

Subtitle C—Access to Courts

PART I—OPENING COURTROOM DOORS

SEC. 141. REPEAL OF PRISON LITIGATION REFORM ACT.

The Prison Litigation Reform Act of 1995 (title VIII of Public Law 104–134) is repealed, and each provision of law amended or repealed by that title is restored or revived as if that title had not been enacted.

SEC. 142. PROTECTION OF COURT ADJUDICATION ACCESS.

(a) In general.—[Title 9](#), United States Code, is amended by inserting after chapter 4 the following:

"CHAPTER 5—PROTECTION OF COURT ADJUDICATION ACCESS

"SEC. 501. Definitions.

"SEC. 502. Prohibition on predispute arbitration agreement.

"SEC. 503. Prohibition on predispute joint-action waivers.

"SEC. 504. Prohibition on forum manipulation and coercive dispute terms.

"SEC. 505. Non-waivability of court adjudication access.

"SEC. 506. Judicial authority and preservation of court access.

"SEC. 507. Rule of construction and overriding effect.

"SEC. 508. Enforcement by the Attorney General and the Federal Trade Commission.

"SEC. 509. Private civil action.

"SEC. 510. Severability.

"Sec. 501. Definitions.

"(a) In general.—In this chapter:

"(1) Arbitration.—The term 'arbitration' means any process in which a dispute is submitted to 1 or more private decisionmakers for a binding or nonbinding determination outside a public court.

"(2) Essential services.—The term 'essential services' means employment, housing, credit, insurance, health care, education, utilities, transportation, digital platforms used for commerce or communication, and any other service designated by the Attorney General by regulation.

"(3) Meaningful consent.—The term 'meaningful consent' means knowing, voluntary, and affirmative consent given after a dispute has arisen, without coercion, penalty, or any condition affecting access to essential services or legal protections.

"(4) Person.—The term 'person' has the meaning given in [section 1 of title 1](#), United States Code.

"(5) Predispute arbitration agreement.—The term 'predispute arbitration agreement' means any agreement to arbitrate a dispute that had not yet arisen at the time the agreement was made.

"(6) Predispute joint-action waiver.—The term 'predispute joint-action waiver' means any agreement, whether or not part of a predispute arbitration agreement, that waives or limits the ability of a party to participate in a joint, class, collective, or representative action concerning a dispute that had not yet arisen at the time the agreement was made.

"Sec. 502. Prohibition on predispute arbitration agreement.

"(a) In general.—No person may require, enforce, or give effect to any predispute arbitration agreement.

"(b) Voluntary post-dispute arbitration permitted.—Arbitration of a dispute shall be lawful only if:

"(1) the dispute has already arisen;

"(2) all parties provide meaningful consent to arbitration;

"(3) such consent is provided in a separate written agreement executed after the dispute arises; and

"(4) any party may revoke consent to arbitration at any time prior to issuance of a final arbitral award.

"Sec. 503. Prohibition on predispute joint-action waivers.

"(a) In general.—No person may require, enforce, or give effect to any predispute joint-action waiver.

"(b) Applicability.—Subsection (a) applies regardless of whether such waiver is asserted through an arbitration agreement, forum selection clause, choice-of-law provision, or any other mechanism or arrangement.

"(c) Nonseverability.—Any agreement containing a prohibited waiver under this section shall be unenforceable with respect to dispute resolution in its entirety, unless the aggrieved party elects otherwise.

"Sec. 504. Prohibition on forum manipulation and coercive dispute terms.

"(a) In general.—No person may require, enforce, or give effect to any agreement, term, or condition that:

"(1) selects a forum or venue in a manner that unreasonably increases cost, delay, or burden on an aggrieved party;

"(2) includes a confession of judgment or cognovit provision;

"(3) authorizes unilateral modification of dispute resolution terms;

"(4) restricts remedies, damages, or forms of relief otherwise available under law; or

"(5) operates to coerce consent or deny meaningful access to judicial review.

"(b) Presumption.—Any agreement, term, or condition described in subsection (a) that is imposed as a non-negotiable condition affecting access to essential services or legal protections shall be presumed coercive and shall constitute an unfair, deceptive, or abusive act or practice under section 5 of the Federal Trade Commission Act ([15 U.S.C. 45](#)).

"Sec. 505. Non-waivability of court adjudication access.

"(a) In general.—Except as provided in section 502(b), the protections established under this chapter may not be waived, limited, or displaced by contract, agreement, policy, or condition.

"(b) Void agreements.—Except for a post-dispute arbitration agreement that satisfies section 502(b), any agreement, term, or condition that purports to waive or restrict a protection established under this chapter shall be void as against public policy and unenforceable in any Federal or State court.

"(c) No consent by adhesion.—Consent obtained through a condition affecting access to essential services or legal protections shall not constitute meaningful consent for purposes of this chapter.

"Sec. 506. Judicial authority and preservation of court access.

"(a) Court determination.—A court of competent jurisdiction shall determine the validity and enforceability of any arbitration agreement or dispute resolution term covered by this chapter.

"(b) No delegation.—The question of whether an agreement complies with this chapter may not be delegated to an arbitrator.

"(c) Burden of proof.—The party seeking to enforce arbitration or any alternative dispute resolution mechanism shall bear the burden of proving compliance with this chapter.

"(d) No automatic stay.—The filing of a motion to compel arbitration or an interlocutory appeal relating to arbitration shall not stay proceedings in a court of competent jurisdiction.

"(e) Interim relief.—Courts shall retain authority to grant preliminary, injunctive, or equitable relief notwithstanding the existence of any arbitration agreement or appeal.

"Sec. 507. Rule of construction and overriding effect.

"(a) Ordinary contract treatment.—Arbitration agreements shall be treated as ordinary contracts and shall not receive special or favored status under Federal law.

"(b) Federal Arbitration Act.—This chapter shall apply notwithstanding the Federal Arbitration Act ([9 U.S.C. 1 et seq.](#)).

"(c) Preemption.—This chapter shall supersede and preempt any Federal or State law, rule, regulation, or judicial doctrine to the extent that such law, rule, regulation, or doctrine permits or requires the enforcement of a contract term prohibited under this chapter.

"(d) State protections preserved.—Nothing in this chapter shall be construed to limit greater protections provided under State law that are consistent with this chapter.

"(e) Public enforcement preserved.—Nothing in this chapter shall be construed to permit the privatization, waiver, or displacement of public interests, public enforcement mechanisms, or statutory remedies enacted in the public interest.

"Sec. 508. Enforcement by the Attorney General and the Federal Trade Commission.

"(a) In general.—The Attorney General and the Federal Trade Commission may enforce this chapter in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act ([15 U.S.C. 41 et seq.](#)) were incorporated into and made a part of this chapter.

"(b) Section 45 violation.—A violation of this chapter shall constitute an unfair, deceptive, or abusive act or practice under section 5 of the Federal Trade Commission Act ([15 U.S.C. 45](#)).

"(c) Civil penalties.—Any person who knowingly violates this chapter shall be subject to a civil penalty of not more than \$50,000 for each violation.

"(d) Pattern or practice.—Each agreement, policy, or course of conduct that violates this chapter with respect to more than 1 individual shall constitute a separate violation.

"Sec. 509. Private civil action.

