

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO _____

OFFERED BY M__ . _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Restoring Civil Rights
3 Attorney’s Fees Act”.

4 SEC. 2. ATTORNEY’S FEES.

5 Section 722 of the Revised Statutes of the United
6 States (42 U.S.C. 1988) is amended by adding at the end
7 the following new subsection:

8 “(d) For purposes of subsection (b), a party is consid-
9 ered prevailing if it has obtained relief through—

10 “(1) a judicial order, including any order that
11 conclusively resolves a claim by granting enduring
12 relief on the merits that alters the legal relationship
13 between the parties, or a preliminary injunction or
14 temporary restraining order that materially alters
15 the relationship between the parties and is not re-
16 versed and regardless of any subsequent vacatur of
17 the order on mootness grounds;

1 “(2) an enforceable written agreement or con-
2 sent decree; or

3 “(3) a voluntary or unilateral change in posi-
4 tion by the defendant, or government office, agency,
5 or official, that renders the action or proceeding
6 moot, deprives the party of standing, or that sub-
7 stantially grants the relief sought by the party.”.

8 **SEC. 3. EFFECTIVE DATE.**

9 This Act and the amendments made by this Act shall
10 take effect on the date of the enactment of this Act and
11 shall apply to any case that is—

12 (1) pending on such date of enactment; or

13 (2) commenced on or after such date of enact-
14 ment.

