

September 2, 2025

United States House of Representatives  
Washington, DC 20515

United States Senate  
Washington, DC 20510

Dear Member of Congress:

The undersigned civil society organizations and press freedom associations write in strong opposition to Senate Amendment 3270, offered by Senators Klobuchar and Cruz as an amendment to the Senate's National Defense Authorization Act for Fiscal Year 2026 (S. 2296). While we greatly appreciate the concerns that you and your family are facing, as well as the motivation underpinning the exemptions, we explain below why Senate Amendment 3270 could still be easily exploited to unacceptably censor the press and suppress ordinary civic participation — without meaningfully strengthening congressional security. We reiterate that we strongly support measures that are carefully calibrated to protect our elected leaders, but unfortunately, this legislation is not the right approach. **As such, we urge you to vote "no" on this amendment should it come up for a floor vote and to oppose its inclusion in the national defense bill or any other package.**

Similar to previous versions but with additional changes that raise even more alarm, Senate Amendment 3270 contains serious constitutional, prudential, and implementation problems that undercut its apparent intention of addressing security and privacy issues regarding elected leaders and those closely associated with them. We are deeply concerned that this proposal could enable corruption to flourish undetected and severely chill press reporting on congressional affairs generally, while providing a mirage of security to lawmakers and their loved ones. These flaws also directly conflict with the cherished values and freedoms that are vital to our democracy, including government transparency, accountability, free expression, and freedom of the press.

That is because **Senate Amendment 3270 would allow Members of Congress — and, in an expansion of past versions, even former Members of Congress — to compel the censorship of a broad range of information whose publication is protected by the First Amendment — including the types of information routinely reported by journalists, government watchdogs, and ordinary citizens. This is precisely the information necessary for the American public to evaluate**

**lawmakers' adherence to our laws and ethical standards, as well as their policy promises to their constituents.**

Specifically, the new amendment would empower Members of Congress and former Members of Congress, as well as a range of individuals connected to them, to order websites and data brokers to delete information from the digital public domain and from databases, backed by court order. The individuals whose information must be deleted under the amendment includes not only that of the aforementioned public figures, but also of their spouses, siblings, parents, or anyone else living in a covered person's household. In addition, the categories of information covered are sweepingly broad, including home addresses, addresses of other residences, vehicle license plate number, and whereabouts, even if that information is already publicly available or easily observed by anyone out in public.

As civil society organizations have pointed out in a [previous letter](#), it is disturbingly easy to envision the scenarios in which this legislation could be wielded as a censorship cudgel, thwarting actions such as:

- An anti-corruption organization checking the new property or vehicle purchases of a lawmaker under allegations of taking financial bribes.
- A journalist reporting on the travel plans and thus the whereabouts of lawmakers who are facing criticism in their home state or district.
- A citizen activist blogging about the fact of a lawmaker having money stashed in a Wall Street bank while the lawmaker pushes for a bailout for that bank.
- A voter complaining on social media about the school that certain lawmakers chose for their children while voting against education, child care, or paid leave for other families.

Additional examples include:

- A watchdog organization exposing the locations of lavish trips for Members of Congress, former Members of Congress, and their family members, paid for by private interests.
- A journalist reporting that a lawmaker does not live in the district that he or she represents, or that a lawmaker resides in a memory care facility.
- An individual publicly sharing or posting on social media about an inappropriate email they received from a lawmaker's personal email account.

- A campus news outlet reporting on the arrest and suspension of a lawmaker's child from a specific college for participating in protests.