"(a) In general.—Any person aggrieved by a violation of this chapter may bring a civil action in a Federal or State court of competent jurisdiction.

"(b) Joint actions.—An action under this section may be brought as a joint, class, collective, or representative action in accordance with applicable Federal or State law.

"(c) Relief.—In an action under this section, a court may award appropriate relief, including declaratory relief, injunctive relief, rescission of unlawful contract terms, restitution, the greater of actual damages or statutory damages in the amount of \$2,500 for each violation suffered by each aggrieved person, and any other relief the court deems just and proper.

"(d) Attorney's fees.—A prevailing plaintiff shall be entitled to reasonable attorney's fees and costs.

"(e) Non-exclusivity.—The remedies provided under this section are in addition to any other remedies available under Federal or State law.

"Sec. 510. Severability.

"If any provision of this chapter, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this chapter, and the application of the remaining provisions to any other person or circumstance, shall not be affected."

(b) Effective date.—The amendments made by this section shall take effect on January 1, 2027.

SEC. 143. AMENDMENT TO ATTORNEY'S FEES AND PREVAILING PARTY DEFINITION.

[Section 1988 of title 42](#), United States Code, is amended by adding at the end the following:

"(d) Prevailing party defined.—

"(1) For purposes of this section, a plaintiff shall be considered a prevailing party if the plaintiff obtains—

"(A) a final judgment on the merits;

"(B) a consent decree or court-approved settlement that materially alters the legal relationship of the parties; or

"(C) a preliminary injunction, temporary restraining order, or other interim judicial relief that—

"(i) provides enforceable relief on the merits of a claim; and

"(ii) materially alters the conduct of the defendant toward the plaintiff;

"regardless of whether the action is later rendered moot by voluntary cessation, repeal, policy change, settlement with the named plaintiff, or other action of the defendant.

"(2) A defendant's voluntary change in policy, practice, or conduct after the commencement of an action shall not preclude a plaintiff from being deemed a prevailing party if the court finds that the relief obtained under paragraph (1)(C) was a factor in causing such change.

"(3) A court may award attorney's fees to a prevailing defendant only upon a finding that the plaintiff's claim was frivolous, unreasonable, or brought in bad faith.

"(e) Attorney's fees required.—In any civil action brought under section 1979 of the Revised Statutes ([42 U.S.C. 1983](#)), the court shall award a reasonable attorney's fee, expert fees, and costs to a prevailing plaintiff."

SEC. 144. ADDRESSING DAVIS V. AYALA.

[Section 2254\(d\) of title 28](#), United States Code, is amended to read as follows:

"(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

"(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States;

"(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding; or

"(3) involved a constitutional error, provided that relief may be denied if the State establishes, by clear and convincing evidence, that the error did not contribute to the outcome of the adjudication."

SEC. 145. ADDRESSING JONES V. HENDRIX.

[Section 2255\(h\) of title 28](#), United States Code, is amended by adding at the end: "Nothing in this subsection shall be construed to limit the habeas remedies available under this section prior to the enactment of the Antiterrorism and Effective Death Penalty Act."

SEC. 146. ADDRESSING SHINN V. RAMIREZ.

[Section 2254\(e\)\(2\)\(A\) of title 28](#), United States Code, is amended to read as follows—

"(A) the claim relies on—

"(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable;

"(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; or

"(iii) a finding of ineffective assistance of counsel; and"

PART II—EXPANDING ACCESS TO LEGAL SERVICES AND KNOWLEDGE

SEC. 151. LEGAL SERVICES GRANT PROGRAM.

(a) Findings.—Congress finds the following:

(1) Members of the legal profession are trustees of the judicial system, officers of the court who serve on the front lines of establishing justice. As guardians of legal knowledge, they have a duty to the public at large, but the injustice rampant in the judicial system demonstrates that as a group, they are failing in their duty to be stewards of justice. America must do better.

(2) Over the last 35 years, lawyers have raised their fees at twice the rate of inflation. Rather than fully utilizing their productive capacity, they have chosen to increase their prices, correctly calculating that they can earn more money with fewer but higher-paying customers with an inelastic demand for their services.

(3) The decision to price many Americans out of the market for legal services has fallen heaviest on the people most likely to find themselves in need of legal knowledge and representation. Those below the poverty line are 3 times as likely to be arrested, and the prevalence of cash bail also negatively impacts their available resources for a legal defense.

(4) Without a knowledgeable advocate to guide them, poor defendants find themselves, on average, serving longer sentences. This has led to a two-tiered system that makes a mockery of the phrase "with liberty and justice for all." Shakespeare famously suggested killing all the lawyers, which would even the playing field, but a preferable alternative is a fee-and-dividend model to address the issue.

(5) This part establishes a 12 percent excise tax on private sales and in-house provision of legal services, while exempting legal services provided within the scope of government or nonprofit employment and legal services purchased with vouchers under this part. Net revenues from the tax will finance legal services grants for individuals who are arrested.

(6) This should have 2 effects. First, by creating a supply of voucher dollars, a new market for legal services will be created, generating business opportunities for lawyers who would otherwise like to serve the community as stewards of justice but are unable to generate sufficient revenue. Second, by providing prompt access to legal expertise for those who are involuntarily thrust into the legal system, justice will be promoted.

(7) Simple arrests can have cascading consequences. In 2015, Sandra Bland was arrested after a pretext stop, held for days when she could not afford bail, and missed starting her new job. Her body was discovered in her cell on July 13.

(8) Legal vouchers will not be redeemable for cash, but they will be transferable, so that any surplus could be donated to people in need of additional legal services. This will enable incarcerated people to seek funds for professional reevaluation of their legal situations.

(9) Last, the program director may suggest revenue thresholds where the voucher distribution could be expanded to provide resources to parties in noncriminal cases, including family court, small claims court, and other civil proceedings, where those who cannot afford legal representation are frequently denied justice.

(b) Purpose.—The purpose of this part is to cultivate justice by rebalancing the economic forces in the legal profession.

(c) Definitions.—For purposes of this part:

(1) Activity.—The term "activity" means any action that results in an increase or decrease in the funds underlying an account, including an adjustment resulting from an error or the reversal of a prior transaction.

(2) Director.—The term "Director" means the Director of the Legal Services Grant Program.

(3) Law enforcement agency.—The term "law enforcement agency" means any agency or unit of Federal, State, Tribal, territorial, or local government authorized to make arrests for alleged violations of criminal law.

(4) Legal services.—The term "legal services" has the meaning given the term in section 5000E(a)(3) of the Internal Revenue Code of 1986.

(5) Provider.—The term "provider" means a person authorized under applicable law to provide legal services and eligible to participate in the voucher redemption program established under subsection (d)(4).

(6) Qualified individual.—The term "qualified individual" means any person who, on or after July 1, 2027, is arrested within the United States, as defined in [section 5 of title 18](#), United States Code, for an alleged violation of Federal, State, Tribal, territorial, or local criminal law, including an alleged act of juvenile delinquency that would constitute such a violation if committed by an adult.

(7) Trust fund.—The term "trust fund" means the Legal Services Trust Fund established under section 9513 of the Internal Revenue Code of 1986.

(8) Voucher.—The term "voucher" means a card, code, or other means of access to a Legal Services Grant Program account associated with an unconditional grant for the purchase of legal services.

