

119TH CONGRESS
2D SESSION

S. _____

To provide for the modernization of electronic case management systems,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY (for himself and Mr. WYDEN) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To provide for the modernization of electronic case
management systems, 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 “Open Courts Act of
5 2026”.

6 **SEC. 2. MODERNIZATION OF ELECTRONIC FEDERAL COURT**

7 **RECORDS SYSTEMS.**

8 (a) CONSOLIDATION.—

9 (1) DEFINITIONS.—

1 (A) COVERED COURT.—In this subsection,
2 the term “covered court”—

3 (i) means—

4 (I) any Federal court in the judi-
5 cial branch of the United States Gov-
6 ernment; and

7 (II) any Federal Court whose
8 records are accessible via the Public
9 Access to Court Electronic Records
10 service on the date of enactment of
11 this Act; and

12 (ii) does not include—

13 (I) the Supreme Court of the
14 United States;

15 (II) the court established under
16 section 502 of the Immigration and
17 Nationality Act (8 U.S.C. 1532);

18 (III) the court established under
19 section 103(a) of the Foreign Intel-
20 ligence Surveillance Act of 1978 (50
21 U.S.C. 1803(a)); or

22 (IV) the court established under
23 section 103(b) of the Foreign Intel-
24 ligence Surveillance Act of 1978 (50
25 U.S.C. 1803(b)).

1 (B) COVERED RECORD.—The term “cov-
2 ered record” includes—

3 (i) all dockets of a covered court;

4 (ii) all documents filed in a covered
5 court, either by paper or electronically, and
6 reflected in a docket of a covered court;

7 (iii) all orders and opinions filed in a
8 docket of a covered court;

9 (iv) all audio recordings filed in a
10 docket of a covered court; and

11 (v) any other record identified by the
12 Director of the Administrative Office of
13 the United States Courts whose publication
14 in the system created by this Act would
15 serve to help the public better understand
16 the functioning of the courts.

17 (2) CONSOLIDATION.—Not later than the date
18 specified in subsection (f), the Director of the Ad-
19 ministrative Office of the United States Courts, shall
20 develop, deliver, operate, and sustain, consistent with
21 the requirements of this Act, a centralized system
22 with a separate public interface. In carrying out
23 these responsibilities, the Director may consult with
24 the Administrator of General Services.

1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 subsection may be construed to prohibit Federal
3 courts that are not covered courts from adopting the
4 code created for the system described under para-
5 graph (2).

6 (b) REQUIREMENTS OF SYSTEM.—The system de-
7 scribed under subsection (a) shall comply with the fol-
8 lowing requirements:

9 (1) The system shall provide search, bulk ac-
10 cess, and application programming interface func-
11 tions for content and metadata. In carrying out
12 these responsibilities, the Director may consult with
13 the Administrator of General Services.

14 (2) The system shall make covered records
15 automatically accessible, in accordance with the E-
16 Government Act of 2002 (44 U.S.C. 3501 note), to
17 the public upon filing, or in the case of previously
18 sealed records, after unsealing.

19 (3) The home page for public access to the sys-
20 tem shall include a notice displayed to first-time visi-
21 tors, as determined through a mechanism that does
22 not require registration or impose a fee, that users
23 will not use the system for an unlawful purpose. Ac-
24 cess to documents through other means, including

1 under paragraph (6), may not be conditioned upon
2 acknowledging such notice.

3 (4) Any information published pursuant to
4 paragraph (4), (5), or (6) of section 205(a) or sec-
5 tion 205(c)(1) of the E-Government Act of 2002 (44
6 U.S.C. 3501 note) shall be included in the system or
7 linked to prominently.

8 (5) Any information published pursuant to any
9 provision of section 205 of the E-Government Act of
10 2002 (44 U.S.C. 3501 note) not described in para-
11 graph (4) shall be accessible via links from the sys-
12 tem. Each website established pursuant to that sec-
13 tion shall contain a link to the system.

