

109TH CONGRESS
1ST SESSION

H. R. 3298

To provide for the efficacy of television ratings services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2005

Mr. FOSSELLA (for himself, Mr. ENGEL, Mr. SESSIONS, Mr. FERGUSON, Mr. CONAWAY, Mr. SULLIVAN, Mr. JENKINS, Mr. STEARNS, Mr. SIMPSON, Mr. TERRY, Mr. PICKERING, Mr. BOEHNER, Mr. SHIMKUS, Mr. WALDEN of Oregon, Mr. GIBBONS, and Mr. CANNON) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the efficacy of television ratings services,
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 “Television Viewer Con-
5 sumer Protection Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds and declares the following:

8 (1) Television ratings inform television opera-
9 tors and advertisers with respect to the size and de-

1 demographic makeup of audiences for television pro-
2 gramming.

3 (2) Television operators rely upon these ratings
4 to fulfill their obligation to serve the public interest.

5 (3) Television viewers will receive the most rep-
6 resentative variety of television programs if tele-
7 vision ratings measurement services provide data
8 that accurately reflects viewing by all demographic
9 groups.

10 (4) Inaccurate ratings systems that undercount
11 minority, young, family, and rural television viewers
12 will adversely affect these populations if television
13 operators air fewer telecasts that are intended to
14 serve such viewers as a result of such inaccurate rat-
15 ings.

16 (5) The interests of viewers of television pro-
17 gramming will be best secured by an industry over-
18 sight system that guarantees accurate ratings of tel-
19 evision shows.

20 (6) A body to ensure such oversight was estab-
21 lished at the behest of Congress in the 1960s to
22 guarantee the accuracy of television ratings.

23 (7) It is in the public interest to ensure that
24 this body has the necessary authority to fulfill its
25 critical role.

1 **SEC. 3. PROHIBITION.**

2 (a) ACCREDITATION REQUIRED.—No television rat-
3 ings service may sell, offer to sell, or otherwise provide,
4 in or affecting interstate commerce, data from a television
5 ratings measurement system that produces, or is designed
6 to produce, television ratings data to be used commercially
7 as currency ratings unless that system has been accredited
8 by the Media Rating Council.

9 (b) DISPUTE RESOLUTION.—Any dispute between a
10 television ratings service and the Media Rating Council
11 shall be resolved in accordance with the provisions of sec-
12 tion 4.

13 **SEC. 4. DISPUTE RESOLUTION.**

14 (a) RULES FOR DISPUTE RESOLUTION.—Any dispute
15 between a television ratings service and the Media Rating
16 Council shall be resolved according to the commercial rules
17 then in effect of the American Arbitration Association.

18 (b) FORMATION OF ARBITRATION PANEL.—Upon a
19 complaint by either a television ratings service or the
20 Media Rating Council, an arbitration panel shall be ap-
21 pointed from a list of arbitrators submitted by the Amer-
22 ican Arbitration Association.

23 (c) DECISIONS BINDING.—Any decision reached by
24 the arbitration panel shall be binding upon the parties.

25 **SEC. 5. DEFINITIONS.**

26 For purposes of this Act:

1 (1) CURRENCY RATINGS.—The term “currency
2 ratings” means data produced by television ratings
3 measurement systems that are widely used by a sig-
4 nificant portion of television operators and adver-
5 tisers to determine the commercial value of adver-
6 tising on television.

7 (2) MEDIA RATING COUNCIL.—The term
8 “Media Rating Council” means—

9 (A) the organization formed by the tele-
10 vision industry in 1964 to represent the inter-
11 ests of advertisers and television operators in
12 accurate ratings of television programming; or

13 (B) any other entity formed for the pur-
14 pose of accrediting television ratings services
15 pursuant to the provisions of section 3 and that
16 has been approved for such purpose by the Fed-
17 eral Communications Commission.

18 (3) TELEVISION RATINGS MEASUREMENT SYS-
19 TEM.—The term “television ratings measurement
20 system” means any system designed to measure the
21 viewing habits of television viewers and to produce
22 commercially usable data based on such measure-
23 ments.

○