(d) Establishment.—There is established within the Office of Justice Programs a program to be known as the Legal Services Grant Program.

(1) The Program shall be headed by a Director who shall be appointed by, and report to, the Assistant Attorney General for the Office of Justice Programs.

(2) Duties and functions.—The Director shall establish a program under which qualified individuals receive grants for legal services in the form of vouchers redeemable for legal services from participating providers. The Director may enter into compacts, cooperative agreements, and contracts on behalf of the Program. In developing and maintaining the digital infrastructure required by this section, the Director shall consult with the United States Digital Service and the Secretary of the Treasury.

(3) Program requirements.—The Program shall—

(A) preemptively establish individual accounts for legal services grants, credit each account with \$600, and issue vouchers to law enforcement agencies to be held on behalf of qualified individuals;

(B) establish standards under which law enforcement agencies shall—

(i) promptly distribute a voucher to each qualified individual for each arrest that causes the individual to qualify under subsection (c)(6); and

(ii) notify the Program of—

(I) the account associated with the voucher provided;

(II) the name and date of birth of the individual and the arrest, booking, case, or other identifying number associated with the arrest;

(III) a summary of the charges for which the individual was arrested, including the number of felony charges and the number of charges that are not felonies;

(IV) the number of vouchers remaining in the possession of the agency; and

(V) any other information that the Director may by rule require;

(C) after receiving the information required under paragraph (3)(B)—

(i) update the account with the identifying information of the individual assigned to the account; and

(ii) if necessary, increase the amount of the grant in the account to equal the sum of—

(I) \$300;

(II) \$500 for each felony charge; and

(III) \$300 for each charge that is not a felony;

(D) establish a voucher redemption program that shall—

(i) ensure widespread acceptance of vouchers through collaboration with providers;

(ii) establish minimum standards for provider participation, except that a provider that is authorized under applicable law to provide the legal services offered and regularly sells legal services to unrelated persons shall be deemed a participating provider unless the provider opts out through a process established by the Director;

(iii) require a participating provider that agrees to provide legal services to an account holder to accept a voucher as payment for such services, to the extent of the available voucher balance, except that nothing in this subparagraph requires a provider to undertake or continue a representation contrary to applicable law or rules of professional responsibility;

(iv) ensure prompt reimbursement to participating providers, without fees or charges, for the amount redeemed by an account holder;

(v) prohibit a participating provider from—

(I) imposing any surcharge, administrative fee, tax, or other charge on an account holder because payment is made with a voucher; or

(II) charging for voucher-funded legal services at a rate greater than the rate ordinarily charged to similarly situated private clients for comparable services;

(vi) require only such information as is reasonably necessary to verify eligibility, the amount redeemed, and compliance with this section, without requiring disclosure of privileged communications, attorney work product, legal strategy, or the substance of any legal advice or representation; and

(vii) permit the Director, after notice and an opportunity to respond, to suspend or terminate the participation of a provider that commits fraud, materially misrepresents services provided, imposes a prohibited charge, or otherwise materially violates this section or regulations prescribed under this section;

(E) establish a process under which an account holder receives an additional grant if, without a new arrest, a charge not previously used to calculate a grant under paragraph (3) or this paragraph is filed, in an amount equal to—

(i) \$500 for each additional felony charge; and

(ii) \$300 for each additional charge that is not a felony;

(F) establish a secure website that allows an individual to—

(i) search by zip code for participating providers;

(ii) check the balance and activity of the individual's legal services grant account;

(iii) transfer funds to another account in accordance with paragraph (7); and

(iv) access such other information or functions as the Director determines useful;

(G) establish a process under which a person other than a qualified individual may open an account to receive transfers from an account holder, and under which—

(i) an account holder may transfer all or part of an unused grant to another account without receiving money, property, services, or any other consideration in exchange;

(ii) transferred amounts remain subject to the same restrictions, expiration rules, and permitted uses that applied before the transfer;

(iii) no person may sell, purchase, broker, or exchange a voucher or grant balance for cash or anything else of value; and

(iv) the transfer process is accessible to incarcerated individuals;

(H) perform such other functions as the Assistant Attorney General for the Office of Justice Programs may delegate that are consistent with this section; and

(I) not later than October 30, 2027, submit to Congress proposed legislative text that would further clarify and implement this section, including provisions addressing—

(i) additional grants for court appearances or other milestones in criminal proceedings; and

(ii) funding thresholds under which the Program may be expanded to provide vouchers to parties in noncriminal cases, including family court, small claims court, and other civil proceedings.

(e) Access while in custody.—

(1) In general.—A law enforcement agency or other person having custody of a qualified individual under color of Federal, State, Tribal, territorial, or local law shall provide the individual with prompt, reasonable, confidential, and cost-free access to the individual's voucher, account information, the directory of participating providers, and communications reasonably necessary to obtain legal services.

(2) Accommodations.—Access under paragraph (1) shall include appropriate language assistance and disability accommodations.

(3) Noninterference.—A person described in paragraph (1) may not confiscate, withhold, condition, monitor, or disclose the use of a voucher or communications with a provider, except for reasonable security measures administered in a manner consistent with attorney-client privilege and the privacy protections under this section.

(f) Minors and individuals unable to manage an account.—

(1) Account management.—The Director shall establish procedures under which a parent, legal guardian, representative payee, attorney, child advocate, or other appropriate fiduciary may manage a voucher account for an account holder who is a minor or is otherwise unable to manage the account.

(2) Fiduciary duty.—A person managing an account under this subsection shall act solely for the use and benefit of the account holder.

(3) Common legal matters.—Funds in the account of a minor or other person described in paragraph (1) may be combined with funds in the account of a parent, sibling, or other family member to purchase legal services concerning a common legal matter only if—

(A) the legal services benefit each account holder whose funds are used;

(B) the arrangement complies with applicable rules of professional responsibility; and

(C) no material conflict of interest exists, or each affected account holder receives such separate representation as applicable law requires.

(4) Transfers to unrelated persons.—Funds in an account managed under this subsection may not be transferred to an unrelated person or organization unless the transfer is approved by a court, child advocate, guardian ad litem, or other independent fiduciary designated by the Director as consistent with the interests of the account holder.

(5) Protection of independent interests.—The Director shall establish procedures to protect the independent legal interests of an account holder when those interests may conflict with the interests of the person managing the account.

(g) No cash rebates.—No portion of a legal services grant may be provided to an account holder as cash or used for any purpose other than the purchase of legal services.

(h) Expiration of grants.—A grant assigned under this section shall expire after 1 year during which there is no account activity. Any remaining amount shall be returned to the trust fund.

(i) Tax treatment.—

(1) Grants not income.—Notwithstanding any other provision of law, the issuance, assignment, use, or transfer of a legal services grant under this section shall not be included in the gross income of the account holder, transferor, or transferee.

(2) Transfers not gifts.—A transfer of a legal services grant under subsection (d)(3)(G) shall not be treated as a transfer of property by gift for purposes of chapter 12 of the Internal Revenue Code of 1986.

(3) Conforming amendment.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139L the following:

"Sec. 139M. Legal services grants.

"(a) In general.—Gross income shall not include the amount of a legal services grant issued, assigned, used, or transferred under section 151 of the POPULIST Act.

"(b) Provider payments.—Subsection (a) shall not exclude from gross income any amount received by a provider in redemption of a voucher."

