

## S 2035

Free Flow of Information Act of 2007

**Congress:** 110 (2007–2009, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Sep 10, 2007

**Current Status:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S7721)

**Latest Action:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S7721) (Jul 30, 2008)

**Official Text:** <https://www.congress.gov/bill/110th-congress/senate-bill/2035>

### Sponsor

**Name:** Sen. Specter, Arlen [R-PA]

**Party:** Republican • **State:** PA • **Chamber:** Senate

### Cosponsors (20 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Lugar, Richard G. [R-IN]	R · IN		Sep 10, 2007
Sen. Schumer, Charles E. [D-NY]	D · NY		Sep 10, 2007
Sen. Graham, Lindsey [R-SC]	R · SC		Sep 25, 2007
Sen. Dodd, Christopher J. [D-CT]	D · CT		Sep 26, 2007
Sen. Leahy, Patrick J. [D-VT]	D · VT		Oct 17, 2007
Sen. Johnson, Tim [D-SD]	D · SD		Nov 6, 2007
Sen. Boxer, Barbara [D-CA]	D · CA		Apr 1, 2008
Sen. Klobuchar, Amy [D-MN]	D · MN		Apr 7, 2008
Sen. Salazar, Ken [D-CO]	D · CO		Apr 10, 2008
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Apr 14, 2008
Sen. Obama, Barack [D-IL]	D · IL		Apr 14, 2008
Sen. Dole, Elizabeth [R-NC]	R · NC		Apr 15, 2008
Sen. Murray, Patty [D-WA]	D · WA		Apr 17, 2008
Sen. Landrieu, Mary L. [D-LA]	D · LA		May 6, 2008
Sen. Webb, Jim [D-VA]	D · VA		Jun 6, 2008
Sen. Tester, Jon [D-MT]	D · MT		Jun 17, 2008
Sen. Lieberman, Joseph I. [I-CT]	ID · CT		Jul 14, 2008
Sen. Durbin, Richard J. [D-IL]	D · IL		Jul 17, 2008
Sen. Baucus, Max [D-MT]	D · MT		Jul 23, 2008
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Jul 23, 2008

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Oct 22, 2007

## Subjects & Policy Tags

### Policy Area:

Law

### Related Bills

Bill	Relationship	Last Action
110 HR 2102	Companion bill	<b>Oct 18, 2007:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 428.

### Summary (as of Oct 22, 2007)

Free Flow of Information Act of 2007 - (Sec. 2) Prohibits a federal entity (an entity or employee of the judicial or executive branch or an administrative agency) from compelling a covered person to testify or produce any document relating to protected information unless a court makes specified determinations by a preponderance of the evidence, including that all reasonable alternative sources have been exhausted, that the testimony or document sought is essential, and that nondisclosure would be contrary to the public interest, taking into account both the public interest in compelling disclosure and the public interest in gathering news and maintaining the free flow of information.

Defines "covered person" as a person engaged in journalism, including their supervisor, employer, parent, subsidiary, or affiliate. Excludes from the definition foreign powers and their agents and certain terrorist organizations and individuals.

Defines "protected information" as information or records a covered person obtained as part of engaging in journalism on a promise of confidentiality.

Requires the content of compelled testimony or documents to be limited and narrowly tailored.

(Sec. 3) Exempts any information or item obtained as the result of the eyewitness observations of alleged criminal conduct or commitment of alleged criminal or tortious conduct by the covered person.

(Sec. 4) Exempts protected information that is reasonably necessary to stop, prevent, or mitigate a specific case of death, kidnapping, or substantial bodily harm.

(Sec. 5) Exempts any protected information that a federal court has found by a preponderance of the evidence would assist in preventing an act of terrorism, or other significant and articulable harm to national security that would outweigh the public interest in news gathering and maintaining a free flow of information to citizens.

(Sec. 6) Applies this Act to communications service providers with regard to: (1) a communication to which a covered person is a party; (2) any document relating to such a communication; or (3) the contents of such a communication. Sets forth notice requirements. Permits a court to delay notice to a covered person upon determining that such notice would pose a substantial threat to the integrity of a criminal investigation.

(Sec. 7) Declares that this Act does not supersede, dilute, or preclude any law or court decision compelling or not compelling disclosure by a covered person or communications service provider of information identifying a source who provided information without a confidentiality promise made as part of engaging in journalism or records, other information, or contents of a communication obtained without a confidentiality promise.

## Actions Timeline

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- **Jul 30, 2008:** Motion to proceed to measure considered in Senate. (consideration: CR S7710-7722, S7722-7759)
- **Jul 30, 2008:** Cloture on the motion to proceed to the measure not invoked in Senate by Yea-Nay Vote. 51 - 43. Record Vote Number: 191. (consideration: CR S7721; text: CR S7721)
- **Jul 30, 2008:** Motion by Senator Reid to reconsider the vote by which cloture was not invoked on the motion to proceed to the measure (Record Vote Number 191) entered in Senate.
- **Jul 30, 2008:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S7721)
- **Jul 29, 2008:** Motion to proceed to measure considered in Senate. (consideration: CR S7595-7619, S7704-7708)
- **Jul 28, 2008:** Motion to proceed to consideration of measure made in Senate. (consideration: CR S7554)
- **Jul 28, 2008:** Cloture motion on the motion to proceed to the measure presented in Senate. (consideration: CR S7554; text: CCR S7554)
- **Jul 28, 2008:** Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S7554)
- **Oct 22, 2007:** Committee on the Judiciary. Reported by Senator Leahy with amendments. Without written report.
- **Oct 22, 2007:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 434.
- **Oct 4, 2007:** Committee on the Judiciary. Ordered to be reported with amendments favorably.
- **Sep 27, 2007:** Committee on the Judiciary. Committee consideration and Mark Up Session held.
- **Sep 10, 2007:** Introduced in Senate
- **Sep 10, 2007:** Sponsor introductory remarks on measure. (CR S11329-11330)
- **Sep 10, 2007:** Read twice and referred to the Committee on the Judiciary.

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