

Calendar No. 352109TH CONGRESS
1ST SESSION**S. 967****[Report No. 109-210]**

To amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. LAUTENBERG (for himself, Mr. KERRY, Mrs. CLINTON, Mr. KENNEDY, Mr. DORGAN, Mrs. BOXER, Mr. DAYTON, Mr. FEINGOLD, Mr. AKAKA, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 20, 2005

Reported by Mr. STEVENS, with an amendment

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

A BILL

To amend the Communications Act of 1934 to ensure that prepackaged news stories contain announcements that inform viewers that the information within was provided by the United States Government, 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 “Truth in Broadcasting
5 Act of 2005”.

6 **SEC. 2. TRUTH IN BROADCASTING OF PREPACKAGED NEWS**
7 **STORIES.**

8 Part I of title III of the Communications Act of 1934
9 (47 U.S.C. 301 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 342. ANNOUNCEMENT OF FEDERAL AGENCY SPON-**
12 **SORSHIP OF PREPACKAGED NEWS STORY.**

13 “(a) **DISCLAIMER REQUIRED.**—Any prepackaged
14 news story produced by or on behalf of a Federal agency
15 that is broadcast or distributed by a network organization,
16 broadcast licensee or permittee, or multichannel video pro-
17 gramming distributor in the United States shall contain
18 an announcement supplied by the Federal agency within
19 the prepackaged news story that conspicuously identifies
20 the United States Government as the source for the pre-
21 packaged news story.

22 “(b) **PRESENTATION.**—The announcement required
23 under subsection (a) shall be broadcast or distributed so
24 as—

1 “(1) to promote consistency with the announce-
2 ment requirements required under sections 317 and
3 507;

4 “(2) in the case of television and other video
5 programming—

6 “(A) to be visible for the entire duration of
7 the prepackaged news story; and

8 “(B) to include the conspicuous display of
9 the statement ‘PRODUCED BY THE U.S.
10 GOVERNMENT’; and

11 “(3) in the case of radio and other audio pro-
12 gramming; to audibly inform the audience of the
13 source of the prepackaged news story.

14 “(c) REMOVAL OF DISCLAIMER PROHIBITED.—It is
15 unlawful for any person to remove an announcement re-
16 quired by this section.

17 “(d) FCC TO DETERMINE NATURE OF DIS-
18 CLAIMERS.—The Commission shall determine the exact
19 design, presentation, and additional language, if any, re-
20 quired for the announcements described in subsection (a).

21 “(e) DEFINITIONS.—In this section:

22 “(1) AGENCY.—The term ‘agency’ has the same
23 meaning given such term in section 551 of title 5,
24 United States Code, and includes the Executive Of-
25 fice of the President.

1 “(2) MULTICHANNEL VIDEO PROGRAMMING
2 DISTRIBUTOR.—The term ‘multichannel video pro-
3 gramming distributor’ has the meaning given that
4 term in section 602.

5 “(3) NETWORK ORGANIZATION.—

6 “(A) IN GENERAL.—The Commission shall
7 define the term ‘network organization’ for pur-
8 poses of this section.

9 “(B) INCLUSION.—In defining ‘network or-
10 ganization’, the Commission shall include all en-
11 tities that may provide a prepackaged news
12 story to a broadcast licensee.

13 “(4) PREPACKAGED NEWS STORY.—The term
14 ‘prepackaged news story’ means a complete, ready-
15 to-use audio or video news segment designed to be
16 indistinguishable from a news segment produced by
17 an independent news organization.”.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Prepackaged News Story*
20 *Announcement Act of 2005”.*

21 **SEC. 2. PREPACKAGED NEWS STORY ANNOUNCEMENTS.**

22 *Part I of title III of the Communications Act of 1934*
23 *(47 U.S.C. 301 et seq.) is amended by adding at the end*
24 *the following:*

1 **“SEC. 342. ANNOUNCEMENT OF UNITED STATES GOVERN-**
2 **MENT SPONSORSHIP OF A PREPACKAGED**
3 **NEWS STORY.**

4 “(a) *DISCLAIMER REQUIRED.*—Any prepackaged news
5 story produced by or on behalf of a Federal agency and
6 intended for broadcast over the air or distribution by a mul-
7 tichannel video programming distributor within the United
8 States shall contain a clear notification within the text or
9 audio of the prepackaged news story that the prepackaged
10 news story was prepared or funded by the ‘United States
11 Government’.

12 “(b) *REMOVAL OF DISCLAIMER.*—The Commission
13 shall promulgate rules governing the circumstances under
14 which broadcasters or multichannel video programming
15 distributors may remove or modify the notification required
16 under subsection (a).

17 “(c) *DEFINITIONS.*—In this section:

18 “(1) *PREPACKAGED NEWS STORY.*—The term
19 ‘prepackaged news story’ means a complete, ready-to-
20 use audio or video news segment designed to be indis-
21 tinguishable from a news segment produced by an
22 independent news organization.

23 “(2) *MULTICHANNEL VIDEO PROGRAMMING DIS-*
24 *TRIBUTOR.*—The term ‘multichannel video program-
25 ming distributor’ has the meaning given that term by
26 section 602(13).

1 “(d) *INTELLIGENCE ACTIVITIES*.—*Nothing in this sec-*
2 *tion shall be construed to apply to any lawful and author-*
3 *ized intelligence activity of the United States government.*”.

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