


## S.2074 - PRESS Act

118th Congress (2023-2024) | [Get alerts](#)

**Sponsor:** [Sen. Wyden, Ron \[D-OR\]](#) (Introduced 06/21/2023)

**Committees:** [Senate - Judiciary](#)

**Latest Action:** [Senate - 06/21/2023 Read twice and referred to the Committee on the Judiciary. \(All Actions\)](#)

**Tracker:**  [Introduced](#) > [Passed Senate](#) > [Passed House](#) > [To President](#) > [Became Law](#)

[Summary\(1\)](#) [Text\(1\)](#) [Actions\(1\)](#) [Titles\(3\)](#) [Amendments\(0\)](#) **[Cosponsors\(3\)](#)** [Committees\(1\)](#) [Related Bills\(1\)](#)

**Sponsor:** [Sen. Wyden, Ron \[D-OR\]](#) | **Cosponsor statistics:** 3 current - includes 2 original

\* = Original  
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		<a href="#">View</a>	<a href="#">Exp</a>
Cosponsor		Date Cosponsored	
<a href="#">Sen. Lee, Mike [R-UT]*</a>		06/21/2023	
<a href="#">Sen. Durbin, Richard J. [D-IL]*</a>		06/21/2023	
<a href="#">Sen. Graham, Lindsey [R-SC]</a>		09/05/2023	

### Party of Cosponsor

☐ Republican (2) ☐ Democratic (1)

### Cosponsors by U.S. State or Territory

[Illinois \(1\)](#) [South Carolina \(1\)](#) [Utah \(1\)](#)

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There is one version of the bill. **Text available as:** [XML/HTML](#) | [XML/HTML \(new window\) \(15KB\)](#) | [TXT \(12KB\)](#) | [PDF \(23KB\)](#)

**Shown Here:**

**Introduced in Senate (06/21/2023)**

118TH CONGRESS  
1ST SESSION

# S. 2074

To maintain the free flow of information to the public by establishing appropriate limits on the federally compelled disclosure of information obtained as part of engaging in journalism, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 21, 2023

Mr. WYDEN ((for himself, Mr. LEE, and Mr. DURBIN)) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

This Act may be cited as the “Protect Reporters from Exploitative State Spying Act” or the “PRESS Act”.

## SEC. 2. DEFINITIONS.

In this Act:

(1) **COVERED JOURNALIST.**—The term “covered journalist” means a person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, investigates, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

### (2) **COVERED SERVICE PROVIDER.**—

(A) **IN GENERAL.**—The term “covered service provider” means any person that, by an electronic means, stores, processes, or transmits information in order to provide a service to customers of the person.

(B) **INCLUSIONS.**—The term “covered service provider” includes—

(i) a telecommunications carrier and a provider of an information service (as such terms are defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153));

(ii) a provider of an interactive computer service and an information content provider (as such terms are defined in section 230 of the Communications Act of 1934 (47 U.S.C. 230));

(iii) a provider of remote computing service (as defined in section 2711 of title 18, United States Code); and

(iv) a provider of electronic communication service (as defined in section 2510 of title 18, United States Code) to the public.

(3) **DOCUMENT.**—The term “document” means writings, recordings, and photographs, as those terms are defined by Federal Rule of Evidence 1001 (28 U.S.C. App.).



(6) **PERSONAL ACCOUNT OF A COVERED JOURNALIST.**—The term “personal account of a covered journalist” means an account with a covered service provider used by a covered journalist that is not provided, administered, or operated by the employer of the covered journalist.

(7) **PERSONAL TECHNOLOGY DEVICE OF A COVERED JOURNALIST.**—The term “personal technology device of a covered journalist” means a handheld communications device, laptop computer, desktop computer, or other internet-connected device used by a covered journalist that is not provided or administered by the employer of the covered journalist.

(8) **PROTECTED INFORMATION.**—The term “protected information” means any information identifying a source who provided information as part of engaging in journalism, and any records, contents of a communication, documents, or information that a covered journalist obtained or created as part of engaging in journalism.

(9) **SPECIFIED OFFENSE AGAINST A MINOR.**—The term “specified offense against a minor” has the meaning given that term in section 111(7) of the Adam Walsh Child Protection and Safety Act of 2006 (34 U.S.C. 20911(7)).

### **SEC. 3. LIMITS ON COMPELLED DISCLOSURE FROM COVERED JOURNALISTS.**

In any matter arising under Federal law, a Federal entity may not compel a covered journalist to disclose protected information, unless a court in the judicial district in which the subpoena or other compulsory process is, or will be, issued determines by a preponderance of the evidence, after providing notice and an opportunity to be heard to the covered journalist, that—

(1) disclosure of the protected information is necessary to prevent, or to identify any perpetrator of, an act of terrorism against the United States; or

(2) disclosure of the protected information is necessary to prevent a threat of imminent violence, significant bodily harm, or death, including specified offenses against a minor.

### **SEC. 4. LIMITS ON COMPELLED DISCLOSURE FROM COVERED SERVICE PROVIDERS.**

(c) **CONDITIONS FOR COMPELLED DISCLOSURE.** In any matter arising under

(b) NOTICE TO COURT.—A Federal entity seeking to compel the provision of testimony or any document described in subsection (a) shall inform the court that the testimony or document relates to a covered journalist.

(c) NOTICE TO COVERED JOURNALIST AND OPPORTUNITY TO BE HEARD.—

(1) IN GENERAL.—A court may authorize a Federal entity to compel the provision of testimony or a document under this section only after the Federal entity seeking the testimony or document provides the covered journalist on behalf of whom the testimony or document is stored pursuant to subsection (a)—

(A) notice of the subpoena or other compulsory request for such testimony or document from the covered service provider not later than the time at which such subpoena or request is issued to the covered service provider; and

(B) an opportunity to be heard before the court before the time at which the provision of the testimony or document is compelled.

(2) EXCEPTION TO NOTICE REQUIREMENT.—

(A) IN GENERAL.—Notice and an opportunity to be heard under paragraph (1) may be delayed for not more than 45 days if the court involved determines there is clear and convincing evidence that such notice 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, including specified offenses against a minor.

(B) EXTENSIONS.—The 45-day period described in subparagraph (A) may be extended by the court for additional periods of not more than 45 days if the court involved makes a new and independent determination that there is clear and convincing evidence that providing notice to the covered journalist 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, including specified offenses against a minor, under current circumstances.

**SEC. 5. LIMITATION ON CONTENT OF INFORMATION.**

The content of any testimony, document, or protected information that is compelled under sections 3 or 4 shall—

(1) apply to civil defamation, slander, or libel claims or defenses under State law, regardless of whether or not such claims or defenses, respectively, are raised in a State or Federal court; or

(2) prevent the Federal Government from pursuing an investigation of a covered journalist or organization that is—

(A) suspected of committing a crime;

(B) a witness to a crime unrelated to engaging in journalism;

(C) suspected of being an agent of a foreign power, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801);

(D) an individual or organization designated under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism);

(E) a specially designated terrorist, as that term is defined in section 595.311 of title 31, Code of Federal Regulations (or any successor thereto); or

(F) a terrorist organization, as that term is defined in section 212(a)(3)(B)(vii) (II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).