

116TH CONGRESS
2D SESSION

H. R. 5645

To provide for media coverage of Federal appellate court proceedings, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2020

Mr. NADLER (for himself, Mr. CHABOT, Mr. QUIGLEY, and Mr. CONNOLLY)
introduced the following bill; which was referred to the Committee on the
Judiciary

A BILL

To provide for media coverage of Federal appellate court
proceedings, and for other purposes.

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 “Eyes on the Courts
5 Act of 2020”.

6 **SEC. 2. MEDIA COVERAGE IN FEDERAL APPELLATE COURT**
7 **PROCEEDINGS.**

8 (a) DEFINITIONS.—In this section:

9 (1) PRESIDING JUDGE.—The term “presiding
10 judge” means the judge presiding over a proceeding

in an appellate court of the United States. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term “appellate court of the United States” means any United States circuit court of appeals and the Supreme Court of the United States.

(b) MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) IN GENERAL.—The presiding judge in a proceeding of an appellate court of the United States shall permit the photographing, electronic recording, audio-visual coverage, broadcasting, televising, or streaming in real time or near-real time on

1 the internet of that proceeding to or for the public,
2 unless—

3 (A) the presiding judge determines in writ-
4 ing, on the motion of any party to the pro-
5 ceeding or sua sponte, that allowing such
6 photographing, recording, broadcasting, tele-
7 vising, or streaming would violate the due proc-
8 ess rights of a party to the proceeding or is oth-
9 erwise not in the interests of justice; and

10 (B) the determination under paragraph (1)
11 is published at least 72 hours before the pro-
12 ceeding begins.

13 (2) INTERLOCUTORY APPEALS BARRED.—The
14 determination of a presiding judge under paragraph
15 (1)(A) may not be challenged through an interlocu-
16 tory appeal.

17 (3) GUIDELINES.—The Judicial Conference of
18 the United States may promulgate guidelines with
19 respect to the management and administration of
20 photographing, recording, broadcasting, televising,
21 or streaming described under paragraph (1).

22 (4) PROCEDURES.—In the interests of justice
23 and fairness, the presiding judge of each appellate
24 court of the United States may promulgate rules
25 and disciplinary measures for the courtroom use of

1 any form of media or media equipment and the ac-
2 quisition or distribution of any of the images or
3 sounds obtained in the courtroom. The presiding
4 judge may also require written acknowledgment of
5 the rules by anyone individually or on behalf of any
6 entity before being allowed to acquire any images or
7 sounds from the courtroom.

8 (c) EFFECTIVE DATE.—This Act shall apply with re-
9 spect to any proceeding in an appellate court of the United
10 States that begins on or after the end of the 90-day period
11 beginning on the date of the enactment of this Act.

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