14 (6) Any website for the system shall substan-
15 tially comply with the requirements under sub-
16 sections (b) and (c) of section 205 of the E-Govern-
17 ment Act of 2002 (44 U.S.C. 3501 note).

18 (7) The system shall enable external websites to
19 be able to link to documents on the system via per-
20 manent, predictable URLs. The system shall not un-
21 duly restrict automated tools from accessing, index-
22 ing, and archiving such documents.

23 (8) The system may enable courts to automati-
24 cally generate and submit, in a computer-readable

1 format, the reports required by sections 2519(1) and
2 3103a(d)(1) of title 18, United States Code.

3 (9) The system shall at all times comply with
4 the Judiciary Information Security Framework.

5 (10) For bankruptcy notices provided in accord-
6 ance with the Federal Rules of Bankruptcy Proce-
7 dure, the system may provide bankruptcy notices
8 electronically.

9 (11) The system shall create a machine-read-
10 able neutral citation for all orders, opinions, and de-
11 cisions made available through the system. The cita-
12 tions shall take the format of the year of the filing
13 of the document, an abbreviated court name, and a
14 serial number for the document.

15 (12) The system shall enable users to receive
16 automatic notifications of new covered records in
17 specific cases or cases that match particular search
18 criteria, using industry-standard notification tech-
19 nologies identified by the Director of the Adminis-
20 trative Office of the United States Courts.

21 (13) Consistent with the best practices outlined
22 in OMB Memorandum M-16-21 or a successor doc-
23 ument, the Director of the Administrative Office of
24 the United States Courts may enable other Federal,
25 state and territorial, local and tribal government en-

1 tities, and nonprofit organizations supporting those
2 entities, to access and reuse the code for the system.
3 It should be taken into consideration that contracts
4 related to the development of custom code acquire
5 and enforce rights sufficient to enable reuse of that
6 custom-developed code.

7 (c) DEVELOPMENT STANDARDS.—The system de-
8 scribed under subsection (a) shall be developed with the
9 following principles:

10 (1) User-centered design, including—

11 (A) research with end users of the system
12 such as users within the judiciary, attorney and
13 pro se filers, the media, academic researchers,
14 and the public; and

15 (B) product development practices such as
16 formal and continuous feedback loops and a
17 publicly available backlog.

18 (2) Modern software development such as fre-
19 quent deployments, short cycle times, and integrated
20 development, security, and operations.

21 (3) Modern, flexible, and open-source software
22 architecture focused on enabling future changes,
23 data portability, software modularity and maintain-
24 ability, and the use of application programming
25 interfaces to enable public access to data.

1 (d) DATA STANDARDS.—

2 (1) ESTABLISHMENT OF DATA STANDARDS.—

3 The Director of the Administrative Office of the
4 United States Courts shall establish data standards
5 for the system established under subsection (a). In
6 carrying out these responsibilities, the Director may
7 consult with the Administrator of General Services
8 and the Archivist of the United States.

9 (2) REQUIREMENTS.—The data standards es-
10 tablished under paragraph (1) shall, to the extent
11 reasonable and practicable—

12 (A) incorporate widely accepted common
13 data elements;

14 (B) incorporate a widely accepted, non-
15 proprietary, full text searchable, platform-inde-
16 pendent computer-readable format; and

17 (C) be capable of being continually up-
18 graded as necessary.

19 (3) DEADLINES.—Not later than 1 year after
20 the date of enactment of this Act, the Director of
21 the Administrative Office of the United States
22 Courts shall issue guidance to all covered courts, as
23 defined in subsection (a), on the data standards es-
24 tablished under this subsection.

1 (e) USE OF TECHNOLOGY.—In carrying out the du-
2 ties under subsection (a), the Director of the Administra-
3 tive Office of the United States Courts shall use modern
4 technology—

5 (1) to improve security, data accessibility, data
6 quality, affordability, and performance; and

7 (2) to minimize the burden on pro se litigants.

