/ash/oah/grant-programs/teen-pregnancy-prevention-program-tpp/successful-strategies/index.html>.

² <https://www.cep.gov/content/dam/cep/report/cep-final-report.pdf>

³ <https://www.hhs.gov/ash/about-ash/news/2018/hhs-awards-tier-2-tpp-program.html>

and how the use of this money meets the requirements of the governing appropriations language.

2. On November 3, 2017, HHS announced that it was initiating “a new research and evaluation collaboration to support and improve teen pregnancy prevention and sexual risk avoidance programs” and that this effort would be “funded from a variety of sources including available funds set aside for support and evaluation within the HHS Office of Adolescent Health.”⁴
 - a. How much of the \$101 million appropriated for TPPP in FY2018 and the \$6.8 million for “evaluation of teen pregnancy prevention approaches” from the evaluation transfer authority is being used for this initiative?
 - b. If funds other than those appropriated for TPPP are being used, please detail specifically how much, from what source, and how they are being used.
3. Shortly after the court rulings that HHS could not issue grants based on their new Tier 1 FOA, the HHS Office of the Secretary awarded \$21,512,108 to the MITRE Corporation for a “Teen Pregnancy Prevention Study.”⁵ According to USASpending.gov, the federal obligation for the awards totals \$29,551,986 for the continuation of a prior award and a new award for “supplemental agreement for work within scope” to be performed through September 30, 2020. The Department’s issuance of these new awards raises questions about how they are funded, particularly whether any of the funding is derived from the funding appropriated to the TPPP. Additionally, it raises questions about why the Department is awarding contracts for work that seems similar in scope to the TPPP.
 - a. Please provide a copy of the “supplemental agreement for work within scope.”
 - b. What funding streams, and from what fiscal years, are supporting the contracts with MITRE Corporation?
 - c. What are the specific tasks and activities of each contract and their associated timelines?
 - d. Were the funds awarded to MITRE in September 2018 pursuant to competitive contract procedures?
 - e. Out of what funding stream was Be Strong International, Inc. awarded a \$300,000 sub-award from the MITRE contract on November 15, 2018?
 - f. Did Be Strong International, Inc. compete for that award? If so, please describe the competitive process used for the award.
 - g. What evidence standards were relied upon to justify the new contracts?
 - h. Will the new activities be held to the same rigorous standards of evidence applied to previous TPPP programmatic and evaluation efforts?
4. The FY2019 appropriations bill that was signed into law on September 28, 2018 contains identical TPPP language to FY2018 appropriations. Given the court rulings, will HHS award continuation funds to the 2015 Tier 1 and Tier 2 TPPP grantees?

⁴ <https://www.acf.hhs.gov/media/press/hhs-announces-new-efforts-to-improve-teen-pregnancy-prevention-sexual-risk-avoidance-programs-0>

⁵ <https://www.usaspending.gov/#/award/23605015>

Thank you in advance for your attention to this matter. If you have any questions, or would like to further discuss compliance with this request, please contact Elizabeth Letter or Lisa Bernhardt with Senator Murray's staff at (202) 224-0767.

Sincerely,



PATTY MURRAY
United States Senator



TAMMY BALDWIN
United States Senator



CORY A. BOOKER
United States Senator



MAZIE KHIRONO
United States Senator