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.

IN THE HOUSE OF REPRESENTATIVES

Mr. COLLINS of Georgia introduced the following bill; which was referred to the Committee on ________________________________

A BILL

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,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Open Book on Equal
5 Access to Justice Act”.

(Original Signature of Member)
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.”.

(e) 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.