

Ms. BASS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

OPEN BOOK ON EQUAL ACCESS TO JUSTICE ACT

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 752) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Open Book on Equal Access to Justice Act".

SEC. 2. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

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

(1) in subsection (c)(1), by striking "United States Code";

(2) by redesignating subsection (f) as subsection (h); and

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

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

"(1) The case name and number of the adversary adjudication, if available.

"(2) The name of the agency involved in the adversary adjudication.

"(3) A description of the claims in the adversary adjudication.

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

"(5) The amount of the award.

"(6) The basis for the finding that the position of the agency concerned was not substantially justified.

"(f) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order.

"(g) The head of each agency shall provide to the Chairman of the Administrative Conference of the United States all information requested by the Chairman to comply with the requirements of subsections (e) and (f) not later than 60 days after the date on which the request is made."

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

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

"(A) The case name and number.

"(B) The name of the agency involved in the case.

"(C) The name of each party to whom the award was made, as such party is identified

in the order or other court document making the award.

"(D) A description of the claims in the case.

"(E) The amount of the award.

"(F) The basis for the finding that the position of the agency concerned was not substantially justified.

"(6) The online searchable database described in paragraph (5) may not reveal any information the disclosure of which is prohibited by law or court order.

"(7) The head of each agency (including the Attorney General of the United States) shall provide to the Chairman of the Administrative Conference of the United States all information requested by the Chairman to comply with the requirements of paragraphs (5) and (6) not later than 60 days after the date on which the request is made."

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

(1) in subsection (d)(3), by striking "United States Code,"; and

(2) in subsection (e)—

(A) by striking "of section 2412 of title 28, United States Code," and inserting "of this section"; and

(B) by striking "of such title" and inserting "of this title".

(d) EFFECTIVE DATE.—

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

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Georgia (Mr. COLLINS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members have up to 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 752, the Open Book on Equal Access to Justice Act, a bill House Judiciary Committee Ranking Member COLLINS and I have worked on together for several years.

The Equal Access to Justice Act was enacted to allow Americans to recover attorneys' fees and costs associated with lawsuits against the Federal Government. This has enabled ordinary citizens, such as veterans, seniors, small business owners, advocates for clean air and clean water, and any other type of citizen to fight unfair or illegal government actions without fear of court costs.

The law has been a success. In 1995, however, an important reporting re-

quirement was removed from it, which made it harder for the public to know how much money the government has awarded. Our bill, the Open Book on Equal Access to Justice Act reinstates the Equal Access to Justice Act's tracking and reporting requirements with respect to payments awarded so that American people can have access to this important information.

It would do this by requiring ACUS, an acronym for the Administrative Conference of the United States, a highly respected, nonpartisan agency, to prepare an annual report for Congress on the fees and costs awarded in these cases. The reports would also include the number and nature of the claims involved.

In summary, H.R. 752 would promote greater transparency and accountability. Accordingly, I urge my colleagues to join me and Mr. COLLINS in voting for this measure today, and I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are so many times on this floor that we come down here and we talk about things that divide us, but I have to say, Mr. COHEN and I, we have had so many things that sometimes we don't see eye to eye on, but we are still friends, and this is one of those times where we have been pursuing this one for a long time. This is a bill that I have been very privileged to have him be a part of and sponsor.

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H.R. 752, the Open Book on Equal Access to Justice Act, is to provide transparency and oversight for taxpayer dollars awarded under the Equal Access to Justice Act.

Of all the folks who have been cosponsors on this, Mr. COHEN has stood out among all. He has been such a great supporter of this, and it is good to have him with us managing this bill.

I also thank Representatives CHENEY and PETERSON for being original cosponsors and their continued leadership on this.

Also, Mr. Speaker, because this is, I believe, something we should have passed last Congress, we went ahead and worked it, and, today, we are also excited to have identical legislation that has been introduced in the Senate by Senators BARRASSO and COONS.

This bill has previously passed the House unanimously. It is common sense and restores needed congressional and public oversight.

Congress originally passed the Equal Access to Justice Act in 1980 to remove a barrier to justice for those with limited access to the resources it takes to sue the Federal Government and to recover attorney's fees and costs that go along with such suits. The law was meant to give citizens the ability to challenge or defend against unreasonable government actions where they might otherwise be deterred or unable to do so because of large legal expenses.

The Equal Access to Justice Act was intended for true David and Goliath scenarios where a wronged citizen is facing the Federal Government's vast resources. This law has been on the books for decades and remains important. However, since 1995, tracking and reporting requirements on payments under the law have been halted. Without a comprehensive Federal report on the total amount of fees under the law, we have fallen behind in oversight responsibilities and can't tell, in a meaningful way, if that law is still working as intended.

