

## S 3370

Safety Over Secrecy Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** Senate

**Policy Area:** Law

**Introduced:** Sep 21, 2016

**Current Status:** Read twice and referred to the Committee on the Judiciary.

**Latest Action:** Read twice and referred to the Committee on the Judiciary. (Sep 21, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/senate-bill/3370>

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### Sponsor

**Name:** Sen. Whitehouse, Sheldon [D-RI]

**Party:** Democratic • **State:** RI • **Chamber:** Senate

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### Cosponsors

*No cosponsors are listed for this bill.*

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### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Sep 21, 2016

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### Subjects & Policy Tags

**Policy Area:**

Law

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### Related Bills

*No related bills are listed.*

## **Safety Over Secrecy Act of 2016**

This bill amends the federal judicial code to prohibit courts, except when balancing confidentiality interests against public awareness interests in response to a party's motion, from approving or ordering the enforcement of any provision of a settlement agreement in a civil suit if: (1) a pleading in the suit alleges facts relevant to protecting the public from a hazard to public safety or health; and (2) the provision prohibits a party from disclosing settlement terms (other than the amount of any money paid under the settlement) or from discussing the suit, evidence produced in the suit, or the hazard to public safety or health.

A "hazard to public safety or health" is defined as an activity, substance, or condition that has a potential to cause harm to the health or safety of the public.

Upon a motion by a party to the settlement agreement, a court may approve or order enforcement of such a provision if: (1) the public interest in disclosure of facts relevant to protecting the public is outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records, and (2) the requested order is no broader than necessary to protect such confidentiality.

The bill establishes a rebuttable presumption that the interest in protecting financial, medical, or other similar personal information relating to an identifiable individual outweighs the public interest in disclosure. Courts may redact language to accommodate personal privacy and public awareness.

The bill also prohibits courts from approving or ordering the enforcement of a settlement agreement provision in a civil suit that includes allegations concerning public safety and health hazards if the provision restricts a party from disclosing such information to a federal or state agency with law enforcement or regulatory authority over related activity. But facts disclosed to a federal or state agency must be protected as confidential under any other laws, regulations, or agreements.

## **Actions Timeline**

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- **Sep 21, 2016:** Introduced in Senate
- **Sep 21, 2016:** Read twice and referred to the Committee on the Judiciary.

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