

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide an appropriate definition of the term
“covered person”.

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

AMENDMENTS intended to be proposed by Mrs. FEINSTEIN
(for herself and Mr. DURBIN)

Viz:

1 In section 10(2)(A), insert “, for substantial profes-
2 sional gain” after “means a person who”.

3 In section 10(2)(A)(i), strike “such matters by—”
4 and all that follows through the end of subclause (III) and
5 insert the following: “such matters by conducting inter-
6 views or making direct observation of events;”.

1 Strike section 10(2)(A)(iii) and insert the following:

2 (iii) obtains the news or information
3 sought in order to disseminate the news or
4 information by means of newspaper, non-
5 fiction book, wire service, news agency,
6 magazine, news website, or other peri-
7 odical, whether in print or electronic for-
8 mat, television or radio broadcast, or mo-
9 tion picture for public showing;

10 In section 10(2)(B), strike “and” at the end.

11 In section 10(2)(C), strike the period at the end and
12 insert “; and”.

13 In section 10(2), add at the end the following:

14 (D) does not include an individual who
15 gathers or disseminates the protected informa-
16 tion sought to be compelled anonymously or
17 under a pseudonym.

18 In section 10, add at the end the following:

19 (7) SUBSTANTIAL PROFESSIONAL GAIN.—The
20 term “substantial professional gain” means that a
21 person—

1 (A) was an employee, contractor, or agent
2 of an entity disseminating news or information
3 through a means described in paragraph
4 (2)(A)(iii)—

5 (i) on the date on which the informa-
6 tion alleged to be protected information
7 was disclosed to the person; or

8 (ii) for any 6-month period during the
9 2-year period ending on the date on which
10 the information alleged to be protected in-
11 formation was disclosed to the person; or

12 (B) was a student participating in a jour-
13 nalistic publication at an institution of higher
14 education (as defined in section 102 of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1002))on the date on which the information al-
17 leged to be protected information was disclosed
18 to the person.