August 7, 2013

The Honorable Bob Goodlatte  
The Honorable John Conyers, Jr.  
Chairman  
Ranking Member  
Committee on the Judiciary  
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U.S. House of Representatives  
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Washington, D. C. 20515  
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Dear Chairman Goodlatte and Ranking Member Conyers:

On behalf of the National Association of Counties (NACo) and America’s 3,069 counties, I would like to express my strong support for the Open Book on Equal Access to Justice Act (H.R. 2919) and urge swift consideration by the House Judiciary Committee. This landmark bipartisan legislation would reform the Equal Access to Justice Act (EAJA) by reinstating tracking and reporting requirements of payments made under the Act.

The Equal Access to Justice Act (EAJA) was originally passed to ensure that individuals, small businesses, and non-profit organizations are able to recover both attorney’s fees and the costs associated with going to court in suits against the federal government. If the individuals or groups bringing the claim prevail, then the fees and costs are awarded. With the EAJA, Congress intended to remove a barrier to justice for those who had legitimate claims against the government. Unfortunately, in recent years, the EAJA has been abused, and a flood of non-substantive claims have been filed.

The Open Book on Equal Access to Justice Act strives to create a balance between ensuring access to courts for individuals, small businesses, and non-profit organizations in suits against the federal government and preventing abuses of the system. The Act would require every federal agency to begin tracking EAJA payments again, and tasks the Administrative Conference of the United States (ACUS) with compiling that data. ACUS is also required to submit an annual report to Congress, and to establish an online searchable database that will allow the public access to how much has been paid from EAJA, from which agencies, and to whom taxpayer dollars are being paid.

This landmark legislation provides necessary transparency in an effort to stop EAJA abuses, and maintains the EAJA to fulfill the function originally intended by Congress. Under the Act, veterans, social security claimants, individuals, and small businesses will still enjoy full access to EAJA funds.
Once again, on behalf of NACo and its Western Interstate Region, I would like to express my support of the Open Book on Equal Access to Justice Act. If you have any questions or concerns, please contact NACo’s Associate Legislative Director, Ryan R. Yates, at ryates@naco.org or phone him at (202) 942-2407.

Sincerely,

Matthew D. Chase
Executive Director
National Association of Counties (NACo)