

115TH CONGRESS
1ST SESSION

H. R. 1033

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2017

Received

AN ACT

To amend titles 5 and 28, United States Code, to require the maintenance of databases on, awards of fees and other expenses to prevailing parties in certain administrative proceedings and court cases to which the United States is a party, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Open Book on Equal
3 Access to Justice Act”.

4 **SEC. 2. MODIFICATION OF EQUAL ACCESS TO JUSTICE**
5 **PROVISIONS.**

6 (a) AGENCY PROCEEDINGS.—Section 504 of title 5,
7 United States Code, is amended—

8 (1) in subsection (c)(1), by striking “, United
9 States Code”;

10 (2) by redesignating subsection (f) as sub-
11 section (h);

12 (3) by striking subsection (e); and

13 (4) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) The Chairman of the Administrative Conference
16 of the United States shall create and maintain online a
17 searchable database containing the following information
18 with respect to each award of fees and other expenses
19 under this section:

20 “(1) The case name and number of the adver-
21 sary adjudication, if available.

22 “(2) The name of the agency involved in the
23 adversary adjudication.

24 “(3) A description of the claims in the adver-
25 sary adjudication.

1 “(4) The name of each party to whom the
2 award was made, as such party is identified in the
3 order or other agency document making the award.

4 “(5) The amount of the award.

5 “(6) The basis for the finding that the position
6 of the agency concerned was not substantially justi-
7 fied.

8 “(f) The online searchable database described in sub-
9 section (e) may not reveal any information the disclosure
10 of which is prohibited by law or court order.

11 “(g) The head of each agency shall provide to the
12 Chairman of the Administrative Conference of the United
13 States, no later than 60 days following the Chairman’s
14 request, all information requested by the Chairman to
15 comply with the requirements of subsections (e) and (f).”.

16 (b) COURT CASES.—Section 2412(d) of title 28,
17 United States Code, is amended by adding at the end the
18 following:

19 “(5) The Chairman of the Administrative Conference
20 shall create and maintain online a searchable database
21 containing the following information with respect to each
22 award of fees and other expenses under this section:

23 “(A) The case name and number.

24 “(B) The name of the agency involved in the
25 case.

1 “(C) The name of each party to whom the
2 award was made, as such party is identified in the
3 order or other court document making the award.

4 “(D) A description of the claims in the case.

5 “(E) The amount of the award.

6 “(F) The basis for the finding that the position
7 of the agency concerned was not substantially justi-
8 fied.

9 “(6) The online searchable database described in
10 paragraph (5) may not reveal any information the disclo-
11 sure of which is prohibited by law or court order.

12 “(7) The head of each agency (including the Attorney
13 General of the United States) shall provide to the Chair-
14 man of the Administrative Conference of the United
15 States, no later than 60 days following the Chairman’s
16 request, all information requested by the Chairman to
17 comply with the requirements of paragraphs (5) and (6).”.

18 (c) CLERICAL AMENDMENTS.—Section 2412 of title
19 28, United States Code, is amended—

20 (1) in subsection (d)(3), by striking “United
21 States Code,”; and

22 (2) in subsection (e)—

23 (A) by striking “of section 2412 of title
24 28, United States Code,” and inserting “of this
25 section”; and

1 (B) by striking “of such title” and insert-
2 ing “of this title”.

3 (d) EFFECTIVE DATE.—

4 (1) IN GENERAL.—The amendments made by
5 subsections (a) and (b) shall first apply with respect
6 to awards of fees and other expenses that are made
7 on or after the date of the enactment of this Act.

8 (2) ONLINE DATABASES.—The online databases
9 required by section 504(e) of title 5, United States
10 Code, and section 2412(d)(5) of title 28, United
11 States Code, shall be established as soon as prac-
12 ticable after the date of the enactment of this Act,
13 but in no case later than 1 year after the date of
14 the enactment of this Act.

Passed the House of Representatives February 27,
2017.

Attest:

KAREN L. HAAS,

Clerk.