

HR 5179

Equal Access to Justice Reform Amendments of 2001

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Law

Introduced: Jul 23, 2002

Current Status: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.

Latest Action: Referred to the Subcommittee on Courts, the Internet, and Intellectual Property. (Aug 20, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/5179>

Sponsor

Name: Rep. Manzullo, Donald A. [R-IL-16]

Party: Republican • State: IL • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

| Committee                | Chamber | Activity    | Date         |
|--------------------------|---------|-------------|--------------|
| Judiciary Committee      | House   | Referred to | Aug 20, 2002 |
| Small Business Committee | House   | Referred To | Jul 23, 2002 |

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Equal Access to Justice Reform Amendments of 2001 - Modifies Federal provisions regarding the functions and duties of the Office of Advocacy to include ensuring that the justice system remains accessible to small businesses for the resolution of disputes with the Federal Government. Directs the Office to advise, cooperate with, and consult with the President and Attorney General regarding provisions concerning the awarding of Federal contracts to small businesses and minority-, female-, and veteran-owned businesses.

Requires the Chief Counsel for Advocacy of the Small Business Administration to report to the congressional small business committees a report on the effectiveness of the Equal Access to Justice Act (EAJA) in achieving its purpose to ease the burden upon small businesses engaging in dispute resolution with the Federal Government, and on the variations in the frequency and amounts of fee awards paid by specific Federal agencies and within specific Federal circuits and districts.

Eliminates the EAJA's: (1) "substantial justification defense" whereby the Government can deny attorney's fees recovery to prevailing parties if the adjudicative officer of the agency finds that the agency's position was substantially justified; and (2) rate cap of \$125 per hour on attorney's fees.

Sets forth provisions regarding settlement offers, declaration of intent to seek a fee award, payment from agency appropriations, and taxpayer eligibility for fee awards.

Defines "prevailing party" to include a party whose pursuit of a non-frivolous claim or defense was a catalyst for a voluntary or unilateral change in position by the opposing party that provides any significant part of the relief sought.

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## **Actions Timeline**

- **Aug 20, 2002:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Jul 23, 2002:** Introduced in House
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- **Jul 23, 2002:** Referred to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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