

Access for All * Alliance for Justice * American Civil Liberties Union *
American Association for Justice * Center for Biological Diversity * Center for Food Safety
* Center for Law & Social Policy * Defenders of Wildlife * Earthjustice *
Endangered Species Coalition * Equal Justice Society * Law Foundation of Silicon Valley *
Legal Aid Service of Broward County * Oregon Wild
* People for the American Way * National Consumer Law Center® *
National Senior Citizens Law Center * National Disability Rights Network *
National Employment Lawyers Association * National Fair Housing Alliance *
National Legal Aid & Defender Association * National Health Law Program *
Natural Resources Defense Council * Oceana * Public Citizen * Rocky Mountain Wild *
Sargent Shriver National Center on Poverty Law * Sierra Club *
Western Environmental Law Center * WildEarth Guardians

RE: Opposition to the “Government Litigation Savings Act” (H.R. 1996)

November 16, 2011

Dear Representative,

The “Government Litigation Savings Act” (H.R. 1996) would prohibit those seeking to enforce important rights and interests – such as food safety, highway safety, pollution protection, etc. – from recovering attorney’s fees under the Equal Access to Justice Act (EAJA). In doing so, this bill would harm all Americans and could serve as a de facto bar to the courthouse door for low income citizens and other parties that do not have access to free legal counsel. **Thus, we ask that you oppose H.R. 1996.**

EAJA, which was signed into law by President Carter and permanently funded by President Reagan, awards costs of litigation and attorney’s fees when a citizen, non-profit organization, or small business wins a case involving the federal government and can show that the federal government’s position was not “substantially justified.” Because this is a difficult legal standard to achieve, even plaintiffs who win their cases cannot always recover legal fees. For three decades veterans, seniors, persons with disabilities, small businesses, and non-profit groups from across the ideological spectrum have relied on EAJA to challenge illegal government actions.

H.R. 1996 would gut EAJA and make the federal government less accountable by hindering the public’s ability to challenge government abuses. When the government acts illegally, individuals and organizations should be able to enforce the law to protect the public without paying for representation from their own pockets. If H.R. 1996 became law, those who would otherwise challenge government abuses to benefit the rest of us would be deterred, leading to more foodborne illness, more dangerous highways, dirtier air and water, etc.

The right to challenge harmful actions by the federal government is as fundamental to our democracy as our right to vote and freedom of speech. Indeed, in our system of checks and balances, review by the courts is one of the most important ways to ensure government accountability. H.R. 1996 constitutes a sweeping attack on the ability of citizens from all ends of

the political spectrum to prevent government abuse. **Again, we respectfully urge you to oppose this harmful bill.**

Sincerely,

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