8 (f) DATE SPECIFIED.—The date specified in this sub-
9 section is the date that is 5 years after the date of enact-
10 ment of this Act, unless the Director of the Administrative
11 Office of the United States Courts certifies to Congress,
12 by not later than 4 years after the date of enactment of
13 this Act, that an additional period of time is required. If
14 the Director so certifies, the date specified in this sub-
15 section is the date that is 6 years after the date of enact-
16 ment of this Act.

17 **SEC. 3. FUNDS FOR DEVELOPMENT, OPERATION, AND**
18 **MAINTENANCE OF MODERNIZED COURT**
19 **RECORDS SYSTEM.**

20 (a) SHORT TERM INCREASED ACCESS FEES FOR
21 HIGH-VOLUME USERS TO FUND THE DEVELOPMENT OF
22 THE MODERNIZED COURT RECORDS SYSTEM.—

23 (1) IN GENERAL.—Section 303 of the Judiciary
24 Appropriations Act, 1992 (title III of Public Law

1 102–140; 105 Stat. 807) (28 U.S.C. 1913 note) is
2 amended—

3 (A) in subsection (a)—

4 (i) in the first sentence, by striking
5 “(a) The” and inserting “(a) (1) The”;
6 and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(2) Not later than 210 days after the date of enact-
10 ment of the Open Courts Act of 2026, the Judicial Con-
11 ference shall prescribe, after providing public notice and
12 an opportunity for public comment, a schedule of addi-
13 tional fees for any person other than a government agency
14 that accrues such fees for access in an amount of \$25,000
15 or greater in any quarter or uses bulk-access functions.
16 All fees collected under the preceding sentence shall be
17 deposited as offsetting collections to the Judiciary Infor-
18 mation Technology Fund pursuant to section 612(c)(1)(A)
19 of title 28, United States Code.”; and

20 (B) in subsection (b), in the second sen-
21 tence, by striking “All” and inserting “Except
22 as otherwise provided in this section, all”.

23 (2) EFFECTIVE DATE.—The amendments made
24 by paragraph (1) shall take effect on the date of en-
25 actment of this Act.

1 (b) LONG TERM FUNDING FOR THE OPERATION AND
2 MAINTENANCE OF THE MODERNIZED COURT RECORDS
3 SYSTEM AND OTHER PUBLIC ACCESS PROGRAMS.—

4 (1) IN GENERAL.—Section 303 of the Judiciary
5 Appropriations Act, 1992 (title III of Public Law
6 102–140; 105 Stat. 807) (28 U.S.C. 1913 note), as
7 amended by subsection (a)(1) of this section, is
8 amended by striking subsections (a) and (b) and in-
9 serting the following:

10 “(a) In this section—

11 “(1) the term ‘annual covered costs’ means for
12 each fiscal year, the total of—

13 “(A) the cost of operating and maintaining
14 the system described under section 2 of the
15 Open Courts Act of 2026; and

16 “(B) the covered public access program
17 costs;

18 “(2) the term ‘covered public access program
19 costs’ means the portion of the Public Access to
20 Court Electronic Records access fees used by the
21 Administrative Office of the United States Courts
22 for other public access programs, in the full fiscal
23 year preceding the date of enactment of the Open
24 Courts Act of 2026, as adjusted for inflation; and

1 “(b) To generate revenue to offset the annual covered
2 costs, the Director of the Administrative Office of the
3 United States Courts shall collect an annual fee from Fed-
4 eral agencies equal to the Public Access to Court Elec-
5 tronic Records access fees paid by those agencies in the
6 full fiscal year preceding the date of enactment of the
7 Open Courts Act of 2026, as adjusted for inflation.

