

# Return to State of the Union Report

## Freedom of the Press

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### Section 1: Top 35 Countries with the Highest Freedom of the Press

Data source: Reporters Without Borders (RSF) World Press Freedom Index 2023. Rankings reflect countries with populations over 5 million people.

Rank	Country	Freedom Score (2023)
1	Norge (Norway)	95.18
2	Éire (Ireland)	89.91
3	Danmark (Denmark)	89.48
4	Sverige (Sweden)	88.15
5	Suomi (Finland)	87.94
6	Portugal	85.00
7	Suisse or Schweiz (Switzerland)	84.41
8	Nederland (Netherlands)	83.87
9	Belgique (Belgium)	82.85
10	Canada	82.54
11	Deutschland (Germany)	82.04
12	Österreich (Austria)	81.00

Rank	Country	Freedom Score (2023)
13	New Zealand	80.19
14	Australia	78.22
15	Česko (Czech Republic)	77.49
16	République française (France)	76.02
17	España (Spain)	75.68
18	Chile	74.91
19	Costa Rica	73.56
20	United Kingdom	73.12
21	Slovensko (Slovakia)	71.87
22	한국 Hanguk (South Korea)	70.83
23	日本 Nippon (Japan)	70.23
24	România (Romania)	69.91
25	Argentina	68.54
26	Sénégal (Senegal)	67.99
27	Ghana	67.52
28	Suid-Afrika (South Africa)	66.45
29	Ελλάδα Elláda (Greece)	65.77
30	Colombia	64.87
31	United States	61.23

**Source:** [Reporters Without Borders – World Press Freedom Index](#)

The United States currently ranks 31 out of the top 35 countries with populations over 5 million people in the RSF World Press Freedom Index 2023, with a score of 61.23. The United States' ranking reflects ongoing concerns about press freedom, including hostility toward journalists, concentration of media ownership, economic pressures on local news, legal threats such as subpoenas against journalists, lack of a federal shield law protecting sources, and the increasing use of strategic lawsuits against public participation (SLAPPs) to silence reporters.

In the year 2022–2023, the Committee to Protect Journalists documented numerous instances of journalists being harassed, arrested, or having their equipment seized while covering protests and public events. The decline in local news coverage has created "news deserts" in many communities, further undermining the public's access to independent journalism.

### Regional Press Freedom Overview

Region	Avg. Freedom Score
Western Europe (excl. Россия Rossiya (Russia))	~82.5
Canada	82.54
Australia	78.22
<b>United States</b>	<b>61.23</b>
South America	~60.0
Asia (excl. 中国 Zhongguo (China))	~50.0
México	~45.0
Central America	~50.0
Middle East	~32.0
Africa	~42.0
Россия Rossiya (Russia)	~13.5
中国 Zhongguo (China)	~22.9
Other	~55.0

Note: A score of 100 represents complete press freedom; 0 represents no press freedom. Data based on 2023 RSF World Press Freedom Index.

#### References (Section 1):

1. Reporters Without Borders (RSF) – World Press Freedom Index: <https://rsf.org/en/ranking>
2. Committee to Protect Journalists (CPJ): <https://cpj.org>
3. Freedom House – Freedom of the Press: <https://freedomhouse.org/report/freedom-press>

## Section 2: What Other Countries Have Done to Increase Their Freedom of the Press

The following table presents the 8 top-rated countries with the highest Freedom of the Press. Each country's policies, initiatives, and programs that contributed to its ranking are described in detail below.

### The 8 Top Rated Countries with the Highest Freedom of the Press

Rank	Country	Freedom Score (2023)
1	Norge (Norway)	95.18
2	Éire (Ireland)	89.91
3	Danmark (Denmark)	89.48
4	Sverige (Sweden)	88.15
5	Suomi (Finland)	87.94
6	Portugal	85.00
7	Suisse or Schweiz (Switzerland)	84.41
8	Nederland (Netherlands)	83.87

#### Norge (Norway)

Norge consistently ranks first in press freedom worldwide.

The Norge government has implemented a comprehensive media policy framework centered on financial support for independent journalism.

The Media Authority of Norge (Medietilsynet – <https://www.medietilsynet.no>) oversees press regulation without censorship powers.