The amendment purports to remedy First Amendment and anti-corruption concerns through a series of carve-outs, but the exemptions are wholly inadequate. **Not only is the language of the carve-outs, such as the exception for matters of "public concern," subject to different interpretations that would need to be litigated in court, the amendment effectively states that ambiguity "shall" be "broadly construed" in favor of censorship.**

Furthermore, as explained in an [ACLU analysis](#) about very similar precursor legislation, the U.S. Constitution protects the publication of truthful information lawfully obtained, even where there are significant privacy concerns posed by the information. Similarly, Amendment 3270 will also likely fail the requisite legal standard that the government must satisfy before it is permitted to censor. As a content-based restriction on speech, Amendment 3270 is subject to the highest level of First Amendment scrutiny, a constitutional barrier that government restrictions on speech can rarely overcome.<sup>1</sup>

Should this legislation be enacted nonetheless, the predictable result will be that virtually anybody who participates in congressional oversight or related public debates will face enormous incentives to sideline themselves. For individuals, community newspapers, and non-profit organizations, even the threat of a lawsuit, let alone the penalties or sanctions potentially imposed during litigation and the attorneys' fees, could be ruinous and enough for them to simply disengage. Their attorneys will advise self-censorship to avoid legal liability, and the public square will be poorer for it. These damaging outcomes must also be weighed against the fact that Members of Congress, former Members of Congress, and their family members — like all Americans — are already protected by a variety of criminal statutes and civil remedies against conduct such as stalking and assault, which make much of the legislation superfluous.

While we appreciate the important goal of improving the security and privacy protections available to Members of Congress, especially in light of political violence that has occurred nationwide, **the amendment also fails to protect current and former**

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<sup>1</sup> We first note *Jackson v. Whitepages, Inc.*, No. 1:24-cv-80, 2025 BL 293189, 2025 U.S. Dist. Lexis 160341 (N.D. W. Va. Aug. 18, 2025) (striking down West Virginia's "Daniel's Law" on First Amendment grounds). In contrast, one law requiring censorship of vastly narrower categories of data has survived constitutional review at the district court level, *Atlas Data Priv. Corp. v. We Inform, LLC*, 758 F. Supp. 3d 322, 330 (D.N.J. 2024) (challenging New Jersey's Daniel's Law in federal court); also see *Kratovil v. New Brunswick*, 261 N.J. 1, 336 A.3d 201 (2025) (challenging New Jersey's Daniel's Law in state court). In *Atlas Data*, the court erroneously failed to apply strict scrutiny and the decision is currently on appeal before the Court of Appeals for the Third Circuit.

**Members of Congress and those closely associated with them, and from having their information sold by data brokers.**

**A flaw in the legislative language would make almost all data brokers exempt from the rules that are ostensibly meant to limit data broker sales of protected personal information.** The bill as written exempts any "consumer reporting agency subject to the Fair Credit Reporting Act" and any "financial institution subject to the Graham-Leach-Bliley Act." But these are precisely the types of data brokers that buy and sell people's personal information in ways that could put the subjects of this bill at risk. As explained by an [analysis](#) by the Electronic Privacy Information Center (EPIC) regarding an earlier version of this legislation, legislation such as Amendment 3270 would not accomplish its intended purpose.

In effect, Amendment 3270 would weaponize the privacy concerns of powerful government leaders into a potent and arguably unconstitutional new tool for suppressing public discussion and press reporting that they dislike while failing on its face to accomplish its claimed goals. We expect the American people will react negatively when they learn that Congress is seeking to give itself enormous new censorship powers.

For all these reasons, we urge you to reject this censorship amendment. We ask you to instead work with us to truly improve the privacy and security protections available to all Americans while making good on our shared ideals of an open and honest Congress that is accountable to the American people.

Sincerely,

American Civil Liberties Union  
American Governance Institute  
American Oversight  
Center for Media and Democracy  
Citizens for Responsibility and Ethics in  
Washington (CREW)  
D.C. Open Government Coalition  
Defending Rights & Dissent  
Demand Progress  
Foundation for Individual Rights and  
Expression  
Free Government Information (FGI)  
Freedom of the Press Foundation

Government Information Watch  
GovTrack.us  
Local Independent Online News Publishers  
National Press Photographers Association  
PEN America  
Project On Government Oversight  
Public Knowledge  
Radio Television Digital News Association  
Society of Environmental Journalists  
Tucson Sentinel  
Woodhull Freedom Foundation  
X-Lab