

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 Representatives David N. Cicilline (D-RI), the Chairman of the House Judiciary Antitrust Subcommittee, and Doug Collins (R-GA), the Ranking Member of the Committee on the Judiciary, on April 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

“The free press is a cornerstone of our democracy. Journalists keep the public informed, root out corruption, and hold the powerful accountable,” said Cicilline. “This bill will provide a much-needed lifeline to local publishers who have been crushed by Google and Facebook. It’s about time we take a stand on this issue.”

“Community journalism holds a critical place in our democracy because it helps the American people understand and engage in civil society,” said Collins. “Through our bipartisan legislation, we are opening the door for community newspapers to more fairly negotiate with large tech platforms that are operating in an increasingly anti-competitive space. This will help protect journalism, promote competition and allow communities to stay informed.”

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—as well as others:

“This is a great day for newsrooms across our nation. We are grateful to Chairman Cicilline and Ranking Member Collins for their commitment to quality journalism and we look forward to news publishers having some relief from the platforms that currently regulate who receives our content and how much we are paid. Fair compensation for use of news content will allow news publishers to continue to reinvest in quality journalism,” – **David Chavern, President and CEO of the News Media Alliance.**

“News media have struggled for several years with the impact social media has had on the distribution of our content. While providing our members with the potential to reach more readers, the opacity surrounding the inner workings of major platforms means we are never able to truly maximize that potential. We are at a competitive disadvantage, beholden to the platforms and their rules. This bill will help us level the playing field.” – **Nancy Barnes, President of the American Society of News Editors (ASNE).**

“Facebook and Google love us for our local content. But they are not contributing to the cost of gathering our intensely local and interesting news, and publishers do not receive any compensation when our material travels out over these mega-giant networks. This bill would give newspapers the ability to work as an industry for fairness in the digital environment. We hope Congress will move quickly to pass the legislation,” – **Andrew Johnson, Publisher of the Dodge County (WI) Pionier and President of the National Newspaper Association (NNA).**

“The journalism industry has a tenuous relationship with major content platforms such as Google and Facebook. We need them to distribute our content but we are also beholden to the rules they set, with no ability to meaningfully negotiate policies or practices which will actually benefit our members. This bill is necessary to ensuring we control how our content is distributed; it therefore benefits not only AAN members but our readers,” – **Molly Willmott, President of the Association of Alternative Newsmedia (AAM).**

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
- 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
- Michigan Press Association
- Minnesota Newspaper Association
- Mississippi Press Association
- Missouri Press Association
- Montana Newspaper Association
- Nebraska Press Association
- Nevada 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
- 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
- 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