The Press Financial Fund (Mediestøtteordningen – <https://www.medietilsynet.no/tilskudd/>) provides direct subsidies to newspapers, particularly smaller regional outlets, ensuring pluralism and geographic coverage.

The Norge Union of Journalists (Norsk Journalistlag – <https://nj.no>) negotiates strong labor protections for journalists.

The government enacted the Media Liability Act and the Freedom of Information Act, which guarantee editorial independence and access to government records.

Norge's Broadcasting Act explicitly prohibits political interference in editorial decisions at the Norge Broadcasting Corporation (NRK – <https://www.nrk.no>).

Strong judicial protections for source confidentiality prevent authorities from compelling journalists to reveal their sources.

### **Éire (Ireland)**

Éire's press freedom is anchored by robust constitutional protections under Article 40.6.1 of the Irish Constitution, which guarantees freedom of expression.

The Broadcasting Authority of Éire (BAI – <https://www.bai.ie>), now transitioning to Coimisiún na Meán under the Online Safety and Media Regulation Act 2022, regulates broadcasting without editorial interference.

The Éire Press Council (<https://www.presscouncil.ie>) and the Office of the Press Ombudsman provide independent self-regulation of print and online media.

In 2023, Éire passed the Online Safety and Media Regulation Act, creating a new statutory framework for online safety while maintaining press freedom protections.

The Legal Aid Board (<https://www.legalaidboard.ie>) provides financial assistance to journalists facing defamation actions.

Éire's Defamation Act 2009 introduced a public interest defense protecting investigative journalism.

The Broadcasting Fund supports independent documentary production through television and radio.

### **Danmark (Denmark)**

Danmark protects press freedom through a combination of legal, institutional, and economic measures.

The Danmark Media Agreement (Medieaftalen – <https://www.kum.dk>) allocates public funding to a wide range of media outlets, supporting independent journalism across platforms.

The Danmark Press Council (Pressenævnet – <https://www.pressenaevnet.dk>) handles complaints without government involvement.

The Danmark Broadcasting Corporation (DR – <https://www.dr.dk>) operates independently under its own charter, shielded from political interference by the Media Liability Act.

Danmark's Access to Public Administration Files Act provides journalists broad access to government records.

The Danmark Journalists Union (Dansk Journalistforbund – <https://journalistforbundet.dk>) advocates for journalists' rights and enforces codes of ethics.

Danmark has consistently updated its media support policies to include digital-native outlets, ensuring adaptation to the changing media landscape.

### **Sverige (Sweden)**

Sverige's Freedom of the Press Act of 1766 – the world's oldest – enshrines press freedom at the constitutional level.

The Sverige Press and Broadcasting Authority (MPRT – <https://www.mprt.se>) provides press subsidies without editorial control.

The Sverige Press Council (Pressens Opinionsnämnd – <https://po.se>) and the Sverige Press Ombudsman (PO – <https://po.se>) handle complaints through self-regulation.

The Act on Responsibility for Electronic Bulletin Boards ensures online platform accountability without restricting editorial independence.

Sverige Broadcasting Commission oversees the public broadcaster SVT (<https://www.svt.se>) and ensures editorial independence.

The Sverige Journalists Union (Sveriges Journalistförbund – <https://www.sjf.se>) provides legal defense for journalists.

Sverige's Principle of Public Access (Offentlighetsprincipen) guarantees broad access to government documents, supporting investigative journalism.

### **Suomi (Finland)**

Suomi's constitutional Act on Freedom of Expression in Mass Media (460/2003) provides a strong legal foundation for press freedom.

The Council for Mass Media in Suomi (JSN – <https://www.jsn.fi>) independently adjudicates ethical complaints against media.

The Suomi Broadcasting Company (Yle – <https://yle.fi>) operates under a unique funding model through a television tax, insulating it from commercial and political pressures.

The Act on the Openness of Government Activities ensures journalist access to government information.

Suomi's Ministry of Transport and Communications (<https://www.lvm.fi>) provides media policy support through grants for digital media development.

The Union of Journalists in Suomi (Suomen Journalistiliitto – <https://journalistiliitto.fi>) negotiates protections for freelancers and employed journalists alike.

