



(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend title 5, United States Code, to create a right of public access to certain records relating to the courts of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHIFF introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 5, United States Code, to create a right of public access to certain records relating to the courts of the United States, 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 “Judicial FOIA Expan-
5 sion Act”.

1 **SEC. 2. APPLICATION OF THE FREEDOM OF INFORMATION**
2 **ACT AND THE PRIVACY ACT TO THE JUDICI-**
3 **ARY.**

4 (a) AMENDMENTS.—Title 5, United States Code, is
5 amended—

6 (1) in section 551—

7 (A) in paragraph (1)(B), by inserting after
8 “the courts of the United States” the following:

9 “, except for purposes of sections 552 and
10 552a”;

11 (B) in paragraph (13), by striking “; and”
12 and inserting a semicolon;

13 (C) in paragraph (14), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (D) by adding at the end the following:

16 “(15) ‘court of the United States’—

17 “(A) means—

18 “(i) a court or other entity in the ju-
19 dicial branch that receives funds appro-
20 priated by the Financial Services and Gen-
21 eral Government Appropriations Act, in-
22 cluding the United States Supreme Court,
23 the United States Court of Appeals for the
24 Federal Circuit, the United States Court
25 of International Trade, the United States
26 Courts of Appeals, the United States dis-

1 trict courts, the Administrative Office of
2 the United States Courts, the Federal Ju-
3 dicial Center, the United States Sentencing
4 Commission, the Federal defender organi-
5 zations; and

6 “(ii) a security or protective service
7 provided using funds appropriated by the
8 Financial Services and General Govern-
9 ment Appropriations Act for a Federal
10 courthouse, or for an officer or employee of
11 the judicial branch; and

12 “(B) does not include the Foreign Intel-
13 ligence Surveillance Court.”; and

14 (2) by inserting after section 552b the following
15 new section:

16 **“§ 552c. Applicability to the courts of the United**
17 **States**

18 “(a) APPLICABILITY OF SECTION 552.—

19 “(1) IN GENERAL.—In addition to what is re-
20 quired under section 552, the following types of in-
21 formation are subject to a record request with re-
22 spect to the courts of the United States:

23 “(A) Any record of attorney disciplinary
24 proceeding or sanction, excluding any case
25 record relating to the deliberation of the dis-

1 disciplinary hearing in accordance with paragraph
2 (2)(A).

3 “(B) Any complaint, investigation, and
4 order against a judge or other court personnel.

5 “(C) Meeting calendars and minutes of the
6 Federal Judicial Conference and the member-
7 ship list for each committee.

8 “(D) Research and educational material
9 produced by the Federal Judicial Center.

10 “(E) Any completed jury selection form.

11 “(F) Any performance report for a judge
12 or personnel.

13 “(G) Any technical audit or update plan
14 for PACER.

15 “(H) Any annual report to Congress, in-
16 cluding each committee and subcommittee of
17 Congress.

18 “(2) EXEMPTIONS.—In addition to the matters
19 described under section 552(b), section 552 does not
20 apply to the following with respect to the courts of
21 the United States:

22 “(A) Any matter related to an ongoing
23 case.

24 “(B) Any information not in the possession
25 of the courts of the United States.

1 “(3) MACHINE-READABILITY.—Any information
2 published or provided under section 552 or 552a by
3 a court of the United States shall be machine-read-
4 able (as such term is defined in section 3502 of title
5 44).

6 “(b) REPRESENTATION.—The Attorney General shall
7 represent a court of the United States in any claim
8 brought under section 552 or section 552a.”.

9 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion, or any amendment made by this section, may be con-
11 strued as displacing the common law right of public access
12 to judicial records.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated \$10,000,000 for fiscal year
15 2025 to meet the requirements of this Act, including the
16 creation of an office to meet such requirements within the
17 Administrative Office of the United States Courts.

18 (d) SEVERABILITY.—If any provision of this Act, or
19 the application thereof, is held invalid, the validity of the
20 remainder of this Act and the application of such provision
21 to other persons and circumstances shall not be affected
22 thereby.