(4) Clerical amendment.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139L the following:

"Sec. 139M. Legal services grants."

(j) Privacy, privilege, and permissible use.—

(1) Data minimization.—The Director shall limit the collection, retention, and use of personally identifiable information to information reasonably necessary to administer, audit, and protect the integrity of the Program.

(2) Privileged information.—Nothing in this section authorizes the Program, the Office of Justice Programs, a law enforcement agency, or any other governmental entity to require disclosure of—

(A) a communication protected by attorney-client privilege;

(B) attorney work product;

(C) legal advice, legal strategy, research, analysis, or mental impressions; or

(D) information protected from disclosure under any other provision of law.

(3) Use limitation.—Information collected under this section may not be used for a criminal, civil, immigration, administrative, or regulatory investigation or proceeding against an account holder, transferor, transferee, or client, except for an investigation or proceeding concerning fraud against, or theft from, the Program.

(4) Disclosure limitation.—A record that identifies an account holder, transferor, transferee, client, or specific legal matter shall not be disclosed under [section 552 of title 5](#), United States Code, and may be disclosed only—

(A) to administer or audit the Program;

(B) with the informed written consent of the person identified;

(C) in an investigation or proceeding concerning fraud against, or theft from, the Program; or

(D) pursuant to an order of a court that specifically finds that disclosure is necessary and narrowly tailored to a purpose permitted under this paragraph.

(5) Security and retention.—The Director shall establish security, access control, breach notification, record retention, and secure deletion requirements appropriate to the sensitivity of information maintained under this section.

(k) Program integrity.—

(1) Prohibited consideration.—No person may offer, provide, solicit, or receive any rebate, kickback, referral payment, cash, property, service, or other consideration in exchange for the issuance, transfer, redemption, or use of a voucher.

(2) Recoupment.—The Director may recover an improper or fraudulent payment from a provider or other person that received the payment.

(3) No limitation on other law.—The remedies under this subsection are in addition to any other civil, criminal, or administrative remedy available under law.

(l) Interim final rules.—

(1) In general.—Not later than April 30, 2027, the Attorney General, acting through the Office of Justice Programs, shall issue interim final rules to implement this section, including rules governing account establishment, voucher issuance, transfers, provider participation, payment, certification, reporting, privacy, security, program integrity, and oversight.

(2) Force and effect.—The interim final rules shall take effect upon publication in the Federal Register, shall have the force and effect of law, and may be issued without regard to [section 553 of title 5](#), United States Code.

(3) Final rules required.—The Attorney General, acting through the Office of Justice Programs, shall provide a public comment period of not less than 60 days after publication and shall issue final rules not later than April 30, 2028.

(m) Excise tax on providing legal services.—

(1) In general.—[Subtitle D](#) of the Internal Revenue Code of 1986, as amended by this Act, is further amended by adding at the end the following new chapter:

"CHAPTER 50B—LEGAL SERVICES

"SEC. 5000E. Tax on private legal services.

"Sec. 5000E. Tax on private legal services.

"(a) Definitions.—For purposes of this section:

"(1) Consideration.—The term 'consideration' means money, property, services, equity, debt forgiveness, assumption of a liability, a contingent or future payment, or anything else of value, whether provided directly or indirectly.

"(2) Governmental entity.—The term 'governmental entity' means—

"(A) the United States;

"(B) a State, the District of Columbia, a territory or possession of the United States, or a political subdivision thereof;

"(C) an Indian Tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act ([25 U.S.C. 5304](#)); or

"(D) an agency, authority, instrumentality, or political subdivision of an entity described in subparagraph (A), (B), or (C).

"(3) Legal services.—

"(A) In general.—The term 'legal services' means any service, product, or function provided to or for the benefit of another person that—

"(i) advises, counsels, analyzes, or provides an opinion concerning legal rights, duties, liabilities, exposure, compliance obligations, defenses, or remedies;

"(ii) represents or assists a person in a judicial, administrative, arbitral, mediational, regulatory, or investigatory matter or proceeding;

"(iii) negotiates, advocates, or communicates on behalf of another person in a capacity requiring the application of legal judgment;

"(iv) prepares, drafts, reviews, interprets, revises, or assists in preparing a contract, pleading, will, trust, corporate instrument, regulatory filing, settlement agreement, or other document intended to create, modify, evidence, preserve, or enforce a legal right or duty;

"(v) provides legal research, discovery, due diligence, compliance analysis, legal-risk analysis, or tax-law advice; or

"(vi) is billed, advertised, offered, represented, or held out as a legal service.

"(B) Means of performance.—The term includes a service described in subparagraph (A) that is performed or made available—

"(i) by an attorney, law firm, employee, contractor, paralegal, legal assistant, supervised person, or other natural person;

"(ii) through software, a digital platform, an automated decision system, artificial intelligence, a document-generation system, or another technological means; or

"(iii) through a combination of natural-person and technological performance.

"(C) Separately sold support services.—The term does not include a clerical, administrative, translation, court-reporting, process-serving, expert, investigative, or technological support service merely because the service is used by another person to provide legal services, if—

"(i) the support service is sold separately by a person that does not provide or hold itself out as providing legal services; and

"(ii) the charge for the support service is separately stated and is not contingent on the outcome of a legal matter.

"(4) Legal services provider.—The term 'legal services provider' means any person that sells, performs, arranges, makes available, or holds itself out as providing legal services for consideration, whether or not the person is authorized under applicable law to practice law.

"(5) Nonprofit organization.—The term 'nonprofit organization' means an organization that is—

"(A) described in section 501(c) or 501(d); and

"(B) exempt from taxation under section 501(a).

"(6) Payer.—The term 'payer' means a person that makes, becomes obligated to make, or provides consideration for a taxable sale of legal services, whether for the payer or for another person.

"(7) Recipient.—The term 'recipient' means the person whose legal rights, duties, liabilities, exposure, compliance obligations, defenses, remedies, matter, or proceeding is the subject of the legal services.

"(8) Related person.—Persons are related persons if—

"(A) the persons bear a relationship described in section 267(b) or 707(b)(1); or

"(B) the persons are under common control within the meaning of section 52(a) or 52(b).

"(b) Imposition of tax.—

"(1) In general.—There is imposed on each taxable sale of legal services a tax equal to 12 percent of the taxable amount.

"(2) Taxable sale of legal services.—The term 'taxable sale of legal services' means the provision of legal services for consideration if—

"(A) the services have a United States nexus under subsection (h); and

"(B) the services are not exempt under subsection (f) or (g).

"(3) Deemed sales.—A deemed sale under subsection (e) shall be treated as a taxable sale of legal services.

"(4) Substance over form.—The tax imposed by this section shall apply without regard to—

"(A) the title, label, billing category, occupational classification, professional credential, or organizational form used with respect to the services;

"(B) whether the person providing the services is authorized under applicable law to practice law;

"(C) whether the services are provided directly, through an employee or contractor, through a related person, or through a digital or automated system; or

"(D) whether consideration is paid by the recipient, an insurer, an employer, a litigation funder, an adverse party, or any other person.

"(c) Taxable amount.—

"(1) In general.—The taxable amount is the total consideration paid or incurred for a taxable sale of legal services, determined without regard to—

"(A) the tax imposed by this section; or

"(B) any other separately stated product tax.