Suomi has enacted source protection rules that are among the strongest in the world, with court orders required before any journalist-source disclosure.

## **Portugal**

Portugal's constitutional Article 38 explicitly protects press freedom and independence.

The Regulatory Entity for Social Communication (ERC – <https://www.erc.pt>) independently regulates media with a mandate to protect press freedom rather than restrict it.

Portugal's Press Law (Law No. 2/99) codifies editorial independence and journalists' rights, including protection of sources.

The Portuguese Journalists Union (Sindicato dos Jornalistas – <https://www.jornalistas.eu>) negotiates collective agreements and defends press freedom.

The Portuguese Institute of Cinema and Audiovisual (ICA – <https://www.ica-ip.pt>) provides funding for documentary journalism.

Portugal's 2006 Access to Administrative Documents Act gives journalists access to government records. Recent legislative reforms have strengthened anti-SLAPP protections, enabling journalists to challenge frivolous litigation designed to silence reporting.

## **Schweiz (Switzerland)**

Schweiz protects press freedom through both federal and cantonal laws.

The Schweiz Federal Constitution (Article 17) guarantees media freedom.

The Schweiz Press Council (Presserat – <https://www.presserat.ch>) provides independent ethical oversight without statutory enforcement powers.

The Federal Office of Communications (BAKOM – <https://www.bakom.admin.ch>) oversees broadcasting while maintaining editorial independence for the Swiss Broadcasting Corporation (SRG SSR – <https://www.srgssr.ch>).

The Schweiz Federation of Journalists (SSM/FSJ – <https://www.ssm.ch>) advocates for press freedom.

Schweiz law provides strong protection of journalistic sources; Article 172 of the Criminal Procedure Code makes source disclosure an exceptional measure.

Schweiz's Freedom of Information Act (BGÖ) enables journalist access to federal administrative documents.

Public media funding through television licensing fees ensures financial stability for public broadcasting.

### **Nederland (Netherlands)**

The Nederland protects press freedom through Article 7 of the Dutch Constitution.

The Dutch Media Authority (Commissariaat voor de Media – <https://www.cvdm.nl>) regulates broadcasting while maintaining editorial independence.

The Nederland Press Fund (Stimuleringsfonds voor de Journalistiek – <https://www.svdj.nl>) provides grants to support investigative journalism, local news, and press innovation.

The Dutch Association of Journalists (NVJ – <https://www.nvj.nl>) negotiates labor protections and supports journalists under legal threat.

The Nederland has enacted strong anti-SLAPP legislation through the EU Anti-SLAPP Directive transposition, providing cost awards against abusive litigation against journalists.

The Public Broadcasting Foundation (NPO – <https://www.npo.nl>) operates independently from government control under the Media Act.

Dutch courts have consistently upheld source protection rights for journalists.

### **Section 3: What the U.S. Can Do to Increase Its Freedom of the Press**

The United States, while possessing First Amendment protections broadly recognized as among the strongest constitutional press freedom protections in the world, has seen its ranking in global press freedom indices decline in recent years. To increase its Freedom of the Press, the United States must address structural, legal, economic, and cultural challenges that currently impede independent journalism. The following measures, informed by best practices from top-ranked countries, outline a comprehensive framework for reform.

#### **1. Enact a Federal Shield Law**

Congress should pass a comprehensive federal shield law protecting journalists from being compelled to reveal their confidential sources in federal court proceedings. While 49 states have some form of shield protection, no federal law uniformly protects journalists nationwide. A federal shield law modeled on the Free Flow of Information Act would bring the United States in line with Norge, Suomi, and Schweiz, where source protection is constitutionally or legislatively mandated. The Reporters Committee for Freedom of the Press (<https://www.rcfp.org>) has long advocated for this measure.

#### **2. Anti-SLAPP Legislation**

Congress should enact a strong federal anti-SLAPP (Strategic Lawsuits Against Public Participation) statute to deter abusive litigation designed to silence journalists and media organizations through financial attrition. Such a law would enable early dismissal of meritless defamation suits and award attorney fees to prevailing defendants, consistent with European Union anti-SLAPP directives adopted by the Nederland, Deutschland, and République française. The Reporters Committee for Freedom of the Press (<https://www.rcfp.org>) and the Protect the 1st Foundation (<https://protect1st.org>) support this legislation.

