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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 5, United States Code, to provide for certain rules relating
to the payment of attorney's fees.

IN THE HOUSE OF REPRESENTATIVES

Mr. TIFFANY introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 5, United States Code, to provide for certain
rules relating to the payment of attorney's fees.

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 “Fixing Eggregiously Ex-
5 pensive Suits Act of 2026” or as the “FEES Act of
6 2026”.

7 **SEC. 2. MODIFICATION OF EQUAL ACCESS TO JUSTICE**
8 **PROVISIONS.**

9 (a) AGENCY PROCEEDINGS.—

1 (1) ELIGIBILITY PARTIES.—Section 504(a)(1)
2 of title 5, United States Code, is amended by insert-
3 ing after “prevailing party” the following: “who has
4 a direct and personal monetary interest in the adju-
5 dication, including because of personal injury, pri-
6 vate property damage, or unpaid agency disburse-
7 ment,”.

8 (2) LIMITATION ON AWARDS.—Section 504(a)
9 of title 5, United States Code, is amended by adding
10 at the end the following:

11 “(5) A party may not receive an award of fees and
12 other expenses under this section—

13 “(A) in excess of \$200,000 in any single adver-
14 sary adjudication, or

15 “(B) for more than 3 adversary adjudications
16 initiated in the same calendar year,

17 unless the prevailing party has filed and prevailed in a
18 class action lawsuit or the Social Security Administration
19 or Department of Veterans Affairs is a party in such ac-
20 tion.”.

21 (b) CIVIL ACTIONS.—Section 2412(d)(1) of title 28,
22 United States Code, is amended—

23 (1) in subparagraph (A)—

1 (A) by striking “in any civil action” and
2 all that follows through “jurisdiction of that ac-
3 tion” and inserting “in the civil action”; and

4 (B) by striking “shall award to a pre-
5 vailing party other than the United States” and
6 inserting the following: “, in any civil action
7 (other than cases sounding in tort), including
8 proceedings for judicial review of agency action,
9 brought by or against the United States in any
10 court having jurisdiction of that action, shall
11 award to a prevailing party who has a direct
12 and personal monetary interest in the civil ac-
13 tion, including because of personal injury, pri-
14 vate property damage, or unpaid agency dis-
15 bursement, other than the United States,”;

16 (2) in subparagraph (C)—

17 (A) by striking “, in its discretion, may re-
18 duce the amount to be awarded pursuant to
19 this subsection, or deny an award,” and insert-
20 ing “shall reduce the amount to be awarded
21 under this subsection, or deny an award, com-
22 mensurate with pro bono hours and related fees
23 and expenses, or”;

24 (B) by striking “unduly and”; and

1 (C) by striking “controversy.” and insert-
2 ing “controversy or acted in an obdurate, dila-
3 tory, mendacious, or oppressive manner, or in
4 bad faith.”; and

5 (3) by adding at the end, the following:

6 “(E) An individual or entity may not re-
7 ceive an award of fees and other expenses under
8 this subsection in excess of—

9 “(i) \$200,000 in any single civil ac-
10 tion, or

11 “(ii) for more than 3 civil actions ini-
12 tiated in the same calendar year, unless
13 the prevailing party has filed and prevailed
14 in a class action lawsuit or the Social Se-
15 curity Administration or Department of
16 Veterans Affairs is a party in such ac-
17 tion.”.

18 (c) EFFECTIVE DATE.—The amendments made by—

19 (1) paragraphs (1) and (2) of subsection (a)
20 shall apply with respect to adversary adjudications
21 commenced on or after the date of the enactment of
22 this Act; and

23 (2) subsection (b) shall apply with respect to
24 civil actions commenced on or after such date of en-
25 actment.

1 **SEC. 3. SETTLEMENT AGREEMENTS AND CONSENT DE-**
2 **CREES.**

3 (a) **LIMITATION ON ATTORNEYS' FEES AND LITIGA-**
4 **TION COSTS.**—A settlement agreement or consent decree
5 resulting in a regulation or guidance document with re-
6 spect to which a Federal agency is a party may not include
7 the payment of attorneys' fees or litigation costs.

8 (b) **DEFINITIONS.**—In this section:

9 (1) **GUIDANCE DOCUMENT.**—The term “guid-
10 ance document”—

11 (A) means an agency statement of general
12 applicability (other than a regulation that has
13 the force and effect of law promulgated in ac-
14 cordance with the notice and public procedure
15 under section 553 of title 5, United States
16 Code) that—

17 (i) does not have the force and effect
18 of law; and

19 (ii) sets forth—

20 (I) an agency decision or a policy
21 on a statutory, regulatory, or tech-
22 nical issue; or

23 (II) an interpretation of a statu-
24 tory or regulatory issue; and

25 (B) may include—

26 (i) a memorandum;

- 1 (ii) a notice;
2 (iii) a bulletin;
3 (iv) a directive;
4 (v) a news release;
5 (vi) a letter;
6 (vii) a blog post;
7 (viii) a no-action letter;
8 (ix) a speech by an agency official;
9 (x) an advisory;
10 (xi) a manual;
11 (xii) a circular; or
12 (xiii) any combination of the items de-
13 scribed in clauses (i) through (xii).
- 14 (2) REGULATION.—The term “regulation”—
- 15 (A) means an agency statement of general
16 applicability and future effect, which the agency
17 intends to have the force and effect of law, that
18 is designed to implement, interpret, or prescribe
19 law or policy or to describe the procedure or
20 practice requirements of an agency;
- 21 (B) includes regulations issued pursuant
22 to—
- 23 (i) an informal rulemaking under sec-
24 tion 553 of title 5, United States Code;

1 (ii) a formal rulemaking under sec-
2 tions 556 and 557 of title 5, United States
3 Code; and

4 (iii) any combination of the informal
5 rulemaking described in clause (i) and the
6 formal rulemaking described in clause (ii);
7 and

8 (C) does not include—

9 (i) regulations that pertain to a mili-
10 tary or foreign affairs function of the
11 United States, other than procurement
12 regulations and regulations involving the
13 import or export of non-defense articles
14 and services;

15 (ii) regulations or regulations that are
16 limited to agency organization, manage-
17 ment, or personnel matters; or

18 (iii) any other category of regulations
19 exempted by the Administrator of Office of
20 Information and Regulatory Affairs.

21 **SEC. 4. INDEPENDENT REVIEW AND ASSESSMENT.**

22 (a) IN GENERAL.—Not later than 5 years after the
23 date of enactment of this Act, the Secretary of Interior
24 shall assemble an independent scientific panel to conduct
25 an assessment of the impacts of the provisions of this Act

1 on the ecological, social, and economic sustainability of
2 federally managed lands; including factors including—

3 (1) Federal forest and rangeland health;

4 (2) susceptibility of Federal forests and range-
5 lands to catastrophic wildfire and insect infestation;

6 (3) biological diversity;

7 (4) watershed quality; and

8 (5) economic productivity of Federal forests and
9 rangelands.

10 (b) REPORT.—The panel shall report its conclusions
11 upon completion of the assessment to the Committee on
12 Natural Resources of the House of Representatives and
13 to the Committee on Energy and Natural Resources of
14 the Senate.

15 (c) SCIENTIFIC PANEL MEMBERS.—The panel shall
16 consist of 5 members, appointed by the Secretary—

17 (1) at least two of whom shall be hunters or an-
18 glers;

19 (2) at least one of whom shall be affiliated with
20 the forest products industry;

21 (3) at least one of whom shall be affiliated with
22 a rural water utility; and

23 (4) at least one of whom shall be a wildlife biol-
24 ogist.