

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3138

To amend title 28, United States Code, to require public disclosure of settlements of civil actions to which the United States is a party.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1993

Mr. SKAGGS (for himself, Mr. HUGHES, Mr. HYDE, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mr. SYNAR, Mr. FROST, Mr. MACHTLEY, Mr. STARK, Mr. KOPETSKI, Ms. NORTON, Mr. TOWNS, Mr. KLUG, Mr. SHAYS, Mr. EVANS, Mrs. MINK, Mr. MANN, Mr. HINCHEY, Mr. HILLIARD, Mr. INSLEE, Ms. SHEPHERD, Mr. FILNER, Mr. BARCA OF Wisconsin, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to require public disclosure of settlements of civil actions to which the United States is a party.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Court Settle-  
5 ments Sunshine Act of 1993”.

1 **SEC. 2. REQUIREMENTS REGARDING SETTLEMENT OF**  
2 **CASES.**

3 (a) REQUIREMENTS.—Chapter 111 of title 28,  
4 United States Code, is amended by adding at the end the  
5 following:

6 **“§ 1659. Public availability of settlements of cases**

7 “(a) PUBLIC AVAILABILITY OF SETTLEMENTS.—Any  
8 settlement made of a civil action to which the United  
9 States, an agency or department thereof, or an officer or  
10 employee thereof in his or her official capacity, is a real  
11 party in interest, shall not be sealed, but shall be made  
12 available for public inspection, unless the court determines  
13 that there is clear and convincing evidence of a compelling  
14 public interest in limiting such availability. Any such de-  
15 termination shall be made in writing, shall explain the  
16 basis for the determination, and shall itself not be sealed  
17 or otherwise withheld from public inspection.

18 “(b) DISMISSAL OF CASES.—No civil action to which  
19 the United States, an agency or department thereof, or  
20 an officer or employee thereof in his or her official capac-  
21 ity, is a real party in interest, may be dismissed except  
22 by order of court and subsection (a) shall apply to any  
23 settlement made after such dismissal.”.

24 (b) CONFORMING AMENDMENT.—The table of sec-  
25 tions at the beginning of chapter 111 of title 28, United

- 1 States Code, is amended by adding at the end the follow-
- 2 ing new item:

“1659. Public availability of settlements of cases.”.