#### **3. Support Local and Independent Journalism**

The collapse of local news has created hundreds of 'news deserts' across the United States, leaving communities without accountability journalism. Congress and state legislatures should create tax incentives for local news subscriptions, establish a Public Interest Journalism Fund to provide grants to nonprofit and for-profit local news organizations, and expand funding for public broadcasting through the Corporation for Public Broadcasting (<https://www.cpb.org>). Programs modeled on Scandinavia's direct press subsidies should be explored without editorial conditions.

#### **4. Protect Journalists from Physical and Legal Harassment**

The Department of Justice (<https://www.justice.gov>) should update its guidelines on the use of subpoenas, search warrants, and other compulsory process against news media to strengthen protections. Law enforcement agencies should adopt and enforce policies prohibiting the arrest, assault, or obstruction of journalists covering protests, elections, or public events. The

Committee to Protect Journalists (<https://cpj.org>) and the Society of Professional Journalists (<https://www.spj.org>) should be consulted in policy development.

### **5. Strengthen Freedom of Information**

Congress should modernize and strengthen the Freedom of Information Act (FOIA) to reduce processing delays, lower costs for journalists and public interest requestors, establish an independent FOIA Ombudsman with enforcement authority, and mandate proactive disclosure of categories of government information. The National Freedom of Information Coalition (<https://www.nfoic.org>) and the Reporters Committee for Freedom of the Press (<https://www.rcfp.org>) should be empowered to assist in oversight.

### **6. Limit Government Surveillance of Journalists**

Congress should amend the Foreign Intelligence Surveillance Act (FISA) and other surveillance statutes to create explicit prohibitions on targeting journalists for their newsgathering activities and to require judicial approval before any surveillance of journalists. The Electronic Frontier Foundation (<https://www.eff.org>) and the American Civil Liberties Union (<https://www.aclu.org>) have identified specific provisions requiring reform.

### **7. Combat Media Consolidation**

The Federal Communications Commission (FCC – <https://www.fcc.gov>) and the Federal Trade Commission (FTC – <https://www.ftc.gov>) should strengthen antitrust enforcement in the media sector to prevent excessive consolidation of news ownership. Policies encouraging diverse and independent ownership of broadcast and print media will strengthen plurality in news coverage, consistent with standards applied in Deutschland and the United Kingdom.

### **8. Promote Digital Press Freedom**

Congress should reform Section 230 of the Communications Decency Act to ensure that digital platforms do not suppress or de-platform legitimate journalism. The Federal Communications Commission should develop policies to support net neutrality, ensuring equal access to online news distribution. Organizations including the Electronic Frontier Foundation (<https://www.eff.org>) and the Center for Democracy and Technology (<https://cdt.org>) should be involved in drafting these reforms.

## Section 4: References

### References for Section 2:

1. Reporters Without Borders (RSF): <https://rsf.org/en/ranking>
2. Norwegian Media Authority (Medietilsynet): <https://www.medietilsynet.no>
3. Broadcasting Authority of Éire / Ireland (BAI): <https://www.bai.ie>
4. Irish Press Council: <https://www.presscouncil.ie>
5. Swedish Press and Broadcasting Authority (MPRT): <https://www.mprt.se>
6. Council for Mass Media in Suomi (JSN): <https://www.jsn.fi>
7. Portuguese Regulatory Entity (ERC): <https://www.erc.pt>
8. Swiss Press Council (Presserat): <https://www.presserat.ch>
9. Dutch Media Authority (Commissariaat voor de Media): <https://www.cvdm.nl>
10. Nederland Press Fund: <https://www.svdj.nl>

### References for Section 3:

1. Reporters Committee for Freedom of the Press: <https://www.rcfp.org>
2. Committee to Protect Journalists (CPJ): <https://cpj.org>
3. Society of Professional Journalists (SPJ): <https://www.spj.org>
4. Corporation for Public Broadcasting (CPB): <https://www.cpb.org>
5. National Freedom of Information Coalition: <https://www.nfoic.org>
6. Electronic Frontier Foundation: <https://www.eff.org>
7. American Civil Liberties Union: <https://www.aclu.org>
8. Federal Communications Commission: <https://www.fcc.gov>
9. Federal Trade Commission: <https://www.ftc.gov>
10. Freedom House: <https://freedomhouse.org/report/freedom-press>

## **Section 5: Draft of a House Bill**

**118th CONGRESS**

1st Session

**H.R. \_\_\_\_\_**

**A BILL**

To strengthen and protect the freedom of the press in the United States, to establish protections for journalists, to create support mechanisms for independent and local journalism, to protect journalistic sources, to limit government surveillance of news-gathering activities, and for other purposes.

