

116TH CONGRESS  
1ST SESSION

# H. R. 752

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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); 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:

*Clerk.*

116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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