

## HR 985

Free Flow of Information Act of 2009

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Feb 11, 2009

**Current Status:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Apr 1, 2009)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/985>

### Sponsor

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

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

**Cosponsors** (50 total)

Cosponsor	Party / State	Role	Date Joined
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Feb 11, 2009
Rep. Baldwin, Tammy [D-WI-2]	D · WI		Feb 11, 2009
Rep. Berkley, Shelley [D-NV-1]	D · NV		Feb 11, 2009
Rep. Berry, Marion [D-AR-1]	D · AR		Feb 11, 2009
Rep. Blunt, Roy [R-MO-7]	R · MO		Feb 11, 2009
Rep. Butterfield, G. K. [D-NC-1]	D · NC		Feb 11, 2009
Rep. Coble, Howard [R-NC-6]	R · NC		Feb 11, 2009
Rep. Cohen, Steve [D-TN-9]	D · TN		Feb 11, 2009
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Feb 11, 2009
Rep. Cooper, Jim [D-TN-5]	D · TN		Feb 11, 2009
Rep. Delahunt, Bill [D-MA-10]	D · MA		Feb 11, 2009
Rep. Doyle, Michael F. [D-PA-14]	D · PA		Feb 11, 2009
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Feb 11, 2009
Rep. Giffords, Gabrielle [D-AZ-8]	D · AZ		Feb 11, 2009
Rep. Gonzalez, Charles A. [D-TX-20]	D · TX		Feb 11, 2009
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 11, 2009
Rep. Kennedy, Patrick J. [D-RI-1]	D · RI		Feb 11, 2009
Rep. Lee, Barbara [D-CA-9]	D · CA		Feb 11, 2009
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Feb 11, 2009
Rep. Mack, Connie [R-FL-14]	R · FL		Feb 11, 2009
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Feb 11, 2009
Rep. Murphy, Christopher [D-CT-5]	D · CT		Feb 11, 2009
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Feb 11, 2009
Rep. Pence, Mike [R-IN-6]	R · IN		Feb 11, 2009
Rep. Putnam, Adam H. [R-FL-12]	R · FL		Feb 11, 2009
Rep. Radanovich, George [R-CA-19]	R · CA		Feb 11, 2009
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Feb 11, 2009
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Feb 11, 2009
Rep. Slaughter, Louise McIntosh [D-NY-28]	D · NY		Feb 11, 2009
Rep. Upton, Fred [R-MI-6]	R · MI		Feb 11, 2009
Rep. Walden, Greg [R-OR-2]	R · OR		Feb 11, 2009
Rep. Wasserman Schultz, Debbie [D-FL-20]	D · FL		Feb 11, 2009
Rep. Weiner, Anthony D. [D-NY-9]	D · NY		Feb 11, 2009
Rep. Wexler, Robert [D-FL-19]	D · FL		Feb 11, 2009
Rep. Wolf, Frank R. [R-VA-10]	R · VA		Feb 11, 2009
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Feb 11, 2009
Rep. Wu, David [D-OR-1]	D · OR		Feb 11, 2009
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Feb 11, 2009
Rep. McDermott, Jim [D-WA-7]	D · WA		Mar 3, 2009
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Mar 12, 2009
Rep. Brady, Kevin [R-TX-8]	R · TX		Mar 23, 2009

Cosponsor	Party / State	Role	Date Joined
Rep. Jackson-Lee, Sheila [D-TX-18]	D · TX		Mar 23, 2009
Rep. Johnson, Eddie Bernice [D-TX-30]	D · TX		Mar 23, 2009
Rep. Kind, Ron [D-WI-3]	D · WI		Mar 23, 2009
Rep. Lee, Christopher J. [R-NY-26]	R · NY		Mar 23, 2009
Rep. Oberstar, James L. [D-MN-8]	D · MN		Mar 23, 2009
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Mar 23, 2009
Rep. Boozman, John [R-AR-3]	R · AR		Mar 24, 2009
Rep. Poe, Ted [R-TX-2]	R · TX		Mar 24, 2009
Rep. Maffei, Daniel B. [D-NY-25]	D · NY		Mar 25, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Mar 30, 2009
Judiciary Committee	Senate	Referred To	Apr 1, 2009

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

*No related bills are listed.*

Free Flow of Information Act of 2009 - 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 related to information obtained or created as part of engaging in journalism unless a court makes specified determinations by a preponderance of the evidence, including determinations that: (1) alternative sources have been exhausted; (2) the testimony or document sought is critical to the investigation, prosecution, or defense of a crime or the successful completion of a noncriminal matter; (3) disclosure of an information source's identity is necessary to prevent an act of terrorism, harm to national security, imminent death, significant bodily harm or to identify a person who has disclosed a trade secret, individually identifiable health information, or certain nonpublic personal information; and (4) 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 this Act from being construed as applying to civil defamation, slander, or libel claims or defenses under state law.

Exempts certain criminal or tortious conduct.

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.

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## **Actions Timeline**

- **Apr 1, 2009:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Mar 31, 2009:** Mr. Conyers moved to suspend the rules and pass the bill.
- **Mar 31, 2009:** Considered under suspension of the rules. (consideration: CR H4204-4209)
- **Mar 31, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 985.
- **Mar 31, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by voice vote.(text: CR H4204-4205)
- **Mar 31, 2009:** On motion to suspend the rules and pass the bill Agreed to by voice vote. (text: CR H4204-4205)
- **Mar 31, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 30, 2009:** Reported by the Committee on Judiciary. H. Rept. 111-61.
- **Mar 30, 2009:** Placed on the Union Calendar, Calendar No. 26.
- **Mar 25, 2009:** Committee Consideration and Mark-up Session Held.
- **Mar 25, 2009:** Ordered to be Reported by Voice Vote.
- **Feb 11, 2009:** Introduced in House
- **Feb 11, 2009:** Sponsor introductory remarks on measure. (CR E242-243)
- **Feb 11, 2009:** Referred to the House Committee on the Judiciary.