

109TH CONGRESS
1ST SESSION

H. R. 649

To amend title 18, United States Code, to provide a criminal penalty for journalists, who, without disclosure, accept Government payments to promote Government policies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2005

Mr. KELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a criminal penalty for journalists, who, without disclosure, accept Government payments to promote Government policies, 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 “Sunshine in Jour-
5 nalism Act of 2005”.

6 **SEC. 2. PURPOSE OF LEGISLATION.**

7 (a) MEDIA REPORTS.—In January 2005, media re-
8 ports revealed that some journalists received Federal pay-

1 ments from various Federal Government executive branch
2 agencies to promote or comment upon certain government
3 policies and legislation.

4 (b) PRESIDENT'S ORDER.—Subsequently, the Presi-
5 dent of the United States ordered all cabinet agencies to
6 cease making any such payments to journalists in the fu-
7 ture.

8 (c) INTENT OF ACT.—It is the intent of this Act is
9 to—

10 (1) require the prompt disclosure of all sums of
11 dollars received from the Federal Government, by
12 journalists, for the purpose of promoting, opposing,
13 or commenting upon legislation, or administration
14 policies; and

15 (2) ensure that any journalist who fails to make
16 the required disclosure will be deemed to be in viola-
17 tion of this law and be subject to prosecution for a
18 Federal class C misdemeanor.

19 **SEC. 3. DISCLOSURE REQUIREMENT.**

20 (a) JOURNALIST DISCLOSURE.—Chapter 63 of title
21 18, United States Code is amended by inserting the fol-
22 lowing after section 1343:

1 **“§ 1343a. Broadcast and print journalism disclosures;**
2 **criminal penalties for failure to disclose**
3 **agreements**

4 “(a) Any print journalist or broadcast journalist
5 within the United States who accepts, or agrees to accept,
6 any money, service, or other valuable consideration from
7 any Federal Government agency for promoting, opposing,
8 or commenting on legislation, policies, regulations, or
9 laws, shall file a disclosure form with the Department of
10 Justice within 30 days of any such acceptance or agree-
11 ment, whichever is earlier.

12 “(b) The term ‘print journalist’ means a person em-
13 ployed by a newspaper, magazine, or other publication
14 which is in one or more issues each year in interstate com-
15 merce, and in which a substantial portion of the content
16 is devoted to the dissemination of news and editorial opin-
17 ion.

18 “(c) The term ‘broadcast journalist’ means a person
19 employed by a radio, television, or cable television network
20 or channel which broadcasts or otherwise transmits news
21 and editorial opinion.

22 “(d) Whoever violates subsection (a) by failing to
23 make the required timely, disclosure shall be fined up to
24 \$5,000 or imprisoned for not more than 30 days, or both;
25 any organization who violates subsection (a) shall be fined
26 not more than \$10,000.”.

1 (b) RULES AND REGULATIONS.—The Attorney Gen-
2 eral shall, not later than 90 days after the date of the
3 enactment of this Act, make all necessary rules and regu-
4 lations to implement the disclosure requirement, including
5 a disclosure form to be used by print and broadcast jour-
6 nalist who are subject to the requirement set forth in sub-
7 section (a) of the section 1343a, as added to title 18,
8 United States Code, by this Act, and all such disclosure
9 forms completed by journalists shall be made available to
10 the public under section 552 of title 5, United States Code
11 (commonly called the Freedom of Information Act).

12 (c) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 63 of title 18, United States
14 Code, is amended by inserting after the item relating to
15 section 1343 the following new item:

“1343a. Broadcast and print journalism disclosures; criminal penalties for fail-
ure to disclose agreements.”.

