

HR 2102

Free Flow of Information Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Law

Introduced: May 2, 2007

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 428.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 428.
(Oct 18, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/2102>

Sponsor

Name: Rep. Boucher, Rick [D-VA-9]

Party: Democratic • **State:** VA • **Chamber:** House

Cosponsors (71 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		May 2, 2007
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		May 2, 2007
Rep. Pence, Mike [R-IN-6]	R · IN		May 2, 2007
Rep. Walden, Greg [R-OR-2]	R · OR		May 2, 2007
Rep. Yarmuth, John A. [D-KY-3]	D · KY		May 2, 2007
Rep. Berkley, Shelley [D-NV-1]	D · NV		May 9, 2007
Rep. Cohen, Steve [D-TN-9]	D · TN		May 9, 2007
Rep. Emanuel, Rahm [D-IL-5]	D · IL		May 9, 2007
Rep. Flake, Jeff [R-AZ-6]	R · AZ		May 9, 2007
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		May 9, 2007
Rep. Mack, Connie [R-FL-14]	R · FL		May 9, 2007
Rep. Poe, Ted [R-TX-2]	R · TX		May 9, 2007
Rep. Shays, Christopher [R-CT-4]	R · CT		May 9, 2007
Rep. Udall, Tom [D-NM-3]	D · NM		May 9, 2007
Resident Commissioner Fortuno, Luis G. [R-PR-At Large]	R · PR		May 9, 2007
Rep. Baldwin, Tammy [D-WI-2]	D · WI		May 17, 2007
Rep. Capps, Lois [D-CA-23]	D · CA		May 17, 2007
Rep. Castor, Kathy [D-FL-11]	D · FL		May 17, 2007
Rep. DeLauro, Rosa L. [D-CT-3]	D · CT		May 17, 2007
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		May 17, 2007
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		May 17, 2007
Rep. Larson, John B. [D-CT-1]	D · CT		May 17, 2007
Rep. Radanovich, George [R-CA-19]	R · CA		May 17, 2007
Rep. Towns, Edolphus [D-NY-10]	D · NY		May 17, 2007
Rep. Blumenauer, Earl [D-OR-3]	D · OR		May 23, 2007
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		May 23, 2007
Rep. Putnam, Adam H. [R-FL-12]	R · FL		May 23, 2007
Rep. Ferguson, Mike [R-NJ-7]	R · NJ		May 24, 2007
Rep. Upton, Fred [R-MI-6]	R · MI		May 24, 2007
Rep. Walsh, James T. [R-NY-25]	R · NY		May 24, 2007
Rep. Courtney, Joe [D-CT-2]	D · CT		Jun 7, 2007
Rep. Green, Gene [D-TX-29]	D · TX		Jun 7, 2007
Rep. Gutierrez, Luis V. [D-IL-4]	D · IL		Jun 7, 2007
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Jun 7, 2007
Rep. Reynolds, Thomas M. [R-NY-26]	R · NY		Jun 7, 2007
Rep. Butterfield, G. K. [D-NC-1]	D · NC		Jun 13, 2007
Rep. Kennedy, Patrick J. [D-RI-1]	D · RI		Jun 13, 2007
Rep. Lampson, Nick [D-TX-22]	D · TX		Jun 13, 2007
Rep. Meeks, Gregory W. [D-NY-6]	D · NY		Jun 13, 2007
Rep. Murphy, Christopher [D-CT-5]	D · CT		Jun 13, 2007
Rep. Ortiz, Solomon P. [D-TX-27]	D · TX		Jun 13, 2007

Cosponsor	Party / State	Role	Date Joined
Rep. Rothman, Steven R. [D-NJ-9]	D · NJ		Jun 13, 2007
Rep. Ruppersberger, C. A. Dutch [D-MD-2]	D · MD		Jun 13, 2007
Rep. Walberg, Timothy [R-MI-7]	R · MI		Jun 13, 2007
Rep. Delahunt, William D. [D-MA-10]	D · MA		Jun 15, 2007
Rep. Green, Al [D-TX-9]	D · TX		Jun 15, 2007
Rep. Pallone, Frank, Jr. [D-NJ-6]	D · NJ		Jun 15, 2007
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Jun 28, 2007
Rep. Dicks, Norman D. [D-WA-6]	D · WA		Jun 28, 2007
Rep. Hastings, Alcee L. [D-FL-23]	D · FL		Jun 28, 2007
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jun 28, 2007
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Jun 28, 2007
Rep. Ryan, Paul [R-WI-1]	R · WI		Jun 28, 2007
Rep. Wexler, Robert [D-FL-19]	D · FL		Jun 28, 2007
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Jun 28, 2007
Rep. Doyle, Michael F. [D-PA-14]	D · PA		Jul 11, 2007
Rep. English, Phil [R-PA-3]	R · PA		Jul 11, 2007
Rep. Fallin, Mary [R-OK-5]	R · OK		Jul 11, 2007
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jul 11, 2007
Rep. Napolitano, Grace F. [D-CA-38]	D · CA		Jul 11, 2007
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Jul 11, 2007
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Jul 11, 2007
Rep. Carnahan, Russ [D-MO-3]	D · MO		Jul 18, 2007
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Jul 18, 2007
Rep. Lewis, Ron [R-KY-2]	R · KY		Jul 18, 2007
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Jul 18, 2007
Rep. Watson, Diane E. [D-CA-33]	D · CA		Jul 18, 2007
Rep. Cooper, Jim [D-TN-5]	D · TN		Jul 26, 2007
Rep. Kuhl, John R. "Randy", Jr. [R-NY-29]	R · NY		Jul 26, 2007
Rep. Blunt, Roy [R-MO-7]	R · MO		Aug 3, 2007
Rep. Wu, David [D-OR-1]	D · OR		Aug 3, 2007

