

108TH CONGRESS
2D SESSION

S. 2416

To ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 13, 2004

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To ensure that advertising campaigns paid for by the Federal Government are unbiased, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Advertising
5 Reform Act of 2004”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) a February 2004 Congressional Research
9 Service report states that the advertising industry

1 estimates the Federal Government spends over
2 \$1,000,000,000 each year on advertising;

3 (2) under the rules and regulations that apply
4 to the Federal Government and advertising cam-
5 paigns run by the Federal Government;

6 (3) there are few restrictions on advertising by
7 the Federal Government; and

8 (4) currently, there is no single agency charged
9 with investigating and overseeing advertising ex-
10 penditures by Federal agencies.

11 (b) PURPOSES.—The purposes of this Act are to—

12 (1) ensure that advertising campaigns paid for
13 by the Federal Government are not false or decep-
14 tive, do not contain a political message, and are not
15 considered publicity or propaganda;

16 (2) highlight the lack of oversight and evalua-
17 tion of advertising campaigns paid for by the Fed-
18 eral Government; and

19 (3) ensure that advertising campaigns in excess
20 of \$10,000,000 per year are evaluated and approved
21 by an independent entity such as the General Ac-
22 counting Office.

23 **SEC. 3. LIMITATION ON ADVERTISING EXPENDITURES.**

24 (a) IN GENERAL.—In any fiscal year, if the amounts
25 appropriated to an agency exceed \$10,000,000 to prepare

1 or produce print, radio, or television advertising cam-
2 paigns, as well as video news releases, uses of outdoor
3 media, and Internet advertisements on websites not oper-
4 ated by the Federal Government, those amounts shall not
5 be expended by the agency unless—

6 (1) any proposed advertisement is submitted to
7 the Comptroller General of the United States for re-
8 view; and

9 (2) the Comptroller General determines that the
10 proposed advertisement does not contain a political
11 message, and is not false, misleading, or deceptive.

12 (b) DEFINITIONS.—In this section:

13 (1) AGENCY.—The term “agency” shall have
14 the same meaning as in section 105 of title 5,
15 United States Code.

16 (2) FALSE, MISLEADING, OR DECEPTIVE.—The
17 term “false, misleading, or deceptive” shall have the
18 same meaning as that term is defined under the
19 rules and regulations promulgated by the Federal
20 Trade Commission.

○