In fact, a Government Accountability Office report indicated that, without any direction to track payments, most agencies simply do not do it. We have only anecdotal evidence about how much we are spending on attorney's fees, the agencies paying out the fees, and what types of claims are being covered.

The Open Book on Equal Access to Justice Act reinstates needed transparency and accountability requirements to ensure that the Equal Access to Justice Act is helping individuals, retirees, veterans, and small businesses as intended. It requires the Administrative Conference of the United States to develop an online searchable database that includes information on the number, nature, and amount of the awards; claims involved in the controversy; and other relevant information. Agencies would be required to provide information requested by ACUS for the development and maintenance of the database. Importantly, ACUS would be required to withhold information from the database if disclosure is prohibited by law or court order.

As made clear in report language in previous years, I continue to expect ACUS to take appropriate measures to ensure that individual specific healthcare information, such as an individual's diagnoses and treatments, is not contained in the database. This legislation ensures appropriate protections are in place while facilitating critical public and congressional oversight.

The Open Book on Equal Access to Justice Act places agency expenditures under EAJA in view of a watchful public eye and restores scrutiny over taxpayer dollars.

Where the Federal Government is spending money, Congress needs to exercise oversight and ensure it is being done in accordance with the law and congressional intent.

Tracking and reporting requirements preserve the integrity of the Equal Access to Justice Act. They will enable Congress to evaluate the law to make sure it is working effectively for the people it is intended to help. We owe it to small businesses, Social Security claimants, veterans, and similarly situated individuals who rely on the law, faced with the daunting task of taking on the Federal Government, to make sure that it is working.

I look forward to continuing bipartisan efforts to move this bill forward and to the Open Book on Equal Justice Act ultimately becoming law. The consensus behind this legislation reflects the need to address this issue and Americans' right to know how their taxpayer dollars are being spent. It is time we gave them that transparency.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, today, I recognize a lady who served in this Congress named Cynthia Lummis. She was the original cosponsor I had on this bill and worked hard on it and was a very fine Representative.

We also worked with a man named Lowell Baier. Mr. Baier wrote a book called "Inside the Equal Access to Justice Act: Environmental Litigation and the Crippling Battle over America's Lands, Endangered Species, and Critical Habitats." He was a great supporter of this concept, and I want to recognize his efforts as well as Mrs. Lummis'.

Mr. Speaker, I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Ms. CHENEY), who is a cosponsor and our Conference chair. She has been a great supporter of this.

I would also be remiss, Mr. Speaker, to not say that it was her predecessor who introduced me to this issue, Mrs. Lummis, who always seems to be around, and she keeps this agenda in focus as well. I want to say thank you to her for her previous work.

Ms. CHENEY. Mr. Speaker, I thank my colleague and Republican leader of the Steering Committee, Mr. COLLINS, as well as my colleague, Mr. COHEN from Tennessee, for their work on this important issue. I thank Chairman NADLER, of course, for helping to bring this important bill to the floor. Of course, I echo my colleagues' fond words for my predecessor, Congresswoman Lummis, and all the work she did over the years on this issue and so many others for our great State. I thank them the opportunity to speak on this important bill.

Mr. Speaker, the Equal Access to Justice Act was enacted in 1980 for good reason: to ensure that private citizens could obtain legal representation in cases against the Federal Government, in cases where it was deserved.

While the Equal Access to Justice Act serves that important purpose in holding these Federal agencies accountable, in the past 20 years, we have seen this process abused too often by outside organizations. This program was intended to help everyday citizens seek justice, but those seeking profits have also had access to this program. They have effectively turned the Equal Access to Justice Act into their own personal wallet through frivolous lawsuits. This program was never intended to be a slush fund for serial litigators.

Making matters worse, the perversion of the Equal Access to Justice Act is funded by American taxpayers. Americans are footing the legal and attorney's fees of groups that are impeding critical activities, especially on Federal lands in my home State of Wyoming and in others.

It is clear that the Equal Access to Justice Act needs modernizing, and H.R. 752 is the first step toward that goal. This legislation still affords citizens, organizations, and other affected parties the same right to financial rewards in a prevailing lawsuit, but it finally would establish transparency and accountability for these funds.

Under H.R. 752, an online database detailing funds awarded to prevailing parties, the agency, and the party involved in the case, and a description of these claims, will be made available to the American people. This provides accountability and transparency not only to outside organizations, but to our Federal agencies and, most importantly, to the American people. The American people have a right to know how their hard-earned money is spent, and this legislation takes a crucial step toward doing just that.

