Revised #1

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

Page 3, line 24, strike "to prevent" and insert "to prevent, or to identify any perpetrator of,".

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-

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

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

17 (2) COVERED PERSON.—The term "covered
18 person" means a person who regularly gathers, pre-
19 pares, collects, photographs, records, writes, edits,
20 reports, or publishes news or information that con-
21 cerns local, national, or international events or other
22 matters of public interest for dissemination to the
23 public for a substantial portion of the person's liveli-

1 hood or for substantial financial gain and includes a
2 supervisor, employer, parent, subsidiary, or affiliate
3 of such covered person. Such term shall not in-
4 clude—

Page 7, line 22, strike "or".

Page 7, line 26, strike the period and insert a semicolon.

Page 7, after line 26, insert the following:

5 (C) any person included on the Annex to
6 Executive Order 13224, of September 23, 2001,
7 and any other person identified under section 1
8 of that Executive order whose property and in-
9 terests in property are blocked by that section;
10 (D) any person who is a specially des-
11 ignated terrorist, as that term is defined in sec-
12 tion 595.311 of title 31, Code of Federal Regu-
13 lations (or any successor thereto); or
14 (E) any terrorist organization, as that
15 term is defined in section 212(a)(3)(B)(vi)(II)
16 of the Immigration and Nationality Act (8
17 U.S.C. 1182(a)(3)(B)(vi)(II)).