"(2) Included consideration.—The taxable amount includes—

"(A) hourly, fixed, contingent, success-based, subscription, membership, retainer, availability, monitoring, and similar fees;

"(B) amounts paid by an insurer, employer, litigation funder, adverse party, governmental entity, nonprofit organization, related person, or other third party;

"(C) court-awarded attorney's fees, settlement amounts specifically allocable to legal fees, and amounts paid pursuant to a fee-shifting statute, contract, judgment, or order; and

"(D) the fair market value of property, services, equity, debt forgiveness, or other noncash consideration.

"(3) Retainers and client trust accounts.—

"(A) An amount deposited into a client trust account shall not be included in the taxable amount until the amount is earned, applied to charges for legal services, or otherwise becomes available for the unrestricted use of the legal services provider.

"(B) A nonrefundable retainer or other payment over which the provider obtains an unrestricted right shall be included in the taxable amount when that right arises.

"(4) Third-party costs.—The taxable amount does not include a separately stated amount paid or incurred without markup for a court filing fee, recording fee, transcript, service of process, expert or witness fee, or other third-party charge prescribed by the Secretary, if—

"(A) the amount is paid or payable to an unrelated third party;

"(B) the legal services provider does not retain any portion of the amount; and

"(C) adequate records substantiate the amount and purpose of the payment.

"(5) Mixed or bundled transactions.—

"(A) If a transaction includes legal services and other property or services, the parties shall make a reasonable allocation supported by contemporaneous records.

"(B) If the parties fail to make and substantiate a reasonable allocation, the entire amount shall be treated as consideration for legal services.

"(C) The Secretary may reallocate consideration if an allocation does not reflect economic substance or has a principal purpose of avoiding tax under this section.

"(6) Refunds and adjustments.—If consideration previously included in the taxable amount is refunded, credited, charged back, or determined to be uncollectible, the person that remitted the tax may claim a credit or refund under rules prescribed by the Secretary. Any amount subsequently recovered shall be included when recovered.

"(7) Related persons.—In a transaction between related persons, the taxable amount shall not be less than the fair market value of the legal services.

"(d) Liability, collection, and payment.—

"(1) Liability of payer.—Except as otherwise provided in this section, the payer is liable for the tax imposed under subsection (b).

"(2) Collection.—Every person receiving a payment for a taxable sale of legal services shall, at the time the payment is made, collect the tax from the person making the payment.

"(3) Multiple payers.—If more than 1 person pays consideration for the same legal services, each payer is liable for the tax attributable to the consideration paid by that payer.

"(4) Secondary liability.—

"(A) A legal services provider, billing entity, or other person required to collect tax under paragraph (2) that fails to collect and remit the tax shall be liable for the uncollected amount.

"(B) Liability under subparagraph (A) is in addition to the liability of the payer, except that the tax may be collected only once.

"(5) Exemption certificates.—A collecting person shall not be liable for failure to collect tax on an exempt transaction if the person accepts, in good faith, a properly completed exemption certificate prescribed by the Secretary and has no reason to know that the certificate is false or invalid.

"(6) Returns and remittance.—A person required to collect or pay tax under this section shall file returns and remit the tax not less frequently than quarterly, at such times and in such manner as the Secretary shall prescribe.

"(7) Purchaser self-assessment.—If tax required under this section is not collected by a legal services provider or other collecting person, including because the provider is outside the United States, the payer shall report and pay the tax in the manner prescribed by the Secretary.

"(e) In-house and related-party legal services.—

"(1) Deemed sale.—To the extent not otherwise included in a taxable sale under subsection (b), a person that receives legal services from an employee, officer, partner, member, proprietor, leased employee, independent contractor, or other worker shall be treated as purchasing those services from itself.

"(2) Primary legal duties.—If the primary duties of a worker are the provision of legal services, the taxable amount shall equal the worker's total compensation for the period during which the services are provided.

"(3) Mixed duties.—If the provision of legal services is not the primary duty of a worker, the taxable amount shall equal the reasonable portion of the worker's total compensation allocable to legal services.

"(4) Primary duties.—For purposes of this subsection, legal services are the primary duties of a worker if more than 50 percent of the worker's compensated time, responsibilities, or reasonably expected services consist of legal services.

"(5) Total compensation.—The term 'total compensation' includes—

"(A) wages, salary, bonuses, commissions, and guaranteed payments;

"(B) deferred compensation;

"(C) the fair market value of equity, options, property, and in-kind compensation;

"(D) employer or entity contributions for retirement, health, insurance, and other benefits;

"(E) partnership, membership, or ownership distributions attributable to services; and

"(F) any other remuneration for services prescribed by the Secretary.

"(6) Related-party service entities.—If legal services are provided between related persons, the taxable amount shall be the greater of—

"(A) the consideration paid or incurred;

"(B) the total compensation and other costs reasonably allocable to providing the legal services; or

"(C) the fair market value of the legal services.

"(7) Liability.—The person receiving legal services under this subsection shall report and pay the tax not less frequently than quarterly.

"(f) Exempt legal services.—

"(1) Government employment.—The tax imposed by this section shall not apply to legal services performed by an officer or employee of a governmental entity if—

"(A) the services are performed within the scope of the officer's or employee's employment; and

"(B) the compensation for the services is paid by the governmental entity.

"(2) Nonprofit legal services.—The tax imposed by this section shall not apply to legal services provided by a nonprofit organization through an officer or employee of the organization if—

"(A) the services are performed within the scope of that employment;

"(B) the services further the purpose or function constituting the basis for the organization's exemption under section 501(a); and

"(C) any consideration paid by a recipient or third party for the services is paid to and retained by the nonprofit organization.

"(3) Pro bono services.—The tax imposed by this section shall not apply to legal services for which no person provides or is obligated to provide consideration.

"(4) Limitations.—

"(A) Paragraph (1) or (2) does not exempt legal services performed outside the scope of the person's government or nonprofit employment, including private moonlighting or services for which consideration is retained by the individual.

"(B) A purchase of legal services from a private legal services provider is not exempt solely because the payer or recipient is a governmental entity or nonprofit organization.

"(C) Paragraph (2) does not apply if the legal services principally benefit—

"(i) a related for-profit person;

"(ii) an owner, director, officer, employee, or other person in a position to exercise substantial influence over the affairs of the nonprofit organization, in a personal capacity, unless the legal services are provided on substantially the same terms as to similarly situated persons who are not in such a position; or

"(iii) an unrelated trade or business of the nonprofit organization.

"(g) Voucher-funded legal services.—

"(1) Exemption.—The portion of a legal service paid with a voucher issued or transferred under section 151 of the POPULIST Act shall not be subject to the tax imposed by this section.

"(2) Additional consideration.—Any portion paid with money or other consideration not derived from a voucher remains subject to tax.

"(3) No collection from account holder.—A provider may not collect or attempt to collect tax under this section from an account holder with respect to an amount paid with a voucher.

"(4) Records.—The provider shall retain such records as the Secretary may require to substantiate the amount paid with a voucher, without disclosing privileged communications, attorney work product, legal strategy, or the substance of the legal services.

