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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To prohibit persons from entering into non-disclosure agreements with certain governmental entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. TLAIB introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit persons from entering into non-disclosure agreements with certain governmental entities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Secret Deals Act of 2026''.

SEC. 2. PROHIBITION ON USE OF NON-DISCLOSURE AGREEMENTS WITH GOVERNMENTAL ENTITIES.

(a) PROHIBITION.—

(1) IN GENERAL.—A person may not enter into a non-disclosure agreement with any unit or agency of the Federal Government or a State or local government, any employee of such unit or agency, or any elected or appointed public official or representative.

(2) EFFECT ON PAST NON-DISCLOSURE AGREEMENTS.—Any non-disclosure agreement described in paragraph (1) that is in effect on the date of the enactment of this Act shall be null and void on such date.

(3) EXCEPTION.—The prohibition described in paragraph (1) does not apply to any non-disclosure agreement between any unit or agency of the Federal Government or a State or local government and an employee of such unit or agency.

(b) REGULATIONS.—The Commission may promulgate, under section 553 of title 5, United States Code, any regulations the Commission determines necessary to carry out the provisions of this section.

(c) ENFORCEMENT.—

(1) ENFORCEMENT BY COMMISSION.—

(A) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this section or a regulation promulgated under such section shall be

treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(B) POWERS OF COMMISSION.—The Commission shall enforce this section and the regulations promulgated under such section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act, and any person who violates such section or a regulation promulgated under such section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act.

(2) ACTIONS BY STATES.—

(A) IN GENERAL.—In any case in which the attorney general of a State, or an official or agency of a State, has reason to believe that an interest of the residents of such State has been or is threatened or adversely affected by an act or practice in violation of this section or a regulation promulgated under such section, the

State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate State court or an appropriate district court of the United States to—

(i) enjoin such act or practice;

(ii) enforce compliance with such section or such regulation;

(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

(iv) obtain such other legal and equitable relief as the court may consider to be appropriate.

(B) NOTICE.—Before filing an action under this paragraph, the attorney general, official, or agency of the State involved shall provide to the Commission a written notice of such action and a copy of the complaint for such action. If the attorney general, official, or agency determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action, the attorney general, official, or agency shall provide written notice of the action and a copy of the complaint to the

Commission immediately upon the filing of the action.

(C) AUTHORITY OF COMMISSION.—

(i) IN GENERAL.—On receiving notice under subparagraph (B) of an action under this paragraph, the Commission shall have the right—

(I) to intervene in the action;

(II) upon so intervening, to be heard on all matters arising therein; and

(III) to file petitions for appeal.

(ii) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission or the Attorney General of the United States has instituted a civil action for violation of this section or a regulation promulgated under such section (referred to in this clause as the ''Federal action''), no State attorney general, official, or agency may bring an action under this paragraph during the pendency of the Federal action against any defendant named in the complaint in the Federal action for any

violation of such section or regulation alleged in such complaint.

(D) RULE OF CONSTRUCTION.—For purposes of bringing a civil action under this paragraph, nothing in this Act shall be construed to prevent an attorney general, official, or agency of a State from exercising the powers conferred on the attorney general, official, or agency by the laws of such State to conduct investigations, administer oaths and affirmations, or compel the attendance of witnesses or the production of documentary and other evidence.

(3) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—A person injured by an act or practice in violation of this section or a regulation promulgated under such section may bring in an appropriate State court or an appropriate district court of the United States—

(i) an action to enjoin the violation;

(ii) an action to obtain damages, restitution, or other compensation; or

(iii) an action to obtain such other legal and equitable relief as the court may consider to be appropriate.

(B) COSTS AND ATTORNEY'S FEES.—The court shall award to a prevailing plaintiff in an action under this paragraph the costs of such action and reasonable attorney's fees, as determined by the court.

(C) NONEXCLUSIVE REMEDY.—The remedy provided by this paragraph shall be in addition to any other remedies available to the person.

(d) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) NON-DISCLOSURE AGREEMENT.—The term ''non-disclosure agreement'' means any legally binding agreement (or any provision of such a legally binding agreement) executed between 2 or more parties that—

(A) obligates any unit or agency of the Federal Government or a State or local government, any employee of such unit or agency, or any elected or appointed public official or representative (referred to in this paragraph as the ''recipient'') to maintain the confidentiality of specific information disclosed to the recipient by

another party (referred to in this paragraph as the ''discloser''); and

(B) prohibits the recipient from sharing, publishing, or otherwise communicating any such specific information from the discloser to any person not expressly authorized by the terms of such legally binding agreement.

(3) STATE.—The term ''State'' means each State of the United States, the District of Columbia, and each commonwealth, territory, or possession of the United States.