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Equal Access to Justice Reform Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Law

Introduced: Nov 16, 2005

Current Status: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S12951

Latest Action: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S12951-12953) (Nov 16, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/2017>

Sponsor

Name: Sen. Feingold, Russell D. [D-WI]

Party: Democratic • State: WI • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Snowe, Olympia J. [R-ME]	R · ME		Nov 16, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Nov 16, 2005

Subjects & Policy Tags

Policy Area:

Law

Related Bills

Bill	Relationship	Last Action
109 HR 435	Identical bill	May 23, 2006: Subcommittee Hearings Held.

Equal Access to Justice Reform Act of 2005 - Includes within the functions and duties of the Small Business Administration's (SBA's) Office of Advocacy 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 Attorney General to report to specified congressional committees on: (1) the effectiveness of the Equal Access to Justice Act (EAJA) in achieving its purpose of easing the burden upon small businesses of engaging in dispute resolution with the federal government; (2) variations in the frequency and amounts of fee awards paid by specified federal entities; and (3) recommendations for congressional oversight or legislative changes.

Eliminates the EAJA's: (1) substantial justification standard whereby the government can deny attorney's fees to prevailing parties if the agency's position was substantially justified; and (2) rate cap on expert witness and attorney's fees.

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

Defines "prevailing party" in EAJA cases 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.

Actions Timeline

- **Nov 16, 2005:** Introduced in Senate
- **Nov 16, 2005:** Sponsor introductory remarks on measure. (CR S12950-12951)
- **Nov 16, 2005:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S12951-12953)