

HR 1053

Sunshine in Litigation Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: House

Policy Area: Law

Introduced: Feb 14, 2017

Current Status: Referred to the Subcommittee on the Constitution and Civil Justice.

Latest Action: Referred to the Subcommittee on the Constitution and Civil Justice. (Mar 2, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/house-bill/1053>

Sponsor

Name: Rep. Nadler, Jerrold [D-NY-10]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

| Committee | Chamber | Activity | Date |
|---------------------|---------|-------------|-------------|
| Judiciary Committee | House | Referred to | Mar 2, 2017 |

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Sunshine in Litigation Act of 2017

This bill amends the federal judicial code to prohibit a court, in any civil action in which the pleadings state facts relevant to the protection of public health or safety, from entering an order restricting the disclosure of information obtained through discovery, approving a settlement agreement that would restrict such disclosure, or restricting access to court records, unless the court first makes independent findings: (1) that the order would not restrict the disclosure of information relevant to the protection of public health or safety; or (2) that the public interest in the disclosure of past, present, or potential health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information and that the requested protective order is no broader than necessary to protect the confidentiality interest asserted.

Courts are prohibited from enforcing any provision of: (1) an agreement between or among parties to the civil action, or an order entered under this bill, that restricts a party from disclosing information to any federal or state agency with authority to enforce laws regulating an activity relating to such information; or (2) a settlement agreement between or among parties to such civil action that prohibits a party from disclosing that a settlement was reached or the terms of the settlement (excluding any money paid) that involve matters relevant to the protection of public health or safety, or from discussing matters relevant to the protection of public health or safety involved in such civil action. The bill exempts from this enforcement prohibition (thus allows enforcement of) a settlement agreement provision about which the court finds that the public interest in the disclosure of past, present, or potential public health or safety hazards is outweighed by a specific and substantial interest in maintaining the confidentiality of the information in question, and the requested protective order is no broader than necessary to protect the confidentiality interest asserted.

The bill creates a rebuttable presumption that the interest in protecting personally identifiable information of an individual outweighs the public interest in disclosure.

Nothing in this bill shall be construed to permit, require, or authorize the disclosure of classified information, as defined under the Classified Information Procedures Act.

Actions Timeline

- **Mar 2, 2017:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Feb 14, 2017:** Introduced in House
- **Feb 14, 2017:** Referred to the House Committee on the Judiciary.