

118TH CONGRESS  
2D SESSION

# H. R. 9108

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2024

Mr. SCHIFF introduced the following bill; which was referred to the Committee on Oversight and Accountability

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## 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-

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

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

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

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

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

“(a) APPLICABILITY OF SECTION 552.—

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

“(A) Any record of attorney disciplinary  
proceeding or sanction, excluding any case  
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.

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