

**AMENDMENT TO H.R. 2102, AS REPORTED  
OFFERED BY MR. BOUCHER OF VIRGINIA**

Page 4, line 6, strike “or”.

Page 4, line 22, strike “and” and insert “or”.

Page 4, after line 22, insert the following:

- 1           (D)(i) disclosure of the identity of such a  
2           source is essential to identify in a criminal in-  
3           vestigation or prosecution a person who without  
4           authorization disclosed properly classified infor-  
5           mation and who at the time of such disclosure  
6           had authorized access to such information; and  
7           (ii) such unauthorized disclosure has  
8           caused or will cause significant and articulable  
9           harm to the national security; and

Page 5, after line 19, insert the following:

- 10       (d) EXCEPTION RELATING TO CRIMINAL OR  
11 TORTIOUS CONDUCT.—The provisions of this section shall  
12 not prohibit or otherwise limit a Federal entity in any  
13 matter arising under Federal law from compelling a cov-  
14 ered person to disclose any information, record, document,  
15 or item obtained as the result of the eyewitness observa-

1 tion by the covered person of alleged criminal conduct or  
2 as the result of the commission of alleged criminal or  
3 tortious conduct by the covered person, including any  
4 physical evidence or visual or audio recording of the con-  
5 duct, if a Federal court determines that the party seeking  
6 to compel such disclosure has exhausted all other reason-  
7 able efforts to obtain the information, record, document,  
8 or item, respectively, from alternative sources. The pre-  
9 vious sentence shall not apply, and subsections (a) and  
10 (b) shall apply, in the case that the alleged criminal con-  
11 duct observed by the covered person or the alleged crimi-  
12 nal or tortious conduct committed by the covered person  
13 is the act of transmitting or communicating the informa-  
14 tion, record, document, or item sought for disclosure.

Page 7, strike lines 14 through 18 and insert the  
following:

15 (2) COVERED PERSON.—The term “covered  
16 person” means a person who regularly gathers, pre-  
17 pares, collects, photographs, records, writes, edits,  
18 reports, or publishes news or information that con-  
19 cerns local, national, or international events or other  
20 matters of public interest for dissemination to the  
21 public for a substantial portion of the person’s liveli-  
22 hood or for substantial financial gain and includes a  
23 supervisor, employer, parent, subsidiary, or affiliate

1 of such covered person. Such term shall not in-  
2 clude—

Page 7, line 22, strike “or”.

Page 7, line 26, strike the period and insert a semi-  
colon.

Page 7, after line 26, insert the following:

3 (C) any person included on the Annex to  
4 Executive Order 13224, of September 23, 2001,  
5 and any other person identified under section 1  
6 of that Executive order whose property and in-  
7 terests in property are blocked by that section;

8 (D) any person who is a specially des-  
9 ignated terrorist, as that term is defined in sec-  
10 tion 595.311 of title 31, Code of Federal Regu-  
11 lations (or any successor thereto); or

12 (E) any terrorist organization, as that  
13 term is defined in section 212(a)(3)(B)(vi)(II)  
14 of the Immigration and Nationality Act (8  
15 U.S.C. 1182(a)(3)(B)(vi)(II)).