8 “(c) If the revenue generated in the first full fiscal
9 year after the implementation of the fees under subsection
10 (b) is not sufficient to offset the annual covered costs, the
11 Judicial Conference shall, after providing public notice
12 and an opportunity for public comment, prescribe sched-
13 ules of reasonable filing fees, pursuant to sections 1913,
14 1914, 1926, 1930, and 1932 of title 28, United States
15 Code, that—

16 “(1) shall be based on factors to ensure that
17 such schedules are graduated, including the cause of
18 action and claim for relief, the status of the filer in
19 the action and the financial hardship an additional
20 fee would place on the filer, the amount of damages
21 demanded, the estimated complexity of the type of
22 action, and the interests of justice;

23 “(2) may be prescribed for the filing of a coun-
24 terclaim;

1 “(3) shall not apply to a filer (other than a filer
2 who is required by Federal law to pay filing fees, in-
3 cluding under section 1915 of title 28, United States
4 Code) who certifies that their adjusted gross income
5 was less than \$250,000, adjusted for inflation, based
6 on their total income from the previous calendar
7 year.;

8 “(4) shall not be a basis for denying access to
9 the courts of the United States; and

10 “(5) a court, upon motion, may waive in the in-
11 terest of justice.

12 “(d) All fees collected under this section shall be de-
13 posited as offsetting collections to the Judiciary Informa-
14 tion Technology Fund pursuant to section 612(c)(1)(A)
15 of title 28, United States Code, and may only be used to
16 reimburse expenses incurred carrying out the Open Courts
17 Act of 2026, for other public access programs (not to ex-
18 ceed the amount of covered public access program costs),
19 and not for any other purpose.

20 “(e) The Judicial Conference and the Director shall
21 transmit each schedule of fees prescribed under this sec-
22 tion to Congress at least 90 days before the schedule be-
23 comes effective. The Judicial Conference shall review a
24 schedule of fees prescribed under this section 3 years after
25 the schedule becomes effective and every 3 years there-

1 after to ensure that the fees meet the requirements of this
2 subsection. If the fees do not meet the requirements of
3 this subsection, the Judicial Conference shall prescribe a
4 new schedule of fees pursuant to this subsection and sub-
5 mit the new schedule of fees to Congress.

6 “(f) If at the end of a fiscal year, the Judiciary Infor-
7 mation Technology Fund contains more than \$50,000,000
8 in funds that have not already been obligated to be spent
9 in the next fiscal year, generated through the fees pre-
10 scribed under this subsection—

11 “(1) all excess funds over \$50,000,000 shall be
12 transferred to the general fund of the Treasury;

13 “(2) notice of this fact and the amount trans-
14 ferred to the Treasury shall be published on the
15 public website of the Administrative Office of United
16 States Courts; and

17 “(3) the Judicial Conference shall within 210
18 days review the fee schedule to reduce the excess
19 revenue generated.

20 “(g)(1) No fees may be charged to access any
21 functionality of the system created under section 2 of the
22 Open Courts Act of 2026.

23 “(2) Nothing in paragraph (1) may be construed to
24 prohibit the collection of fees from agencies under sub-
25 section (a).”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect on the date speci-
3 fied in section 2(f).

4 **SEC. 4. DIGITAL ACCESSIBILITY AND MOBILE-FRIENDLY**
5 **DESIGN STANDARDS.**

6 The system described under this Act shall comply
7 with—

8 (1) relevant digital accessibility standards es-
9 tablished pursuant to section 508 of the Rehabilita-
10 tion Act of 1973 (29 U.S.C. 794d); and

11 (2) section 3559 of title 44, United States
12 Code, if the system were operated by an agency in
13 the executive branch.

14 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of enactment of this Act, and quarterly thereafter,
17 the Comptroller General of the United States shall notify
18 Congress whether the Director of the Administrative Of-
19 fice of United States Courts has—

20 (1) produced additional usable functionality of
21 the system described under section 2 of this Act;
22 and

23 (2) allowed the Comptroller General or a des-
24 ignee to attend all sprint reviews held during the ap-
25 plicable period.

1 (b) AUDIT.—Not later than 2 years after the date
2 of enactment of this Act, and every 2 years thereafter,
3 the Comptroller General of the United States shall—

4 (1) conduct an audit of the system established
5 under this Act, including the compliance of vendors
6 with the quality assessment surveillance plan, code
7 quality, and whether the system is meeting the needs
8 of users; and

9 (2) provide a briefing to Congress that con-
10 tains—

11 (A) the results of the audit; and

12 (B) any recommendations to improve the
13 system established under this Act.

