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*Affiliations appear only for purposes of identification.*

By email

October 8, 2024

United States House of Representatives  
Washington, D.C. 20510

Re: Support the PRESS Act (S. 2074/H.R. 4250).

Dear Representative:

The Reporters Committee for Freedom of the Press and the 107 undersigned news media and press rights organizations write in strong support of the Protect Reporters from Exploitative State Spying, or PRESS, Act. The PRESS Act would provide essential protections for the public's right to know.

The bill passed unanimously in the House of Representatives earlier this Congress, and it is currently pending in the Senate. We commend the House for passing the bill. If the measure returns to the House for a vote this Congress, we again urge you to support the measure.

The PRESS Act is timely and critical. Absent a federal law, journalists' protections in federal courts against the compelled disclosure by federal officials of confidential source information or sensitive newsgathering materials vary considerably by jurisdiction.<sup>1</sup> And, in recent years, under administrations of both parties, the Justice Department and other federal agencies have sought sensitive records from or of journalists on multiple occasions. While the Department of Justice adopted new internal guidance in 2021 sharply limiting that practice at DOJ, the policy remains subject to change at the department's discretion and other federal agencies are not bound by it.<sup>2</sup>

Only Congress can provide the press the certainty of a federal statute and, in doing so, vindicate the core principle that, when our Constitution was adopted, "[t]he press was protected so that it could bare the secrets of government and inform the people." *N.Y. Times Co. v. United States*, 403 U.S. 713, 717 (1981) (Black, J., concurring).

The PRESS Act, which passed in the House of Representatives on January 18, 2024, would shield reporters from having to disclose information identifying confidential sources as well as records, communications content, documents, or information that the journalist

<sup>1</sup> For a thorough accounting of the law on reporter's privileges in every federal and state jurisdiction, see *Reporters Privilege Compendium*, Reporters Comm. for Freedom of the Press, <https://www.rcfp.org/reporters-privilege/> (last visited September 27, 2024).

<sup>2</sup> See 28 C.F.R. § 50.10 (2022); Bruce D. Brown & Gabe Rottman, *A Major Milestone in the Fight for Press Freedom*, CNN (Oct. 28, 2022), <https://perma.cc/7ELS-737X>.

obtained or created as part of their journalism. The bill also bars government demands for that data to third parties like phone or email providers unless a court finds a reasonable threat of imminent violence absent disclosure. And it helpfully uses a functional definition of journalist that focuses on the gathering and reporting of news to the public.

The bill includes narrow exceptions. A court can order the disclosure of protected information from a covered journalist when it determines that it is necessary to prevent or identify the perpetrator of an act of terrorism against the United States, or to prevent a threat of imminent violence, significant bodily harm, or death, including specified offenses against a minor. It also does not apply when the journalist is suspected of having committed a crime.

When one of these exceptions does apply and the government seeks records from a third-party, the bill provides for strong notice provisions to ensure news organizations can negotiate the scope of a request for records or challenge it in court. The government would be able to delay this notice when a judge determines that providing it would pose a “clear and substantial threat to the integrity of a criminal investigation, or would present an imminent risk of death or serious bodily harm.”

The PRESS Act is a reasonable, common-sense measure to preserve the free flow of information to the public, as evidenced by its broad bipartisan support and the fact that 49 states and the District of Columbia have similar protections. All reflect the reality that the press cannot fulfill its constitutionally recognized watchdog role without some safeguard for confidential source identities and sensitive newsgathering material. Congress must step in to provide a durable shield at the federal level.

Please do not hesitate to contact Bruce D. Brown, Reporters Committee Executive Director, or Gabe Rottman, Policy Director, with any questions. They can be reached by email at [bruce.brown@rcfp.org](mailto:bruce.brown@rcfp.org) and [grottman@rcfp.org](mailto:grottman@rcfp.org), respectively.

Sincerely,

Reporters Committee  
for Freedom of the Press

Advance Publications, Inc.  
Alabama Press Association  
Allied Daily Newspapers of Washington  
America’s Newspapers  
American Broadcasting Companies, Inc.  
Arizona Media Association  
Arkansas Press Association  
The Associated Press  
The Atlantic Monthly Group LLC  
Axios Media Inc.  
Bloomberg L.P.

Boston Globe Media Partners, LLC  
BuzzFeed  
Cable News Network, Inc.  
California News Publishers Association  
CalMatters  
CBS Broadcasting Inc.  
The Center for Investigative Reporting  
(d/b/a Reveal)  
Colorado Press Association  
Columbia Journalism Review  
Committee to Protect Journalists

Cox Media Group  
 The Daily Beast Company LLC  
 Dow Jones & Company, Inc.  
 The E.W. Scripps Company  
 First Amendment Coalition  
 Florida Press Association  
 Forbes Media LLC  
 Fox News Network, LLC  
 Fox Television Stations, LLC  
 Gannett Co., Inc.  
 Georgia Press Association  
 Gray Local Media, Inc.  
 The Guardian U.S.  
 Hoosier State Press Association  
 Illinois Press Association  
 Indiana Broadcasters Association  
 The Intercept Media, Inc.  
 International Society of Weekly  
 Newspaper Editors  
 Iowa Newspaper Association  
 Kansas Press Association  
 Kentucky Press Association  
 Los Angeles Times Communications  
 LLC  
 Louisiana Press Association  
 The Marshall Project  
 Maryland-Delaware-D.C. Press  
 Association  
 Massachusetts Newspapers Publishers  
 Association  
 The McClatchy Company, LLC  
 Media Law Resource Center  
 Media of Nebraska  
 MediaNews Group Inc.  
 Michigan Press Association  
 Minnesota Newspaper Association  
 Mississippi Press Association  
 Missouri Press Association  
 Montana Newspaper Association  
 Motion Picture Association  
 National Association of Broadcasters  
 National Newspaper Association  
 National Press Club Journalism Institute  
 The National Press Club  
 National Press Photographers  
 Association  
 National Public Radio, Inc.  
 NBCUniversal Media, LLC  
 Nebraska Press Association  
 Nevada Press Association  
 New England Newspaper and Press  
 Association, Inc.  
 New Jersey Press Association  
 New York News Publishers Association  
 New York Press Association / New York  
 Press Service  
 The New York Times Company  
 The New Yorker  
 News/Media Alliance  
 Newsday LLC  
 Nexstar Media Inc.  
 North Carolina Press Association  
 North Dakota Newspaper Association  
 Ohio News Media Association  
 Oklahoma Press Association  
 Oregon Newspaper Publishers  
 Association  
 Pennsylvania NewsMedia Association  
 The Philadelphia Inquirer  
 POLITICO LLC  
 Pro Publica, Inc.  
 Pulitzer Center on Crisis Reporting  
 Radio Television Digital News  
 Association  
 Reuters News & Media Inc.  
 The Seattle Times Company  
 Slate  
 Society of Professional Journalists  
 South Carolina Press Association  
 South Dakota NewsMedia Association  
 TEGNA Inc.  
 Tennessee Press Association  
 Texas Press Association  
 Texas Tribune  
 TIME USA, LLC  
 Univision Networks & Studios, Inc.  
 Utah Press Association  
 Vermont Press Association  
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The Washington Post  
Wisconsin Newspaper Association  
WNET  
Wyoming Press Association