

Item 1 of 1

PREVIOUS:SUMMARY | **NEXT:SUMMARY**
[NEW SEARCH](#) | **[HOME](#)** | **[HELP](#)** | **[ABOUT SUMMARIES](#)**

H.R.985

Title: To maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

Sponsor: [Rep Boucher, Rick](#) [VA-9] (introduced 2/11/2009) [Cosponsors](#) (50)

Latest Major Action: 4/1/2009 Referred to Senate committee. Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

House Reports: [111-61](#)

SUMMARY AS OF:

2/11/2009--Introduced.

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 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.

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.