"(h) United States nexus and imported legal services.—

"(1) United States nexus.—Legal services have a United States nexus if—

"(A) the payer or recipient is a United States person, as defined in section 7701(a)(30);

"(B) the services concern Federal, State, Tribal, territorial, or local law of the United States;

"(C) the services concern a proceeding, transaction, property, business activity, legal obligation, or regulatory requirement in the United States; or

"(D) a material portion of the services is performed in the United States.

"(2) Foreign providers.—A foreign legal services provider that receives consideration for legal services having a United States nexus shall collect and remit the tax in the same manner as a domestic provider.

"(3) Self-assessment.—If a foreign provider does not collect the tax, the payer shall report and pay the tax under subsection (d)(7).

"(4) No United States nexus.—Legal services provided to and for the exclusive benefit of foreign persons, concerning only foreign law or activities outside the United States, and performed entirely outside the United States shall not be subject to tax under this section.

"(i) Administration, records, and anti-abuse.—

"(1) Records and returns.—The Secretary may require such records, returns, exemption certificates, information statements, and payment procedures as are necessary to administer this section.

"(2) Privilege protected.—A return, record, or information requirement under this section shall not require disclosure of—

"(A) a privileged communication;

"(B) attorney work product;

"(C) legal advice, strategy, research, analysis, or mental impressions; or

"(D) the substance of a legal representation beyond information reasonably necessary to establish the identity of the provider and payer, the date and amount of payment, the general category of service, and the applicability of an exemption.

"(3) Anti-abuse authority.—If a transaction, arrangement, organizational structure, billing practice, allocation, employment classification, offshore arrangement, related-party arrangement, or technological method has as 1 of its principal purposes the avoidance or significant reduction of tax under this section, the Secretary may aggregate, allocate, recharacterize, or disregard the transaction or arrangement as necessary to carry out this section.

"(4) Regulations.—The Secretary shall prescribe regulations addressing—

"(A) mixed and bundled services;

"(B) contingent, deferred, subscription, and noncash consideration;

"(C) in-house and related-party legal services;

"(D) foreign providers and purchaser self-assessment;

"(E) digital platforms, automated systems, and artificial intelligence;

"(F) exemptions, certificates, refunds, and credits;

"(G) collection through insurers, employers, intermediaries, and third-party payers; and

"(H) such other matters as are necessary to prevent avoidance and ensure consistent administration.

"(5) Rulemaking schedule.—Not later than April 30, 2027, the Secretary shall issue interim final regulations to implement this section. The regulations shall take effect upon publication in the Federal Register and may be issued without regard to [section 553 of title 5](#), United States

Code. The Secretary shall provide a public comment period of not less than 60 days and shall issue final regulations not later than April 30, 2028.

"(6) Practice of law unaffected.—Nothing in this section authorizes any person to practice law, provide legal services, or engage in conduct prohibited under Federal, State, Tribal, territorial, or local law.

"(j) Coordination with value added tax.—

"(1) Taxes cumulative.—The tax imposed by this section is in addition to any tax imposed under chapter 7 of subtitle A.

"(2) Product tax treatment.—The tax imposed by this section shall be treated as a product tax for purposes of chapter 7 of subtitle A and shall be separately stated on an invoice or other payment record.

"(3) Exclusion from taxable receipts.—An amount collected as tax under this section shall not be included in the taxable receipts of the person collecting the tax for purposes of chapter 7 of subtitle A.

"(4) Legal service receipts preserved.—Except for the amount collected as tax under this section, consideration received for legal services shall remain taxable receipts under chapter 7 of subtitle A to the extent otherwise provided under that chapter.

"(5) Business purchase treatment.—A tax paid under this section with respect to legal services acquired for use in a business activity shall be treated as part of the cost of the business purchase to the extent otherwise allowed under chapter 7 of subtitle A."

(2) Clerical amendment.—The table of chapters for subtitle D of the Internal Revenue Code of 1986, as amended by this Act, is further amended by inserting after the item relating to chapter 50A the following:

"Chapter 50B—Legal Services".

(3) Effective date.—

(A) In general.—The amendments made by this subsection shall apply to legal services performed on or after July 1, 2027.

(B) Continuing matters and advance payments.—In the case of a matter, contract, retainer, subscription, or other arrangement that begins before July 1, 2027, only the portion of the taxable amount reasonably allocable to legal services performed on or after that date shall be subject to tax.

(C) In-house services.—Section 5000E(e) of the Internal Revenue Code of 1986 shall apply to compensation attributable to legal services performed on or after July 1, 2027.

(D) Regulations not a condition.—The amendments made by this subsection shall take effect without regard to whether final regulations have been prescribed.

(n) Establishing the Legal Services Trust Fund.—

(1) In general.—[Subchapter A of chapter 98 of title 26](#), United States Code, as amended by section 842, is further amended by adding at the end the following new section:

"Sec. 9513. Legal Services Trust Fund.

"(a) Creation of trust fund.—There is established in the Treasury of the United States a trust fund to be known as the 'Legal Services Trust Fund', consisting of such amounts as may be appropriated or credited to the fund as provided in this section or [section 9602\(b\)](#).

"(b) Transfers to Legal Services Trust Fund.—

"(1) In general.—There are hereby appropriated to the Legal Services Trust Fund amounts equivalent to the net revenues received in the Treasury from taxes imposed under chapter 50B of subtitle D.

"(2) Net revenues.—For purposes of paragraph (1), net revenues are the taxes received under chapter 50B, reduced by refunds and credits allowed with respect to those taxes.

"(3) Timing.—The Secretary shall transfer amounts under paragraph (1) from the general fund of the Treasury to the Legal Services Trust Fund not less frequently than quarterly.

"(c) Expenditures.—Amounts in the Legal Services Trust Fund shall be available, without further appropriation, only to administer and carry out the Legal Services Grant Program established under section 151 of the POPULIST Act.

"(d) Initial funding.—

"(1) Appropriation.—There is appropriated to the Legal Services Trust Fund, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed \$4,000,000,000, to administer the Legal Services Grant Program and make grants under that Program before sufficient amounts are available under subsection (b).

"(2) Availability.—Amounts appropriated under paragraph (1) shall remain available until expended.

"(3) Repayment.—Amounts appropriated under paragraph (1) shall be repaid to the general fund of the Treasury from amounts subsequently transferred to the Legal Services Trust Fund under subsection (b), at such times and in such amounts as the Secretary determines appropriate, but not later than 10 years after the first appropriation is made under paragraph (1)."

(2) Clerical amendment.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"Sec. 9513. Legal Services Trust Fund."

SEC. 152. OPEN COURTS ACT.

(a) Modernization of electronic Federal court records systems.—

(1) Consolidation.—Not later than the date specified in paragraph (5), the Director of the Administrative Office of the United States Courts, in coordination with the Administrator of

General Services, shall develop, deliver, and sustain, consistent with the requirements of this subsection and subsection (b), 1 system for all public Federal court records.

(2) Requirements of system.—The system described under paragraph (1) shall comply with the following requirements:

(A) The system shall provide search functions, developed in coordination with the Administrator of General Services, for use by the public and by parties before the court.

(B) The system shall make public Federal court records automatically accessible to the public, including all filings, decisions, and rulings in each case linked from an online docket sheet for each case.

(C) The home page for public access to the system shall include a notice displayed to first-time visitors, as determined through a mechanism that does not require registration or impose a fee, that users will not use the system for an unlawful purpose. Access to documents through other means, including subparagraph (F), may not be conditioned upon acknowledging such notice.

