

117TH CONGRESS  
1ST SESSION

# H. R. 415

To amend chapter 7 of title 5, United States Code, to provide that in the case of an agency that appeals the ruling of a court under that chapter, and does not prevail on appeal, the court shall award the prevailing party reasonable attorney's fees and costs, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. POSEY introduced the following bill; which was referred to the Committee on the Judiciary

---

## A BILL

To amend chapter 7 of title 5, United States Code, to provide that in the case of an agency that appeals the ruling of a court under that chapter, and does not prevail on appeal, the court shall award the prevailing party reasonable attorney's fees and costs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AGENCY REQUIRED TO PAY ATTORNEY'S FEES**  
2 **AND COSTS IN UNSUCCESSFUL APPEALS.**

3 (a) IN GENERAL.—Chapter 7 of title 5, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 707. Attorney’s fees and costs in appeals**

7 “In the case that an agency appeals a ruling of a  
8 court under this chapter, and does not prevail in the ap-  
9 peal, the court shall award reasonable attorney’s fees and  
10 costs to the prevailing party. Such award shall be paid  
11 out of the administrative budget of the office in the agency  
12 that filed the appeal.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 7 of title 5 is amended by inserting after the  
15 item related to section 706 the following:

“707. Attorney’s fees and costs in appeals.”.

○