

115TH CONGRESS  
1ST SESSION

# H. R. 1033

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## 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.—

Passed the House of Representatives February 27,  
2017.

Attest:

*Clerk.*

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