14 (c) SUNSET.—This section is effective beginning on
15 the date of enactment of this Act and ending on the date
16 that is 10 years after the date specified in section 2(f).

17 **SEC. 6. CYBERSECURITY REQUIREMENTS.**

18 (a) IN GENERAL.—The Director of the Administra-
19 tive Office of the United States Courts shall ensure the
20 cybersecurity of the system described under section 2 of
21 this Act in consultation with the relevant cybersecurity ex-
22 pert agencies in the executive branch and consistent with
23 the relevant cybersecurity laws (including regulations),
24 policies, and standards that would apply if the system
25 would be operated by an agency in the executive branch,

1 including section 225(b)(1)(D) of the Federal Cybersecu-
2 rity Enhancement Act of 2015 (6 U.S.C. 1523(b)(1)(D)).

3 (b) WAIVER.—The Director of the Administrative Of-
4 fice of the United States Courts may waive an executive
5 branch cybersecurity requirement if—

6 (1) the requirement would be infeasible to im-
7 plement or result in the executive branch gaining ac-
8 cess to confidential or nonpublic judicial branch in-
9 formation; and

10 (2) the Director—

11 (A) takes alternative actions to mitigate
12 the cybersecurity risks that the requirement
13 would address; and

14 (B) not less frequently than annually—

15 (i) notifies the congressional commit-
16 tees described in section 205(g)(2) of the
17 E-Government Act of 2002 (44 U.S.C.
18 3501 note) of the nature of any exceptions
19 and alternative actions implemented; and

20 (ii) certifies that the intent of the re-
21 quirement has been achieved through alter-
22 nate means.

23 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall require the judicial branch to provide the execu-

1 tive branch with privileged access to any judicial branch
2 information system.

3 **SEC. 7. UPDATES TO THE E-GOVERNMENT ACT OF 2002.**

4 Section 205(b) of the E-Government Act of 2002 (44
5 U.S.C. 3501 note) is amended by striking paragraph (2)
6 and inserting the following:

7 “(2) CLOSED CASES.—

8 “(A) IN GENERAL.—Electronic files and
9 docket information for closed cases shall be
10 made available online until the later of—

11 “(i) 15 years after the date on which
12 the case is closed; and

13 “(ii) the date on which the electronic
14 files and docket information are trans-
15 ferred to the National Archives.

16 “(B) WRITTEN OPINIONS.—All written
17 opinions issued after the date of enactment of
18 this section shall remain available online unless
19 otherwise redacted by court order.”.

20 **SEC. 8. PROVISION OF SERVICES BY THE GENERAL SERV-**
21 **ICES ADMINISTRATION.**

22 Upon the request of the Director of the Administra-
23 tive Office of the United States Courts, the Administrator
24 of General Services may provide to the Administrative Of-
25 fice, on a reimbursable basis, administrative and technical

1 support services, or information technology products and
2 platforms.

3 **SEC. 9. ELECTRONIC BANKRUPTCY NOTICES.**

4 Section 342 of title 11, United States Code, is
5 amended—

6 (1) in subsection (e)—

7 (A) in paragraph (1), by inserting “elec-
8 tronic” before “address”; and

9 (B) in paragraph (2), by inserting “elec-
10 tronic” after “provided to such”; and

11 (2) in subsection (f)—

12 (A) in paragraph (1), by inserting “elec-
13 tronic” after “of”; and

14 (B) in paragraph (2), by inserting “elec-
15 tronic” after “provided to such”.

16 **SEC. 10. RULE OF CONSTRUCTION.**

17 Nothing in this Act, or the amendments made by this
18 Act, shall be construed to—

19 (1) affect the filing fees or other filing proce-
20 dures for prisoners;

21 (2) abrogate, limit, or modify the requirements
22 described in section 1915 of title 28, United States
23 Code;

1 (3) limit or impair the right of public access to
2 judicial records or any right of public access to in-
3 formation otherwise provided by law; or

4 (4) mandate the disclosure of information that
5 is lawfully sealed or otherwise restricted from public
6 access by Federal law.