

119TH CONGRESS
2D SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. SCHIFF introduced the following bill; which was read twice and 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, including the Supreme Court
20 of the United States, the United States
21 Court of Appeals for the Federal Circuit,
22 the United States Court of International
23 Trade, the United States courts of appeals,
24 the United States district courts, the Ad-
25 ministrative Office of the United States
26 Courts, the Federal Judicial Center, the

1 United States Sentencing Commission, and
2 Federal defender organizations; and

3 “(ii) an entity that provides security
4 or protective services for a Federal court-
5 house, or for an officer or employee of the
6 judicial branch; and

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

9 (2) by inserting after section 552b the fol-
10 lowing:

11 **“§ 552c. Applicability to the courts of the United**
12 **States**

13 “(a) APPLICABILITY OF SECTION 552.—

14 “(1) IN GENERAL.—In addition to the require-
15 ments under section 552, the following types of in-
16 formation are subject to a record request with re-
17 spect to the courts of the United States:

18 “(A) Any record of attorney disciplinary
19 proceeding or sanction, excluding any case
20 record relating to the deliberation of the dis-
21 ciplinary hearing in accordance with paragraph
22 (2)(A).

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

1 “(C) Meeting calendars and minutes of the
2 Federal Judicial Conference and the member-
3 ship list for each committee.

4 “(D) Research and educational material
5 produced by the Federal Judicial Center.

6 “(E) Any completed jury selection form.

7 “(F) Any performance report for a judge
8 or personnel.

9 “(G) Any technical audit or update plan
10 for PACER.

11 “(H) Any annual report to Congress, in-
12 cluding each committee and subcommittee of
13 Congress.

14 “(2) EXEMPTIONS.—In addition to the matters
15 described under section 552(b), section 552 does not
16 apply to the following with respect to the courts of
17 the United States:

18 “(A) Any matter relating to an ongoing
19 case.

20 “(B) Any information not in the possession
21 of the courts of the United States.

22 “(3) MACHINE-READABILITY.—Any information
23 published or provided under section 552 or 552a by
24 a court of the United States shall be machine-read-

1 able (as such term is defined in section 3502 of title
2 44).

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

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

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated \$10,000,000 for fiscal year
12 2027 to meet the requirements of this Act, including the
13 creation of an office to meet such requirements within the
14 Administrative Office of the United States Courts.

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