

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS
HEARING STATEMENT
HOUSE JUDICIARY COMMITTEE
FULL COMMITTEE MARKUP OF H.R. 1631, H.R. 4250
AND H.R. 4639
IN SUPPORT OF H.R. 4250: THE PRESS ACT



JULY 19, 2023
9:00 AM 2141 RAYBURN HOB

- Thank you, Chairman Johnson and Ranking Member Nadler for the opportunity to speak today.
- Today, I voice my support of H.R. 4250, the Protect Reporters from Exploitative State Spying or PRESS Act.
- This bill prohibits the federal government from compelling journalists and providers of telecommunications services to disclose certain protected information, except in limited circumstances such as to prevent terrorism or imminent violence.

- Specifically, the bill protects from disclosure any information identifying a source, as well as any records, contents of a communication, documents, or information obtained or created by journalists in the course of their work.
- Further, the bill protects specified third parties, such as telecommunications carriers or social media companies, from being compelled to provide testimony or any document consisting of a record, information, or other communication that relates to a business transaction between the third party and a journalist.
- While 48 states and the District of Columbia have some form of shield law or reporter's privilege, protections vary significantly, and there is no federal shield law, and the state laws do not apply to investigations by federal agencies, such as the DOJ.
- Importantly, there are currently no legal restrictions that prevent the government from secretly obtaining a reporter's records directly from phone companies, email providers and other third parties in order to identify their sources.
- As acknowledged by America's founders, the freedom of the press to report on and disseminate information is critical to our republic.
- Our Constitution provides that no law shall abridge the freedom of the press and inspires us to protect journalists against government overreach and abuse of their subpoena power.
- This bipartisan legislation further codifies these first amendment principles into law and will mitigate infringement upon the Constitution by the federal government.
- In a world where information is power, the role of reporters as truth seekers and watchdogs cannot be understated.

- Recent events, however, have cast a chilling shadow over their pursuits.
- Law enforcement agencies have resorted to clandestine tactics, subpoenaing emails and phone records in an effort to unmask confidential sources.
- Spying on reporters to learn the identity of their sources is a finger in the eye of the First Amendment.
- Unnecessary surveillance of journalists makes it harder to bring waste, fraud, and abuse to light by scaring off sources and reporters who are essential to a well-functioning democracy.
- This legislation creates strong protections for reporters with common sense exceptions for cases when the government truly needs information.
- Not only is this legislation imperative to shield journalists from unnecessary government surveillance, but it is also necessary to protect the public's right to access information, hold their elected officials accountable, and actively participate in representative government.
- During the 117th Congress, many on this committee played a vital role in ushering the PRESS Act through the House, where it passed with unanimous, bipartisan support.
- I urge my fellow committee members to support this bill so that the House can once again pass this important bipartisan piece of legislation and protect the first amendment freedoms of Americans.

- Thank you, I yield back the remainder of my time.