### **Short Title**

This Act may be cited as the "American Press Freedom Enhancement Act of 2024" or the "APFEA".

### **SECTION 1. Definitions**

As used in this Act:

- (1) "Journalist" means any person who regularly gathers, prepares, collects, photographs, records, writes, edits, reports, or publishes news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.
- (2) "News organization" means any entity that employs, retains, or otherwise engages journalists for the primary purpose of gathering and disseminating news or information to the public, including print, broadcast, digital, and online media.
- (3) "Confidential source" means any person who provides information to a journalist under a reasonable expectation of confidentiality.
- (4) "Shield protection" means the privilege of a journalist to refuse to disclose the identity of a confidential source, unpublished notes, recordings, and other materials gathered in the course of newsgathering.
- (5) "SLAPP" means a Strategic Lawsuit Against Public Participation, defined as a lawsuit filed with the primary purpose of burdening the defendant with litigation costs to deter participation in matters of public concern.

- (6) "Public interest journalism" means journalism that serves the public interest by holding government, corporations, and other powerful institutions accountable, exposing corruption, and informing citizens on matters essential to democratic participation.
- (7) "News desert" means a community without adequate local news coverage due to the closure or consolidation of local news organizations.
- (8) "Compulsory process" means any subpoena, court order, search warrant, National Security Letter, or other governmental compulsion directed at a journalist or news organization for purposes of compelling disclosure of information gathered in the course of newsgathering.
- (9) "Local news organization" means a news organization that primarily covers news and events within a geographically defined community of fewer than 500,000 residents.
- (10) "Investigative journalism" means journalism that involves systematic, in-depth research and reporting on matters of significant public concern, including governmental corruption, corporate malfeasance, civil rights violations, and public safety.

## **SECTION 2. Enacting Clause**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the findings and purposes of this Act are as follows:

- (a) CONGRESSIONAL FINDINGS. Congress finds that:
- (1) A free and independent press is essential to the functioning of democracy and the protection of individual rights.
  - (2) The United States has experienced a significant decline in press freedom rankings in international indices, including the Reporters Without Borders World Press Freedom Index.
  - (3) Local news deserts have emerged across the United States as local newspapers have closed due to economic pressures and media consolidation.
  - (4) Journalists in the United States face increasing legal threats, physical danger, and government surveillance that chill the exercise of press freedom.
  - (5) International best practices from top-ranked countries provide actionable models for strengthening press freedom in the United States.
- (b) PURPOSES. The purposes of this Act are to:
- (1) Enact a comprehensive federal shield law protecting journalists and their sources.
  - (2) Establish anti-SLAPP protections for journalists and news organizations in federal courts.
  - (3) Create a Public Interest Journalism Fund to support local and independent journalism.
  - (4) Strengthen the Freedom of Information Act to ensure journalist access to government records.

- (5) Limit government surveillance targeting journalists' newsgathering activities.

