

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 448

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SCHUMER (for
himself and Mr. SPECTER)

Viz:

1 On page 2, line 20, after “based on” insert “public
2 information or”.

3 On page 2, line 21, after “the covered person” insert
4 “, there are reasonable grounds to believe”.

5 On page 2, strike lines 22 and 23 and insert the fol-
6 lowing:

1 (i) that a crime has occurred, if the
2 party seeking to compel production is the
3 Federal Government;

4 On page 3, line 10, after “based on” insert “public
5 information or”.

6 On page 3, line 17, before “and the public interest”
7 insert “(including the extent of any harm to national secu-
8 rity)”.

9 On page 3, line 22, strike “possible—” and all that
10 follows through “subject matter” on page 4, line 3, and
11 insert “possible, be narrowly tailored in purpose, subject
12 matter,”.

13 On page 6, line 19, after “criminal investigation” in-
14 sert “, a national security investigation, or intelligence
15 gathering, or that exigent circumstances exist”.

16 On page 9, line 10, strike “State law” and insert
17 “law or claim”.

1 On page 10, line 19, strike “who” and insert “that
2 a Federal court finds, by a preponderance of the evi-
3 dence”.

4 On page 10, line 20, before “with” insert “is, or is
5 reasonably likely to be,”.

6 On page 10, line 25, strike “gathers” and all that
7 follows through “publishes” on page 11, line 2, and insert
8 “gathering, preparing, collecting, photographing, record-
9 ing, writing, editing, reporting, or publishing”.

10 On page 11, line 13, strike “and”.

11 On page 11, line 15, add “and” after the semicolon.

12 On page 11, between lines 15 and 16, insert the fol-
13 lowing:

14 (iii) obtains the information sought
15 while working as a salaried employee of, or
16 independent contractor for, an entity—

17 (I) that disseminates information
18 by print, broadcast, cable, satellite,
19 mechanical, photographic, electronic,
20 or other means; and

4

1 (II) that—

2 (aa) publishes a newspaper,
3 book, magazine, or other peri-
4 odical;

5 (bb) operates a radio or tele-
6 vision broadcast station, network,
7 cable system, or satellite carrier,
8 or a channel or programming
9 service for any such station, net-
10 work, system, or carrier;

11 (cc) operates a programming
12 service; or

13 (dd) operates a news agency
14 or wire service;

15 On page 13, line 18, strike “and” and insert “or”.