

[H.R. 3279, Open Book on Equal Access to Justice Act, as amended](#)

FLOOR SITUATION

On Monday, November 30, 2015, the House will consider [H.R. 3279](#), *the Open Book on Equal Access to Justice Act*, as amended, under suspension of the rules. H.R. 3279 was introduced on July 29, 2015 by Rep. Doug Collins (R-GA) and was referred to the Committee on the Judiciary, which ordered the bill to be reported by voice vote on October 27, 2015.

SUMMARY

H.R. 3279 would require the Administrative Conference of the United States (ACUS) to create an online searchable database containing information about cases in which fees and expenses were awarded by courts or federal agencies to individuals or entities under the Equal Access to Justice Act. The bill also requires the ACUS to submit an annual report to Congress on these payments. This reporting requirement will sunset after seven years.

BACKGROUND

The Equal Access to Justice Act (EAJA) was enacted “in response to widespread sentiment that administrative agencies were burdening small businesses with excessive regulation.”¹ The EAJA provides for award of attorneys’ fees for individuals and certain entities that prevail in cases (except in tort cases) against the federal government. As the Supreme Court has noted, EAJA was adopted with the “specific purpose” of “eliminating for the average person the financial disincentive to challenge unreasonable governmental actions.”² EAJA was re-enacted and made permanent in 1985.³

“The Administrative Conference of the United States (ACUS) was established by statute in 1964 as an independent agency of the federal government. Its purpose is to promote improvements in the efficiency, adequacy, and fairness of the procedures by which federal agencies conduct regulatory programs, administer grants and benefits, and perform related governmental functions.”⁴

¹ See [House Report 113-434](#) at 2.

² Id.

³ Id.

⁴ See Administrative Conference of the United States, [About the Administrative Conference Act](#)

In the past, agencies were required to report annually on payments made pursuant to EAJA; however, Congress repealed the reporting requirements and defunded ACUS in 1995. Although ACUS was reestablished in 2010, the EAJA reporting requirements have not been reinstated.⁵ H.R. 3279 reinstates government-wide EAJA reporting, giving Congress the data necessary to conduct robust oversight of the federal government's expenditures under the law.

According to the bill sponsor, "Allowing plaintiffs to recoup legal costs when they sue the federal government for reparations they deserve is only fair. Many Americans do not have the resources to take on our sprawling bureaucracy, but the EAJA gave them the power to get that money back by removing a barrier to justice for those with limited access to resources. However, since the original reporting requirements were halted by Congress, payments made under the law have skyrocketed. Tracking and reporting payments will help preserve the integrity of this law, and help Congress make sure it is working effectively."⁶

H.R. 3279 is similar to [H.R. 2919](#), which passed the House by voice vote on May 6, 2014. The Senate did not act on the House-passed bill in the 113th Congress.

COST

The Congressional Budget Office (CBO) [estimates](#) that implementing H.R. 3279 would cost about \$1 million in fiscal year 2016 and less than \$500,000 each year thereafter, assuming appropriation of the necessary amounts. Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

⁵ See House Report 113-434 at 4.

⁶ See Rep. Doug Collins Press Release, ["Congressman Collins and Cohen Introduce the Open Book on Equal Justice Act."](#) July 29, 2015.