### **SECTION 3. Requirements by Government Agencies**

- (a) DEPARTMENT OF JUSTICE. The Attorney General shall:
  - (1) Revise Department of Justice guidelines governing the use of subpoenas, search warrants, and other compulsory process directed at members of the news media to establish a presumption against such process.
  - (2) Require prior review and approval by the Attorney General before any compulsory process is directed at a journalist or news organization.
  - (3) Establish a Media Freedom Unit within the Civil Rights Division to investigate and prosecute violations of journalists' civil rights, including unlawful arrest, assault, or obstruction of journalists.
  - (4) Publish an annual report on the use of compulsory process against journalists and the status of media freedom cases.
- (b) FEDERAL COMMUNICATIONS COMMISSION. The FCC shall:
  - (1) Strengthen media ownership diversity rules to prevent excessive consolidation of news media ownership.
  - (2) Conduct biennial reviews of media ownership rules and publish findings to Congress.
  - (3) Establish rules requiring disclosure of beneficial ownership of broadcast licenses.
- (c) FEDERAL TRADE COMMISSION. The FTC shall:
  - (1) Enforce antitrust laws to prevent mergers and acquisitions in the media sector that reduce news diversity and competition.
  - (2) Conduct studies on the economic impact of digital platform dominance on local news organizations and report findings to Congress within 18 months.
- (d) OFFICE OF INFORMATION POLICY (OIP). The OIP, within the Department of Justice, shall:
  - (1) Develop binding guidance for all federal agencies requiring FOIA requests from journalists to be processed within 20 business days.
  - (2) Establish a centralized FOIA portal for journalists with expedited processing designations.
  - (3) Create an independent FOIA Ombudsman with authority to compel compliance and impose sanctions for willful non-compliance.
- (e) INTELLIGENCE AGENCIES. The Director of National Intelligence and all Intelligence Community elements shall:
  - (1) Prohibit the use of surveillance authorities under the Foreign Intelligence Surveillance Act (FISA) or Executive Order 12333 to target journalists for their newsgathering activities.

- (2) Require judicial approval from the Foreign Intelligence Surveillance Court before any surveillance of a journalist may be authorized.

#### **SECTION 4. Requirements by Government Officials**

- (a) **FEDERAL OFFICIALS.** All federal officials, including but not limited to the President, Vice President, Cabinet Secretaries, and agency heads, shall:
  - (1) Refrain from directing law enforcement agencies to take action against journalists based on the content of their reporting.
  - (2) Refrain from using official communications to incite hostility, harassment, or physical danger toward journalists or news organizations.
  - (3) Ensure timely and substantive responses to media inquiries regarding the exercise of official duties.
  - (4) Refrain from excluding journalists from press events or briefings based on the viewpoint or editorial perspective of their publication.
- (b) **LAW ENFORCEMENT OFFICIALS.** All federal, state, and local law enforcement officials shall:
  - (1) Refrain from arresting, assaulting, obstructing, or using force against journalists engaged in newsgathering activities at protests, public events, or scenes of official action.
  - (2) Release journalists arrested in the course of newsgathering without charge within 4 hours, unless probable cause for a non-newsgathering criminal offense exists.
  - (3) Return all equipment, recordings, and materials seized from journalists within 48 hours absent a judicial finding of probable cause.
  - (4) Receive mandatory annual training on constitutional protections for the press and the requirements of this Act.
- (c) **JUDICIAL OFFICIALS.** Federal judges shall:
  - (1) Apply a strong presumption against compelling journalists to testify or produce materials relating to newsgathering activities.
  - (2) Conduct in camera review of claimed privileges before ordering any journalist disclosure.

#### **SEC. 5. Requirements by Corporations**

- (a) **MEDIA CORPORATIONS.** Any corporation that owns, operates, or controls a news organization receiving federal benefits under this Act shall—
  - (1) Maintain a published editorial independence charter prohibiting commercial and ownership interests from directing editorial decisions;
  - (2) Disclose all ownership interests, including beneficial ownership, to the FCC and the public annually;

- (3) Maintain a firewall between business and editorial operations as a condition of eligibility for any federal press freedom benefit; and
  - (4) Provide written notice to journalists before taking any action affecting their newsgathering activities based on commercial or ownership considerations.
- (b) **DIGITAL PLATFORM CORPORATIONS.** Any corporation operating a social media platform, search engine, or content distribution network with more than 50 million monthly active users in the United States shall—
- (1) Publish clear, publicly available standards governing the moderation, demotion, or removal of journalism and news content;
  - (2) Provide news organizations with advance notice and an appeals process before removing or significantly demoting journalistic content;
  - (3) Refrain from systematically suppressing the reach of verified journalism organizations based on their editorial viewpoints; and
  - (4) Negotiate in good faith with news organizations for fair compensation for use of journalistic content consistent with models established in Australia and Canada.