I am pleased, Mr. Speaker, to support this important legislation, and I urge my colleagues to support it as well.

Mr. COHEN. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is definitely an area that I looked forward to. It should have happened last Congress, for my good friend from Tennessee. It is going to happen, I believe, in this Congress. We have both the House and the Senate, and I think this is definitely something the administration will support. I look forward to this becoming law.

This is simply a good bill that opens up transparency and allows us to make better decisions in Congress. That is what we are supposed to be about. Again, I thank my friend from Tennessee for being a cosponsor on this and for being a part of that.

Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, in closing, again, I would like to thank all the other people, all the members of the Academy and the producers and directors, but also Ranking Member COLLINS for his continued partnership on this bill, which passed the House last Congress and almost passed the Senate. We always have to remember the enemy is not the Republicans; it is the Senate.

Mr. Speaker, I thank Representatives COLLIN PETERSON and LIZ CHENEY for their efforts as well. I urge my colleagues to pass this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 752 "Open Book Equal Access to Justice Act" which will 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.

In 1980, Congress passed the Equal Access to Justice Act (EAJA) as a means to help individuals, retirees, veterans, and small businesses recover attorney's fees and costs associated with suing the federal government.

Congress intended the EAJA to remove a barrier to justice for those with limited access to the resources it takes to sue the federal government.

Payments of EAJA attorney's fees come from the budget of the agency who action gave rise to the claim.

While the original EAJA legislation included a requirement to track payments and report to Congress annually, Congress and the agencies halted tracking and reporting of payments made through EAJA in 1995.

Without any direction to track payments, most agencies simply do not do it and Congress and taxpayers are unable to exercise oversight over these funds.

H.R. 752 reinstates the tracking and reporting requirements of the original EAJA legislation by requiring the Administrative Conference of the United States (ACUS) to develop an online, searchable database to facilitate public and Congressional oversight over the program.

This will allow public access to information on the amount of attorney's fees being paid under EAJA, to whom the taxpayers' money is being paid, and from which agencies.

The Open Book on Equal Access to Justice Act helps ensure that agencies are operating under the public eye and that taxpayer dollars are being spent effectively and properly.

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 EAJA gave them the power to do that by removing a barrier to justice for those with limited access to resources.

Since the original reporting requirements were halted by Congress, there is no information on payments made under the law.

Tracking and reporting payments will help preserve the integrity of this law and help Congress make sure it is working effectively for the people it was intended to help.

I urge my colleagues to join me in voting for H.R. 752.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 752.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 105;

Adoption of House Resolution 105, if ordered;

Motion to suspend the rules and pass H.R. 450; and

Motion to suspend the rules and pass H.R. 507.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 840, VETERANS' ACCESS TO CHILD CARE ACT; PROVIDING FOR ADOPTION OF H. RES. 86, PROVIDING AMOUNTS FOR THE EXPENSES OF THE SELECT COMMITTEE ON THE CLIMATE CRISIS AND THE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 105) providing for consideration of the bill (H.R. 840) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide child care assistance to veterans receiving certain medical services provided by the Department of Veterans Affairs; providing for the adoption of the resolution (H. Res. 86) providing amounts for the expenses of the Select Committee on the Climate Crisis and the Select Committee on the Modernization of Congress; and providing for consideration of motions to suspend the rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 227, nays 189, not voting 16, as follows:

[Roll No. 68]
YEAS—227

Adams	Cisneros	Doggett
Aguilar	Clark (MA)	Doyle, Michael
Axne	Clarke (NY)	F.
Barragán	Clay	Engel
Bass	Clyburn	Escobar
Beatty	Cohen	Eshoo
Bera	Connolly	Espallat
Beyer	Cooper	Evans
Bishop (GA)	Correa	Finkenauer
Blumenauer	Costa	Fletcher
Blunt Rochester	Courtney	Foster
Bonamici	Cox (CA)	Frankel
Boyle, Brendan	Craig	Fudge
F.	Crist	Gabbard
Brindisi	Crow	Gallego
Brown (MD)	Cuellar	Garamendi
Brownley (CA)	Cunningham	Garcia (IL)
Bustos	Davidson (KS)	Garcia (TX)
Butterfield	Davis (CA)	Golden
Carbajal	Davis, Danny K.	Gomez
Cárdenas	Dean	Gonzalez (TX)
Carson (IN)	DeFazio	Gottheimer
Cartwright	DeGette	Green (TX)
Case	DeLauro	Grijalva
Casten (IL)	DelBene	Haaland
Castor (FL)	Delgado	Harder (CA)
Castro (TX)	Demings	Hayes
Chu, Judy	DeSaulnier	Heck
Cielline	Deutch	Higgins (NY)

