

THE JOURNALISM COMPETITION AND PRESERVATION ACT

CREATING AN EVEN PLAYING FIELD FOR THE FREE AND DIVERSE PRESS

The Journalism Competition and Preservation Act creates a temporary safe harbor for news publishers to band together to negotiate with online platforms to protect Americans' access to trustworthy sources of news online. The Journalism Competition and Preservation Act was introduced by Senator John Kennedy (R-LA), Member of the Senate Judiciary Committee, and Senator Amy Klobuchar (D-MN), the Ranking Member of the Senate Antitrust Subcommittee, on June 3, 2019.

- **Limited Safe Harbor.** The Journalism Competition and Preservation Act establishes a 48-month safe harbor for the free press to band together to negotiate with dominant online platforms to improve the access to and the quality of news online. Importantly, the safe harbor is narrowly tailored to ensure that coordination by news publishers is only in the interest of promoting trust and quality journalism. The Journalism Competition and Preservation Act only allows coordination by news publishers if it (1) directly relates to the quality, accuracy, attribution or branding, or interoperability of news; (2) benefits the entire industry, rather than just a few publishers, and is non-discriminatory to other news publishers; and (3) is directly related to and reasonably necessary for these negotiations, instead of being used for other purposes.
- **Protects the Free and Diverse Press.** The free and diverse press—particularly local press—is the backbone of a healthy and vibrant democracy. But the control of access to trustworthy news online has become centralized by just two platforms. The [Pew Research Center](#) reported in 2017 that the majority of Americans access news through only two platforms—Facebook and Google—noting that “Facebook outstrips all other social media sites as a source of news.” Recent [market reports](#) also indicate that these same companies control the vast majority of [online referrals](#) for news and the bulk of [digital advertising revenue](#), while revenue for news publishers has [plummeted](#) by \$31 billion since 2006.
- **Protects the Free Market, Jobs, and the Marketplace of Ideas.** Free markets depend on an even playing field. But in the absence of a truly competitive landscape, innovation suffers, businesses fail, workers are laid off or have lower wages, and consumers are harmed through less choice and worse service. Instead of competing on an equal playing field, online platforms are able to dictate the terms of how Americans view news online. And as a result of the diminished revenue, thousands of journalists have been laid off. The Bureau of Labor Statistics predicts that the overall employment of reporters, correspondents, and broadcast news analysts will decline 9% between 2016 and 2026, alongside declines in readership and circulation of newspapers.

The majority of Americans are “more concerned” that not enough is being done to address the “relentless spread of fake news on their platforms,” representing “a seismic shift in the public’s perception” in a short time on the issue, according to an [Axios-SurveyMonkey poll](#). According to the 2018 Edelman Trust Barometer, 63% of people say they can’t tell the difference between good journalism and falsehood online.

SUPPORT FOR THE JOURNALISM COMPETITION AND PRESERVATION ACT

“At the heart of this bill is helping newspapers survive amid shrinking circulations and massive layoffs. Google and Facebook now control the news kingdom. They’ve pitted themselves against newspapers in a David-and-Goliath battle in which newspapers don’t have a stone to throw much less a slingshot to put it in. The readers are the true losers as newsrooms empty out across this country,” said Senator Kennedy. “Google and Facebook aren’t just companies. They’re countries. We can’t allow them to bully newspapers out of business.”

Senator Klobuchar stated, “Without honest and trusted journalists reporting around the world and here at home, what is out of sight truly becomes out of mind—but we’re seeing more and more independent and local news outlets close as ‘fake news’ rises. It’s more important than ever that we protect the free press and establish an even playing field for negotiation with online platforms. Our bipartisan legislation will improve the quality and accessibility of reporting and ensure that journalists are able to continue their critical work.”

The Journalism Competition and Preservation Act as introduced is supported by the News Media Alliance, which represents over 2,000 local and national news publications—including The New York Times, The Washington Post, and The Wall Street Journal:

“We are thrilled that two bipartisan leaders of the Senate Judiciary Committee have championed this legislation, which speaks to its widely understood importance. We are grateful to Senators Kennedy and Klobuchar for their commitment to quality journalism and we look forward to news publishers soon having the ability to negotiate with the platforms that currently control who sees our content,” said News Media Alliance President & CEO David Chavern. “The tech platforms greatly benefit from news content. We need terms that will allow news publishers to continue to reinvest in quality journalism.”

The Journalism Competition and Preservation Act is also supported by 48 state press associations representing 49 states, including:

- Alabama Press Association
- Arizona Newspapers Association
- Arkansas Press Association
- California News Publishers Association
- Colorado Press Association
- Connecticut Daily Newspaper Association
- Florida Press Association
- Michigan Press Association
- Minnesota Newspaper Association Mississippi Press Association
- Missouri Press Association
- Montana Newspaper Association
- Nebraska Press Association
- Nevada Press Association
- Oregon Newspaper Publishers Association
- Pacific Northwest Newspaper Association
- Pennsylvania News Media Association
- South Carolina Press Association
- South Dakota Newspaper Association
- Tennessee Press Association
- Texas Press Association

- Georgia Press Association
- Illinois Press Association
- Hoosier State Press Association
- Iowa Newspaper Association
- Kansas Press Association
- Kentucky Press Association
- Louisiana Press Association
- Massachusetts Newspaper Publishers Association
- MDDC Press Association
- New England Newspaper & Press Association
- New Jersey Press Association
- New Mexico Press Association
- New York Press Association
- New York News Publishers Association
- North Carolina Press Association
- North Dakota Newspaper Association
- Ohio News Media Association
- Oklahoma Press Association
- Utah Press Association
- Vermont Press Association
- Virginia Press Association
- Washington Newspaper Publishers Association
- Allied Daily Newspapers of Washington
- West Virginia Press Association
- Wisconsin Newspaper Association
- Wyoming Press Association