

September 7, 2022

RE: False Advertisement Sponsored by Senate Leadership Fund – “Taxing Tim”

Dear Station Manager:

We write on behalf of the DSCC regarding a false advertisement sponsored by Senate Leadership Fund (“*SLF*”) currently airing on your station.¹ *SLF* is lying to your viewers about Congressman Tim Ryan’s record, purposefully conflating an informal budget estimate of a failed amendment with actual law and relying on figures that have been publicly debunked by the federal government. This advertisement should be pulled from your station immediately.

The advertisement’s narrator accuses Congressman Ryan of helping pass a bill that imposed “\$20 billion in higher taxes on low and middle income Ohioans.” Next to a full-screen image of Congressman Ryan, the ad includes large text that reads “\$20 BILLION TAXES LOW AND MIDDLE INCOME FAMILIES” across the screen.

The issues with this claim are two-fold, and each is sufficient to remove it from your station:

First, the claim is based on Congressman Ryan’s vote in favor of the Inflation Reduction Act (“*IRA*”), and the *IRA* will not increase taxes for low- and middle-income families by \$20 billion. **In fact, the U.S. Treasury Department directly and publicly refuted this exact claim.**²

Second and relatedly, **the \$20 billion figure is merely an “informal estimate” of a proposed amendment to the *IRA* that never became law.** Put differently, the only foundation for *SLF*’s claim is based on a rejected amendment that is not a part of the *IRA* and has no effect of law.

Congressman Ryan did not help pass any bill that would increase taxes by \$20 billion for low- and middle-income Ohioans. He could not have, since the amendment that \$20 billion figure was based on never became law. *SLF* should not be permitted to mislead Ohio voters by ignoring the facts or the realities of our legislative process.

Unlike candidates, independent organizations like *SLF* do not have a “right to command the use of broadcast facilities.”³ Because you need not air this advertisement, your station bears

¹ Taxing Tim, Senate Leadership Fund, https://www.youtube.com/watch?v=ownJ1Pc5_BY.

² David Lawder, *U.S. Treasury Disputes Finding that New IRS Funding Would Increase Middle-Class Taxes*, Reuters (Aug. 19, 2022), <https://www.reuters.com/world/us/us-treasury-disputes-finding-that-new-irs-funding-would-increase-middle-class-2022-08-19/>. (“A significant portion of the \$20 billion estimated by CBO would be recouped from wealthier people who are under-reporting their income, she said.”).

³ See *CBS v. DNC*, 412 U.S. 94, 113 (1973).

responsibility for its content when you do grant access.⁴ Moreover, you have a duty “to protect the public from false, misleading or deceptive advertising.”⁵

This advertisement should be removed from your station immediately. Please contact us at 202-968-4664 or CWeisman@elias.law to confirm that this ad is no longer appearing on your station.

Sincerely,

Courtney Weisman

Courtney Weisman
Emma Anspach
Jacquelyn Lopez
Counsel to DSCC

⁴ See *Felix v. Westinghouse Radio Stations*, 186 F.2d 1, 6 (3rd Cir.), cert. denied, 314 U.S. 909 (1950).

⁵ *Licensee Responsibility With Respect to the Broadcast of False, Misleading or Deceptive Advertising*, 74 F.C.C.2d 623 (1961).