

## HR 435

Equal Access to Justice Reform Act of 2005

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Feb 1, 2005

**Current Status:** Subcommittee Hearings Held.

**Latest Action:** Subcommittee Hearings Held. (May 23, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/435>

### Sponsor

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

**Party:** Republican • **State:** IL • **Chamber:** House

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Feb 1, 2005

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Hearings By (subcommittee)	May 23, 2006
Small Business Committee	House	Referred To	Feb 1, 2005

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

Bill	Relationship	Last Action
109 S 2017	Identical bill	<b>Nov 16, 2005:</b> Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S12951-12953)

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**

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- **May 23, 2006:** Subcommittee Hearings Held.
- **Mar 2, 2005:** Referred to the Subcommittee on Courts, the Internet, and Intellectual Property.
- **Feb 1, 2005:** Introduced in House
- **Feb 1, 2005:** 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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