(D) Any information made available through a website established pursuant to section 205 of the E-Government Act of 2002 ([44 U.S.C. 3501 note](#)) shall be included in the system.

(E) Any website for the system shall substantially comply with the requirements under subsections (b) and (c) of section 205 of the E-Government Act of 2002 ([44 U.S.C. 3501 note](#)).

(F) To the extent practicable, external websites shall be able to link to documents on the system. Each website established pursuant to section 205 of the E-Government Act of 2002 ([44 U.S.C. 3501 note](#)) shall contain a link to the system.

(G) To the extent practicable, the system shall enable courts to automatically generate and submit, in a computer-readable format, the reports required by [sections 2519\(1\) and 3103a\(d\)\(1\) of title 18](#), United States Code.

(H) The system shall provide, at the case level, a consolidated public view that clearly displays all scheduled and pending deadlines, hearings, conferences, and trial dates, including the date, time, location, and applicable court, and shall distinguish between past events and upcoming events.

(3) Data standards.—

(A) Establishment of data standards.—The Director of the Administrative Office of the United States Courts, in coordination with the Administrator of General Services and the Archivist of the United States, shall establish data standards for the system established under paragraph (1).

(B) Requirements.—The data standards established under subparagraph (A) shall, to the extent reasonable and practicable—

(i) incorporate widely accepted common data elements;

(ii) incorporate a widely accepted, nonproprietary, full text searchable, platform-independent computer-readable format; and

(iii) be capable of being continually upgraded as necessary.

(C) Deadlines.—Not later than 270 days after the date of enactment of this section, the Director of the Administrative Office of the United States Courts shall issue guidance to all Federal courts on the data standards established under this paragraph.

(4) Use of technology.—In carrying out the duties under paragraph (1), the Director of the Administrative Office of the United States Courts shall use modern technology—

(A) to improve security, data accessibility, data quality, affordability, and performance;

(B) to meet publicly disclosed minimum standards for system availability, response time, and usability, including testing with pro se litigants and non-lawyer users; and

(C) to minimize the burden on pro se litigants.

(5) Date specified.—The date specified in this paragraph is July 1, 2028, unless the Administrator of General Services certifies to Congress, by not later than 90 days after the date of enactment of this Act, that an additional period of time is required. If the Administrator so certifies, the date specified in this paragraph is July 1, 2029.

(6) Funds for establishment, operation, and maintenance of modernized court records system.

(A) Short term access fees to fund establishment of modernized court records system.

(i) In general.—Section 303 of the Judiciary Appropriations Act, 1992 (title III of Public Law 102–140; 105 Stat. 807) ([28 U.S.C. 1913 note](#)) is amended—

(I) in subsection (a), by inserting "The Judicial Conference shall prescribe, after providing public notice and an opportunity for public comment, a schedule of additional fees for any person other than a government agency that accrues such fees for access in an amount of \$25,000 or greater in any quarter. All fees collected under the preceding sentence shall be deposited as offsetting collections to the Judiciary Information Technology Fund pursuant to [section 612\(c\)\(1\)\(A\) of title 28](#), United States Code, to reimburse expenses incurred in carrying out subsections (a) and (b) of section 152 of the POPULIST Act." before "The Director of the Administrative Office of the United States Courts"; and

(II) in subsection (b), in the second sentence, by striking "All" and inserting "Except as otherwise provided in this section, all".

(ii) Excess fees.—Amounts deposited in the Judiciary Information Technology Fund pursuant to the amendments made by clause (i) may only be used for purposes of this section.

(iii) Effective date.—The amendments made by clause (i) shall take effect on the date of enactment of this section.

(B) Filing fees to fund operation and maintenance of modernized court records system.

(i) In general.—Section 303 of the Judiciary Appropriations Act, 1992 (title III of Public Law 102–140; 105 Stat. 807) ([28 U.S.C. 1913 note](#)) is amended by striking subsections (a) and (b), and inserting the following:

"(a) To cover the costs of carrying out subsection (a) of section 152 of the POPULIST Act, the Judicial Conference may, after providing public notice and an opportunity for public comment and only to the extent necessary to cover such costs not otherwise provided by appropriations, prescribe schedules of reasonable filing fees, pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code, which—

"(1) shall be based on the extent of use of the system described under subsection (a) of section 152 of the POPULIST Act for purposes of carrying out such subsection;

"(2) shall be based on factors to ensure that such schedules are graduated, including the cause of action and claim for relief, the status of the filer in the action and the financial hardship an additional fee would place on the filer, the amount of damages demanded, the estimated complexity of the type of action, and the interests of justice;

"(3) may be prescribed for the filing of a counterclaim;

"(4) shall not apply in the case of a pro se litigant, a first-time litigant who is an individual, or a litigant who certifies their financial hardship; and

"(5) shall not be a basis for denying access to the courts of the United States.

"(b) (1) The Judicial Conference and the Director of the Administrative Office of the United States Courts (in this section referred to as the 'Director') shall transmit each schedule of fees prescribed under subsection (a) to Congress at least 90 days before the schedule becomes effective. All fees collected under subsection (a) shall be deposited as offsetting collections to the Judiciary Information Technology Fund pursuant to [section 612\(c\)\(1\)\(A\) of title 28](#), United States Code, to reimburse expenses incurred in carrying out subsection (a) of section 152 of the POPULIST Act.

"(2) The Judicial Conference shall review a schedule of fees prescribed under subsection (a) 3 years after the schedule becomes effective and every 3 years thereafter to ensure that the fees meet the requirements of this section. If the fees do not meet the requirements of this section, the Judicial Conference shall, after providing public notice and an opportunity for public comment, prescribe a new schedule of fees pursuant to subsection (a) and submit the new schedule of fees to Congress pursuant to this subsection.

"(c) A court, upon motion, may waive any fee imposed under subsection (a) in the interest of justice."

(ii) Effective date.—The amendment made by clause (i) shall take effect on the date specified in paragraph (5).

(7) Report.—Not later than 90 days after the date of enactment of this section, the Director of the Administrative Office of the United States Courts shall submit to the Committee on the

Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the amount of appropriations necessary to carry out paragraphs (1) through (4).

(b) Public access to electronic Federal court records system requirement.—

(1) In general.—Not later than the date specified in paragraph (3), the Director of the Administrative Office of the United States Courts, in coordination with the Administrator of General Services, shall make all materials in the system established under subsection (a) publicly accessible, free of charge, and without requiring registration.

(2) Use of technology.—In providing public access under paragraph (1), the Director of the Administrative Office of the United States Courts shall, in coordination with the Administrator of General Services, use modern technology—

(A) to improve security, data accessibility, ease of public access, affordability, and performance;

(B) to minimize the burden on pro se litigants; and

(C) to the extent practicable, enable users to opt in to receive electronic notifications regarding newly scheduled hearings, deadline changes, or other docket updates in a case, without requiring paid access or conditioning access to documents on such notifications.

(3) Date specified.—The date specified in this paragraph is the date that is 2 years after the date of enactment of this section, unless the Administrator of General Services certifies to Congress, by not later than 90 days after the date of enactment of this section, that an additional period of time is required. If the Administrator so certifies, the date specified in this paragraph is the date that is 3 years after the date of enactment of this section.

(4) Funding for public access to modernized electronic court records system.

