

## HR 2932

Free Flow of Information Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Sep 14, 2011

**Current Status:** Referred to the Subcommittee on the Constitution.

**Latest Action:** Referred to the Subcommittee on the Constitution. (Sep 23, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/2932>

### Sponsor

**Name:** Rep. Pence, Mike [R-IN-6]

**Party:** Republican • **State:** IN • **Chamber:** House

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Sep 23, 2011
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### Subjects & Policy Tags

**Policy Area:**

Law

### Related Bills

*No related bills are listed.*

Free Flow of Information Act of 2011 - 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**

- **Sep 23, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Sep 23, 2011:** Referred to the Subcommittee on the Constitution.
- **Sep 14, 2011:** Introduced in House
- **Sep 14, 2011:** Referred to the House Committee on the Judiciary.