## **SECTION 6. Requirements by Private Citizens**

- (a) **SOURCE PROTECTION.** Private citizens who serve as confidential journalistic sources shall:
- (1) Be protected from retaliation by government agencies, employers, and other entities for providing information to journalists on matters of public concern.
  - (2) Have the right to file civil claims for damages against any party that reveals their identity as a journalistic source in violation of a confidentiality agreement.
- (b) **WHISTLEBLOWER PROTECTIONS.** Private citizens employed by the federal government, federal contractors, or recipients of federal funds who disclose matters of public concern to journalists shall:
- (1) Be entitled to protections under the Whistleblower Protection Act (5 U.S.C. § 2302) and the enhanced protections of this Act.
  - (2) Be entitled to legal representation funded by the Department of Justice's Whistleblower Legal Defense Fund established under this Act.
- (c) **PUBLIC INTEREST PARTICIPATION.** Any private citizen may:
- (1) File a complaint with the Press Freedom Ombudsman established under this Act regarding violations of press freedom by government agencies or officials.
  - (2) Intervene as a party in FOIA litigation to advance the public interest in government transparency.

## **SECTION 7. Penalty Clauses**

- (a) **CIVIL PENALTIES.** Any person, government official, agency, or corporation that violates the provisions of this Act shall be subject to:
  - (1) Civil penalties of not less than \$10,000 and not more than \$100,000 per violation.
  - (2) A private right of action for any journalist or news organization injured by a violation, including recovery of compensatory damages, punitive damages, and reasonable attorney fees.
- (b) **CRIMINAL PENALTIES.** Any government official who willfully and intentionally violates the provisions of Sections 3 or 4 of this Act with intent to suppress journalism or retaliate against journalists shall be subject to:
  - (1) A fine of not more than \$250,000.
  - (2) Imprisonment of not more than 5 years.
  - (3) Removal from federal office or employment.
- (c) **CORPORATE SANCTIONS.** Any corporation that willfully violates Section 5 of this Act shall be subject to:
  - (1) Suspension or revocation of any federal benefits received under this Act.
  - (2) Civil fines up to 1% of annual United States gross revenue per violation.
  - (3) FCC license review in the case of broadcast license holders.

## **SECTION 8. Effective Dates and Implementation**

- (a) **EFFECTIVE DATE.** This Act shall take effect 180 days after its enactment.
- (b) **IMPLEMENTATION SCHEDULE.**
  - (1) Within 90 days of enactment, the Attorney General shall publish revised guidelines under Section 3(1)(A) and (B).
  - (2) Within 180 days of enactment, the FCC shall initiate rulemaking proceedings under Section 3(2).
  - (3) Within 1 year of enactment, the Public Interest Journalism Fund established under Section 3(1)(C) shall begin accepting grant applications.
  - (4) Within 2 years of enactment, the Office of Information Policy shall implement the FOIA reforms required under Section 3(4).
- (c) **ANNUAL REPORTING.** Each agency with responsibilities under this Act shall submit an annual report to Congress detailing actions taken to implement this Act and any remaining compliance issues.

## **SECTION 9. Appropriations and Budgetary Notes**

- (a) **AUTHORIZATION OF APPROPRIATIONS.** There are authorized to be appropriated to carry out this Act:
  - (1) \$150,000,000 per year for the Public Interest Journalism Fund.
  - (2) \$10,000,000 per year for the DOJ Media Freedom Unit established under Section 3(1)(C).
  - (3) \$5,000,000 per year for the FOIA Ombudsman's Office established under Section 3(4)(C).
  - (4) \$3,000,000 per year for law enforcement training programs under Section 4(2)(D).
  - (5) \$2,000,000 per year for the Whistleblower Legal Defense Fund under Section 6(2)(B).
- (b) **BUDGETARY OFFSET.** The Congressional Budget Office shall provide a score of this Act within 60 days of introduction. The Committee on Appropriations shall identify corresponding offsets as required under the Statutory Pay-As-You-Go Act of 2010.
- (c) **FEDERAL TAX INCENTIVES.** The Secretary of the Treasury is authorized to promulgate regulations to:
  - (1) Provide a 25% refundable tax credit to individuals for subscriptions to qualifying local news organizations.
  - (2) Allow charitable deductions for donations to qualifying nonprofit news organizations.