

clause or nondisparagement clause agreed to before the dispute arises shall be judicially enforceable in instances in which conduct is alleged to have violated Federal, Tribal, or State law.

(b) Continued applicability of State law

Nothing in this chapter shall prohibit a State or locality from enforcing a provision of State law governing nondisclosure or nondisparagement clauses that is at least as protective of the right of an individual to speak freely, as provided by this chapter.

(c) Continued applicability of Federal, State, and Tribal law

This chapter shall not be construed to supersede a provision of Federal, State, or Tribal

Law¹ that governs the use of pseudonyms in the filing of claims involving sexual assault or sexual harassment disputes.

(d) Protection of trade secrets and proprietary information

Nothing in this chapter shall prohibit an employer and an employee from protecting trade secrets or proprietary information.

(Pub. L. 117-224, §4, Dec. 7, 2022, 136 Stat. 2291.)

§ 19404. Applicability

This chapter shall apply with respect to a claim that is filed under Federal, State, or Tribal law on or after December 7, 2022.

(Pub. L. 117-224, §5, Dec. 7, 2022, 136 Stat. 2292.)

¹ So in original. Probably should not be capitalized.