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Oct 10, 2007

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
110 S 2035	Companion bill	Jul 30, 2008: Motion to proceed to consideration of measure withdrawn in Senate. (consideration: CR S7721)
110 HRES 742	Procedurally related	Oct 16, 2007: Motion to reconsider laid on the table Agreed to without objection.
110 S 1267	Identical bill	May 2, 2007: Read twice and referred to the Committee on the Judiciary.

Summary (as of Oct 16, 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 of the federal government), in any matter arising under federal law, from compelling a covered person to testify or produce any document unless a court makes specified determinations by a preponderance of the evidence, including determinations: (1) relating to exhaustion of alternative sources, (2) that the testimony or document sought is critical; (3) that disclosure of the information source's identity is necessary; and (4) that the public interest in compelling disclosure of the information or document involved outweighs the public interest in gathering or disseminating news or information. Allows a court, in making the last of those determinations, to consider the extent of any harm to national security.

Defines "covered person" as a person who regularly gathers, photographs, records, writes, edits, reports, or publishes information concerning matters of public interest for dissemination to the public for a substantial portion of the person's livelihood or substantial financial gain, including a supervisor, employer, parent, subsidiary, or affiliate of such a person. Excludes from that definition foreign powers and their agents and certain terrorist organizations and individuals.

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

Prohibits construing this Act as applying to civil defamation, slander, or libel claims or defenses under state law.

Exempts certain criminal or tortious conduct.

(Sec. 3) Applies this Act to communications service providers with regard to testimony or any record, information, or other communication that relates to a business transaction between such providers and covered persons. 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.

Actions Timeline

- **Oct 18, 2007:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 428.
- **Oct 17, 2007:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Oct 16, 2007:** Rule H. Res. 742 passed House.
- **Oct 16, 2007:** Considered under the provisions of rule H. Res. 742. (consideration: CR H11587-11603; text of measure as introduced: CR H11587-11588; text of measure as reported in House: CR H11588-11589)
- **Oct 16, 2007:** Rule provides for consideration of H.R. 2102 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted.
- **Oct 16, 2007:** DEBATE - The House proceeded with one hour of debate on H.R. 2102.
- **Oct 16, 2007:** DEBATE - Pursuant to the provisions of H.Res. 742, the House proceeded with 10 minutes of debate on the Boucher amendment.
- **Oct 16, 2007:** The previous question was ordered pursuant to the rule. (consideration: CR H11601)
- **Oct 16, 2007:** Mr. Smith (TX) moved to recommit with instructions to Judiciary.
- **Oct 16, 2007:** DEBATE - The House proceeded with 10 minutes of debate on the Smith (TX) motion to recommit with instructions. The instructions contained in the motion seek to report the bill back to the House with an amendment regarding authority to consider national security interest.
- **Oct 16, 2007:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H11601-11602; text: CR H11601)
- **Oct 16, 2007:** On motion to recommit with instructions Agreed to by the Yeas and Nays: 388 - 33 (Roll no. 972). (text: CR H11601)
- **Oct 16, 2007:** Passed/agreed to in House: On passage Passed by recorded vote: 398 - 21 (Roll no. 973).
- **Oct 16, 2007:** On passage Passed by recorded vote: 398 - 21 (Roll no. 973).
- **Oct 16, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 15, 2007:** Rules Committee Resolution H. Res. 742 Reported to House. Rule provides for consideration of H.R. 2102 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. A specified amendment is in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted.
- **Oct 10, 2007:** Reported (Amended) by the Committee on Judiciary. H. Rept. 110-370.
- **Oct 10, 2007:** Placed on the Union Calendar, Calendar No. 229.
- **Aug 1, 2007:** Committee Consideration and Mark-up Session Held.
- **Aug 1, 2007:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 14, 2007:** Committee Hearings Held.
- **May 2, 2007:** Introduced in House
- **May 2, 2007:** Referred to the House Committee on the Judiciary.