(A) In general.—Section 303 of the Judiciary Appropriations Act, 1992 (title III of Public Law 102–140; 105 Stat. 807) ([28 U.S.C. 1913 note](#)), as amended by subsection (a)(6)(B)(i), is amended by adding at the end the following:

"(d) (1) To cover the costs of ensuring the public accessibility, free of charge, of all materials in the system described under subsections (a) and (b) of section 152 of the POPULIST Act in accordance with subsection (b) of such section, the Administrative Office of the United States Courts shall collect an annual fee from Federal agencies equal to the Public Access to Court Electronic Records access fees paid by those agencies in 2021, as adjusted for inflation. For any Federal agency that did not pay Public Access to Court Electronic Records access fees in fiscal year 2021, the Administrative Office of the United States Courts may collect fees based on a standard annual fee determined by the Judicial Conference. All fees collected under this subsection shall be deposited as offsetting collections to the Judiciary Information Technology Fund pursuant to [section 612\(c\)\(1\)\(A\) of title 28](#), United States Code, to reimburse expenses incurred in providing services in accordance with subsection (b) of section 152 of the POPULIST Act.

"(2) To cover any additional marginal costs of ensuring the public accessibility, free of charge, of all materials in the system described under subsections (a) and (b) of section 152 of the POPULIST Act in accordance with subsection (b) of such section, the Judicial Conference

may, after providing public notice and an opportunity for public comment and only to the extent necessary to cover such costs not otherwise provided by appropriations, prescribe schedules of reasonable filing fees, pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code, which—

"(A) shall be based on the extent of use of the system described under subsection (a) of section 152 of the POPULIST Act;

"(B) shall, in addition, be based on factors to ensure that such schedules are graduated, including the cause of action and claim for relief, the status of the filer in the action and the financial hardship an additional fee would place on the filer, the amount of damages demanded, the estimated complexity of the type of action, and the interests of justice;

"(C) may be prescribed for the filing of a counterclaim;

"(D) shall not apply to a pro se litigant, a first-time litigant who is an individual, or a litigant who certifies their financial hardship; and

"(E) shall not be a basis for denying access to the courts of the United States.

"(3) (A) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under this subsection to Congress at least 90 days before the schedule becomes effective. All fees collected under this subsection shall be deposited as offsetting collections to the Judiciary Information Technology Fund pursuant to [section 612\(c\)\(1\)\(A\) of title 28](#), United States Code, to reimburse expenses incurred in providing public access in accordance with subsection (b) of section 152 of the POPULIST Act.

"(B) The Judicial Conference shall review a schedule of fees prescribed under this subsection 3 years after the schedule becomes effective and every 3 years thereafter to ensure that the fees meet the requirements of this subsection. If the fees do not meet the requirements of this subsection, the Judicial Conference shall prescribe a new schedule of fees pursuant to this subsection and submit the new schedule of fees to Congress pursuant to subparagraph (A).

"(C) Amounts deposited to the Judiciary Information Technology Fund pursuant to this subsection and not used to reimburse expenses incurred in carrying out subsection (b) of section 152 of the POPULIST Act may be used to reimburse expenses incurred in carrying out subsection (a) of such section and not for any other purpose."

(B) Effective date.—The amendment made by subparagraph (A) shall take effect on the date specified in paragraph (3).

(c) Digital accessibility standards and cybersecurity.—

(1) Digital accessibility standards.—The system described under subsections (a) and (b) shall comply with relevant digital accessibility standards established pursuant to section 508 of the Rehabilitation Act of 1973 ([29 U.S.C. 794d](#)).

(2) Cybersecurity review.—The Judicial Conference and the Administrative Office of the United States Courts, as applicable, shall ensure the cybersecurity of the system described under subsections (a) and (b), in coordination with the relevant cybersecurity expert agencies in

the executive branch and consistent with the relevant cybersecurity standards that would apply if the system would be operated by an agency in the executive branch.

(d) GAO review.—

(1) In general.—Not later than 1 year after the date of enactment of this section, and quarterly thereafter, the Comptroller General of the United States shall notify Congress whether the Director of the Administrative Office of the United States Courts has—

(A) produced additional usable functionality of the system described under subsections (a) and (b);

(B) held live, publicly accessible demonstrations of software in development; and

(C) allowed the Comptroller General or a designee to attend all sprint reviews held during the applicable period.

(2) Audit.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Comptroller General of the United States shall—

(A) conduct an audit of the system established under this section, including the compliance of vendors with the quality assessment surveillance plan, code quality, and whether the system is meeting the needs of users; and

(B) submit to Congress a report that contains—

(i) the results of the audit; and

(ii) any recommendations to improve the system established under this section.

(3) Public disclosure and follow-up.—Each report submitted under paragraph (2) shall be made publicly available on the system described under subsections (a) and (b), and if the Comptroller General identifies material deficiencies, the Director of the Administrative Office of the United States Courts shall, not later than 90 days after submission of such report, submit to Congress a written plan to address such deficiencies.

(e) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out subsections (a) and (b).

(f) Rule of construction.—Nothing in this section, or the amendments made by this section, shall be construed to—

(1) abrogate, limit, or modify the requirements described in [section 1915 of title 28](#), United States Code; or

(2) permit the imposition of fees, registration requirements, technical barriers, or design practices that have the purpose or effect of restricting free public access to electronic Federal court records.

SEC. 153. NEUTRAL CITATIONS REQUIRED.

(a) Definition.—The term "neutral citation" includes a citation that is independent of any proprietary reporter, and includes—

- (1) the year of the decision;
- (2) the name of the court (which may be abbreviated);
- (3) a sequential decision number assigned by the court for that year; and
- (4) paragraph numbers for purposes of pinpoint citation.

(b) Requirement.—Each court of the United States shall assign a neutral citation to every precedential opinion and order.

(c) Official publication.—Each court of the United States shall publish every precedential opinion and order in an official digital format that—

- (1) includes the neutral citation and paragraph numbering required under this section;
- (2) is made available to the public without charge; and
- (3) is accessible in a machine-readable and nonproprietary format.

(d) Citation sufficiency.—A neutral citation assigned pursuant to this section shall be deemed a sufficient citation for all purposes in the courts of the United States.

(e) Rules.—The Judicial Conference of the United States shall promulgate rules to implement this section not later than December 31, 2027.

Subtitle D—The Weldon Angelos Prosecutorial Reform Act

PART I—PROSECUTORIAL FAIRNESS AND ASSET FORFEITURE REFORM

SEC. 161. PROHIBITING PUNISHMENT OF ACQUITTED CONDUCT.

(a) Use of information for sentencing.—

(1) Amendment.—[Section 3661 of title 18](#), United States Code, is amended by inserting ", except that a court of the United States shall not consider, except for purposes of mitigating a sentence, acquitted conduct under this section" before the period at the end.

(2) Applicability.—The amendment made by paragraph (1) shall apply only to a judgment entered after July 4, 2026.

(b) Definitions.—[Section 3673 of title 18](#), United States Code, is amended—

- (1) in the matter preceding paragraph (1), by striking "As" and inserting "(a) As"; and
- (2) by adding at the end the following:

"(b) As used in this chapter, the term 'acquitted conduct' means—

"(1) an act—

"(A) for which a person was criminally charged and with regard to which—