

Union Calendar No. 266

113TH CONGRESS
2D SESSION

H. R. 3308

[Report No. 113-358]

To require a Federal agency to include language in certain educational and advertising materials indicating that such materials are produced and disseminated at taxpayer expense.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2013

Mr. LONG (for himself and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

FEBRUARY 25, 2014

Additional sponsors: Mrs. BACHMANN, Mr. BARLETTA, Mrs. BLACK, Mrs. BLACKBURN, Mr. BRADY of Texas, Mrs. BROOKS of Indiana, Mr. CHABOT, Mr. COBLE, Mr. COLE, Mr. COLLINS of New York, Mr. CONAWAY, Mr. COOK, Mr. CULBERSON, Mr. RODNEY DAVIS of Illinois, Mr. DENHAM, Mr. DUNCAN of South Carolina, Mr. DUNCAN of Tennessee, Mr. FARENTHOLD, Mr. FLEISCHMANN, Mr. FLEMING, Mr. FORBES, Mr. GARRETT, Mr. GERLACH, Ms. GRANGER, Mr. GRIFFIN of Arkansas, Mr. HALL, Mrs. HARTZLER, Mr. HENSARLING, Mr. HOLDING, Mr. HULTGREN, Mr. HUNTER, Mr. JOHNSON of Ohio, Mr. SAM JOHNSON of Texas, Mr. KELLY of Pennsylvania, Mr. LAMBORN, Mr. LANKFORD, Mr. LUCAS, Mrs. LUMMIS, Mr. McCLINTOCK, Mr. McHENRY, Mr. MILLER of Florida, Mrs. MILLER of Michigan, Mr. NEUGEBAUER, Mr. PAULSEN, Mr. PERRY, Mr. PETRI, Mr. PITTS, Mr. PRICE of Georgia, Mr. RIBBLE, Mr. ROHRABACHER, Mr. ROONEY, Mr. ROSKAM, Mr. ROTHFUS, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SMITH of Missouri, Mr. STOCKMAN, Mr. STUTZMAN, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. TURNER, Mr. UPTON, Mr. WALBERG, Mrs. WALORSKI, Mr. WEBER of Texas, Mr. WILLIAMS, Mr. WITTMAN, Mr. WOMACK, Mr. WOODALL, Mr. YOHO, Mr. YOUNG of Alaska, Mr. DUFFY, Mr. GRAVES of Missouri, Mr. AMODEI, Mr. BUCHANAN, Mr. CHAFFETZ, Mr. DIAZ-BALART, Mrs. ELLMERS, Mr. GUTHRIE, Mr. JORDAN, Mr. LAMALFA, Mr. MARCHANT, Mr. MULLIN, Mr. POE of Texas, Ms. ROS-LEHTINEN,

Mr. GINGREY of Georgia, Mr. BACHUS, Mr. BARTON, Mr. BILIRAKIS, Mr. CALVERT, Mr. DENT, Mr. FINCHER, Mr. FLORES, Mr. GIBSON, Mr. GOWDY, Mr. HARRIS, Mr. LANCE, Mr. MCKEON, Mrs. McMORRIS RODGERS, Mr. MICA, Mr. GARY G. MILLER of California, Mr. RADEL, Mr. ROKITA, Mr. SCHOCK, Mr. LUETKEMEYER, Mrs. WAGNER, Mr. KLINE, Mr. CRAWFORD, Mr. LATTI, Mr. PITTINGER, Mr. BENTIVOLIO, and Mr. GOSAR

FEBRUARY 25, 2014

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on October 22, 2013]

A BILL

To require a Federal agency to include language in certain educational and advertising materials indicating that such materials are produced and disseminated at taxpayer expense.

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 “Taxpayer Transparency*
5 *Act of 2014”.*

6 **SEC. 2. REQUIREMENTS FOR PRINTED MATERIALS AND AD-**
7 **VERTISEMENTS BY FEDERAL AGENCIES.**

8 *(a) REQUIREMENT TO IDENTIFY FUNDING SOURCE*
9 *FOR COMMUNICATION FUNDED BY FEDERAL AGENCY.—*
10 *Each communication funded by a Federal agency that is*
11 *an advertisement, or that provides information about any*
12 *Federal Government program, benefit, or service, shall*
13 *clearly state—*

14 *(1) in the case of a printed communication, in-*
15 *cluding mass mailings, signs, and billboards, that the*
16 *communication is printed or published at taxpayer*
17 *expense; and*