Hill (CA)	McAdams	Schiff
Himes	McBath	Schneider
Horn, Kendra S.	McCollum	Schrader
Horsford	McEachin	Schrier
Houlihan	McGovern	Scott (VA)
Hoyer	McNerney	Scott, David
Huffman	Meeks	Serrano
Jackson Lee	Meng	Sewell (AL)
Jayapal	Moore	Shalala
Jeffries	Morelle	Sherman
Johnson (GA)	Moulton	Sherrill
Johnson (TX)	Mucarsel-Powell	Sires
Kaptur	Murphy	Slotkin
Keating	Napolitano	Smith (WA)
Kelly (IL)	Neal	Soto
Kennedy	Neguse	Spanberger
Khanna	Norcross	Speier
Kildee	O'Halleran	Stanton
Kilmer	Ocasio-Cortez	Stevens
Kim	Omar	Suozi
Kind	Pallone	Swalwell (CA)
Kirkpatrick	Panetta	Takano
Krishnamoorthi	Pappas	Thompson (CA)
Kuster (NH)	Pascarell	Thompson (MS)
Lamb	Payne	Titus
Langevin	Perlmutter	Tlaib
Larsen (WA)	Peters	Tonko
Larson (CT)	Peterson	Torres (CA)
Lawrence	Phillips	Torres Small
Lawson (FL)	Pingree	(NM)
Lee (CA)	Pocan	Trahan
Lee (NV)	Porter	Trone
Levin (CA)	Pressley	Underwood
Levin (MI)	Price (NC)	Van Drew
Lewis	Quigley	Vargas
Lieu, Ted	Raskin	Veasey
Lipinski	Rice (NY)	Vela
Loeback	Richmond	Velázquez
Lofgren	Rose (NY)	Visclosky
Lowenthal	Rouda	Wasserman
Lowe	Roybal-Allard	Schultz
Luján	Ruiz	Waters
Luria	Ruppersberger	Watson Coleman
Lynch	Rush	Welch
Malinowski	Ryan	Wexton
Maloney,	Sánchez	Wild
Carolyn B.	Sarbanes	Yarmuth
Maloney, Sean	Scanlon	
Matsui	Schakowsky	

NAYS—189

Abraham	Duffy	Joyce (PA)
Aderholt	Duncan	Katko
Allen	Dunn	Kelly (MS)
Amash	Emmer	Kelly (PA)
Amodei	Estes	King (IA)
Armstrong	Ferguson	King (NY)
Arrington	Fitzpatrick	Kinzinger
Babin	Fleischmann	Kustoff (TN)
Bacon	Flores	LaHood
Baird	Fortenberry	Lamborn
Balderson	Foxx (NC)	Latta
Banks	Fulcher	Lesko
Barr	Gaetz	Long
Bergman	Gallagher	Lucas
Biggs	Gianforte	Luetkemeyer
Bilirakis	Gibbs	Marchant
Bishop (UT)	Gohmert	Marshall
Bost	Gonzalez (OH)	Massie
Brady	Gooden	Mast
Brooks (AL)	Gosar	McClintock
Brooks (IN)	Granger	McKinley
Buchanan	Graves (GA)	Meuser
Buck	Graves (LA)	Miller
Bucshon	Graves (MO)	Mitchell
Budd	Green (TN)	Moolenaar
Burchett	Griffith	Mooney (WV)
Burgess	Grothman	Mullin
Byrne	Guest	Newhouse
Calvert	Guthrie	Norman
Carter (GA)	Hagedorn	Nunes
Carter (TX)	Harris	Olson
Chabot	Hartzler	Palazzo
Cheney	Hern, Kevin	Palmer
Cline	Herrera Beutler	Pence
Cloud	Hice (GA)	Perry
Cole	Higgins (LA)	Posey
Collins (GA)	Hill (AR)	Ratcliffe
Collins (NY)	Holding	Reed
Comer	Hollingsworth	Reschenthaler
Conaway	Hudson	Rice (SC)
Cook	Huizenga	Riggleman
Crawford	Hunter	Roby
Crenshaw	Hurd (TX)	Rodgers (WA)
Curtis	Johnson (LA)	Roe, David P.
Davidson (OH)	Johnson (OH)	Rogers (AL)
Davis, Rodney	Johnson (SD)	Rogers (KY)
DesJarlais	Jordan	Rooney (FL)
Diaz-Balart	Joyce (OH)	Rose, John W.