

119TH CONGRESS
1ST SESSION

H. R. 5477

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

SEPTEMBER 18, 2025

Mr. McCORMICK (for himself and Mr. EZELL) introduced the following bill;
which was referred to the Committee on the Judiciary

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”.

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

9 Section 617 of the Departments of Commerce, Jus-
10 tice, and State, the Judiciary, and Related Agencies Ap-

1 appropriations Act, 1998 (18 U.S.C. 3006A note) is amend-
2 ed—

3 (1) by striking “fiscal year 1998” and inserting
4 “fiscal year 2026”;

5 (2) by striking “pending on or after the date of
6 the enactment of this Act” and inserting “pending
7 on or after the date of the enactment of the Litiga-
8 tion Reimbursement Act”; and

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

19 **SEC. 3. AWARD OF COSTS AND FEES REQUIRED IN CIVIL**
20 **CASES.**

21 Section 2412 of title 28, United States Code, is
22 amended—

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

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

