

S 340

Free Flow of Information Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Feb 9, 2005

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 9, 2005)

Official Text: https://www.congress.gov/bill/109th-congress/senate-bill/340

Sponsor

Name: Sen. Lugar, Richard G. [R-IN]

Party: Republican • State: IN • Chamber: Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Dodd, Christopher J. [D-CT]	D · CT		Feb 14, 2005
Sen. Graham, Lindsey [R-SC]	R · SC		Feb 14, 2005
Sen. Chafee, Lincoln [R-RI]	R · RI		Feb 17, 2005
Sen. Domenici, Pete V. [R-NM]	R · NM		Apr 4, 2005
Sen. Johnson, Tim [D-SD]	D · SD		May 12, 2005
Sen. Jeffords, James M. [I-VT]	I · VT		May 25, 2005
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jun 7, 2005
Sen. Nelson, Bill [D-FL]	D · FL		Jun 8, 2005
Sen. Kerry, John F. [D-MA]	D · MA		Jun 15, 2005
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Jun 28, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 9, 2005

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 HR 581	Identical bill	Mar 14, 2006: Sponsor introductory remarks on measure. (CR H877-878)
109 HR 3323	Related bill	Mar 14, 2006: Sponsor introductory remarks on measure. (CR H877-878)
109 S 1419	Related bill	Nov 17, 2005: Sponsor introductory remarks on measure. (CR S13148)

Free Flow of Information Act of 2005 - Prohibits Federal entities from compelling covered persons (specified media outlets or their employees) to testify or produce any document unless a court determines by clear and convincing evidence that: (1) the entity has unsuccessfully attempted to obtain such testimony or document from all non-covered persons; and (2) in a criminal matter, based on information from a non-covered person, there are reasonable grounds to believe a crime has occurred and the testimony or document is essential to the investigation, prosecution, or defense; or (3) in a non-criminal matter, based on information from a non-covered person, the testimony or document is essential to a dispositive issue of substantial importance.

Requires the content of compelled testimony or documents to be: (1) limited to the purpose of verifying published information; and (2) narrowly tailored in subject matter and time period covered.

Excludes certain commercial or financial information from coverage under this Act.

Prohibits compelled disclosure, notwithstanding this Act's conditions for such disclosure, of: (1) the identity of a confidential source; or (2) information reasonably expected to lead to the discovery of such identity.

Makes this Act applicable to testimony or documents sought from third parties that are related to business transactions with covered persons. Authorizes compelled disclosure in such cases only where the covered person has received notice and an opportunity to be heard.

States that publication or dissemination of testimony or documents does not waive the requirements for compelled disclosure set forth in this Act.

Actions Timeline

- **Feb 9, 2005:** Introduced in Senate
- **Feb 9, 2005:** Sponsor introductory remarks on measure. (CR S1215)
- **Feb 9, 2005:** Read twice and referred to the Committee on the Judiciary.