

July 20, 2005

AGAR ADVISORY

**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
PROCUREMENT POLICY DIVISION
AGAR ADVISORY NO. 77**

Contracting for Prepackaged News Stories

INTRODUCTION: This Agriculture Acquisition Regulation (AGAR) Advisory requires contracting officers acquiring prepackaged news stories to ensure that USDA is clearly identified as the source of the stories.

SUMMARY: The Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13) requires that any agency producing a prepackaged news story include a clear notification within the text or audio of the story that it was prepared or funded by the agency. Other limitations on the content of news items or articles are imposed by appropriations laws and by Departmental Regulations (DR) issued by the Office of Communications. Contracting officers should be aware of these restrictions when processing requests to contract for information services.

DEFINITION: Prepackaged News Story is a complete, ready to use news item, article, audio news segment, or video news segment designed to be indistinguishable from a news segment or article produced by an independent author or news organization.

REFERENCES: Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13, sec. 6076

Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Public Law 108-447), secs. 621, 624

Office of Management and Budget M-05-10, Memorandum for Heads of Departments and Agencies, Use of Government Funds for Video News Releases, March 11, 2005

Comptroller General Decision B-302710, May 10, 2004, Department of Health and Human Services, Centers for Medicare and Medicaid Services – Video News Releases

Comptroller General Decision B-303495, January 4, 2005, Office of National Drug Control Policy Prepackaged News Stories

DR 1420-001, Publications Review/Clearance Policy, February 7, 2003

DR 1440-002, Communications Coordination and Review Policy, February 7, 2003

DR 1490-001, Broadcast Media and Technology Policy, February 7, 2003

SPECIFIC ISSUES:

USDA agencies generally are prohibited by appropriation legislation from using appropriated funds for publicity or propaganda. Sections 621 and 624 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act prohibit Federal agencies from using appropriated funds (1) for publicity or propaganda purposes, or (2) for any publication or, radio, television, or film presentation designed to support or defeat pending legislation (presentations to Congress are excepted). Similar restrictions are included in DRs 1410-001, 1440-002, and 1490-001.

The General Accountability Office (GAO) had made it clear in decisions B-302710 and B-303495 that it considers prepackaged news stories prepared by or for a Federal agency to be “covert” propaganda if the stories do not clearly indicate that the Federal agency sponsored and prepared or paid for the stories. Section 6076 of Public Law 109-13 requires that any agency producing a prepackaged news story include a clear notification within the text or audio of the story that it was prepared or funded by the agency.

USDA contracting officers shall ensure that all procurement requests for services involving writing, publishing, or producing articles, news items, new stories, pamphlets, logos, print media, exhibits, scripts for radio or television, scripts for film presentations, radio broadcasts, television broadcasts, films, or filmed material have been reviewed and approved by the Office of Communications or by agency information officials if required by DRs in the DR 1400 series (see References, above).

USDA contracting officers shall ensure that statements of work for the creation, preparation, production, or distribution of prepackaged news stories require the contractor to clearly state in the text or scripts of the story that the story was prepared and funded by USDA.

USDA contracting officer’s representatives shall ensure, during review of any prepackaged news story prepared for USDA by a contractor, that it is clear that the story was prepared at the request of USDA and was funded by USDA.

If you have questions regarding this advisory, please contact Todd Repass, Chief, PPD via email at Todd.Repass@da.usda.gov or by phone at (202) 690-1060; or send an email to procurement.policy@da.usda.gov.

This AGAR advisory will appear on the USDA World Wide Web site at the following URL: <http://www.usda.gov/procurement/policy/advisories.html>.

EFFECTIVE DATE: This advisory will remain in effect until cancelled.

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