

116TH CONGRESS
1ST SESSION

H. R. 752

IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2019

Received; read twice and referred to the Committee on the Judiciary

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); and

12 (3) by striking subsection (e) and inserting the
13 following:

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

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

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

23 “(3) A description of the claims in the adver-
24 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 (f) 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 all information requested by the Chairman to com-
14 ply with the requirements of subsections (e) and (f) not
15 later than 60 days after the date on which the request
16 is made.”.

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

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

24 “(A) The case name and number.

1 “(B) The name of the agency involved in the
2 case.

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

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

7 “(E) The amount of the award.

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

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

14 “(7) The head of each agency (including the Attorney
15 General of the United States) shall provide to the Chair-
16 man of the Administrative Conference of the United
17 States all information requested by the Chairman to com-
18 ply with the requirements of paragraphs (5) and (6) not
19 later than 60 days after the date on which the request
20 is made.”.

21 (c) CLERICAL AMENDMENTS.—Section 2412 of title
22 28, United States Code, is amended—

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

25 (2) in subsection (e)—

1 (A) by striking “of section 2412 of title
2 28, United States Code,” and inserting “of this
3 section”; and

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

6 (d) EFFECTIVE DATE.—

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

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

Passed the House of Representatives February 7,
2019.

Attest:

KAREN L. HAAS,
Clerk.