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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct courts to award attorneys fees in criminal cases that do not
result in a conviction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To direct courts to award attorneys fees in criminal cases
that do not result in a conviction, 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 “Litigation Reimburse-
5 ment Act”.

1 **SEC. 2. AWARD OF ATTORNEYS FEES REQUIRED IN CRIMI-**
2 **NAL CASES THAT DO NOT RESULT IN A CON-**
3 **VICTION.**

4 Section 617 of the Departments of Commerce, Jus-
5 tice, and State, the Judiciary, and Related Agencies Ap-
6 propriations Act, 1998 (18 U.S.C. 3006A note) is amend-
7 ed—

8 (1) by striking “fiscal year 1998” and inserting
9 “fiscal year 2026”;

10 (2) by striking “pending on or after the date of
11 the enactment of this Act” and inserting “pending
12 on or after the date of the enactment of the Litiga-
13 tion Reimbursement Act”; and

14 (3) by striking “may award to a prevailing
15 party, other than the United States, a reasonable at-
16 torney’s fee and other litigation expenses, where the
17 court finds that the position of the United States
18 was vexatious, frivolous, or in bad faith,” and insert-
19 ing “shall award to a prevailing party, other than
20 the United States, a reasonable attorney’s fee and
21 other litigation expenses, in any case that proceeds
22 to trial and with respect to which a verdict is ren-
23 dered by the judge or jury that is not a conviction,”.

1 **SEC. 3. AWARD OF COSTS AND FEES REQUIRED IN CIVIL**
2 **CASES.**

3 Section 2412 of title 28, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “may be
6 awarded” and inserting “shall be awarded”; and

7 (2) in subsection (b), by striking “may be
8 awarded” and inserting “shall be awarded”.