18 *(2) in the case of a communication transmitted*
19 *through radio, television, the Internet, or any means*
20 *other than the means referred to in paragraph (1),*
21 *that the communication is produced or disseminated*
22 *at taxpayer expense.*

23 *(b) ADDITIONAL REQUIREMENTS.—*

24 *(1) PRINTED COMMUNICATION.—Any printed*
25 *communication described in subsection (a)(1) shall—*

1 (A) *be of sufficient type size to be clearly*
2 *readable by the recipient of the communication;*

3 (B) *to the extent feasible, be contained in a*
4 *printed box set apart from the other contents of*
5 *the communication; and*

6 (C) *to the extent feasible, be printed with a*
7 *reasonable degree of color contrast between the*
8 *background and the printed statement.*

9 (2) *RADIO, TELEVISION, AND INTERNET COMMU-*
10 *UNICATION.—*

11 (A) *AUDIO COMMUNICATION.—Any audio*
12 *communication described in subsection (a)(2)*
13 *shall include an audio statement that commu-*
14 *nicates the information required under that sub-*
15 *section in a clearly spoken manner.*

16 (B) *VIDEO COMMUNICATION.—Any video*
17 *communication described in subsection (a)(2)*
18 *shall include a statement with the information*
19 *referred to under that subsection—*

20 (i) *that is conveyed in a clearly spoken*
21 *manner;*

22 (ii) *that is conveyed by a voice-over or*
23 *screen view of the person making the state-*
24 *ment; and*

1 (iii) to the extent feasible, that also ap-
2 pears in writing at the end of the commu-
3 nication in a clearly readable manner with
4 a reasonable degree of color contrast between
5 the background and the printed statement,
6 for a period of at least 4 seconds.

7 (C) *E-MAIL COMMUNICATION.*—Any e-mail
8 communication described in subsection (a)(2)
9 shall include the information required under that
10 subsection, displayed in a manner that—

11 (i) is of sufficient type size to be clear-
12 ly readable by the recipient of the commu-
13 nication;

14 (ii) is set apart from the other contents
15 of the communication; and

16 (iii) includes a reasonable degree of
17 color contrast between the background and
18 the printed statement.

19 (c) *IDENTIFICATION OF OTHER FUNDING SOURCE FOR*
20 *CERTAIN COMMUNICATIONS.*—In the case of a communi-
21 cation funded entirely by user fees, by any other source that
22 does not include Federal funds, or by a combination of such
23 fees or other source, a Federal agency may apply the re-
24 quirements of subsections (a) and (b) by substituting “by
25 the United States Government” for “at taxpayer expense”.

1 (d) *DEFINITIONS.—In this Act:*

2 (1) *FEDERAL AGENCY.—The term “Federal agen-*
3 *cy” has the meaning given the term “Executive agen-*
4 *cy” in section 133 of title 41, United States Code.*

5 (2) *MASS MAILING.—The term “mass mailing”*
6 *means any mailing or distribution of 499 or more*
7 *newsletters, pamphlets, or other printed matter with*
8 *substantially identical content, whether such matter is*
9 *deposited singly or in bulk, or at the same time or*
10 *different times, except that such term does not include*
11 *any mailing—*

12 (A) *in direct response to a communication*
13 *from a person to whom the matter is mailed; or*

14 (B) *of a news release to the communications*
15 *media.*

16 (e) *SOURCE OF FUNDS.—The funds used by a Federal*
17 *agency to carry out this Act shall be derived from amounts*
18 *made available to the agency for advertising, or for pro-*
19 *viding information about any Federal Government pro-*
20 *gram, benefit, or service.*

21 (f) *EFFECTIVE DATE.—This section shall apply only*
22 *to communications printed or otherwise produced after the*
23 *date of the enactment of this Act.*

1 **SEC. 3. GUIDANCE FOR IMPLEMENTATION.**

2 *Not later than 6 months after the date of the enactment*
3 *of this Act, the Director of the Office of Management and*
4 *Budget shall develop and issue guidance on implementing*
5 *the requirements of this Act.*

6 **SEC. 4. JUDICIAL REVIEW AND ENFORCEABILITY.**

7 *(a) JUDICIAL REVIEW.—There shall be no judicial re-*
8 *view of compliance or noncompliance with any provision*
9 *of this Act.*

10 *(b) ENFORCEABILITY.—No provision of this Act shall*
11 *be construed to create any right or benefit, substantive or*
12 *procedural, enforceable by any administrative or judicial*
13 *action.*

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