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EAJA Reform Legislation Reviewed in Congressional Hearing

— Groups Urge Lawmakers to Support Government Litigation Savings Act

WASHINGTON (Oct. 11, 2011) – The U.S. House Committee on the Judiciary’s Subcommittee on Courts, Commercial and Administrative Law today, Oct. 11, 2011, held a hearing on H.R. 1966, the Government Savings Litigation Act. The [Public Lands Council](#) (PLC), the [National Cattlemen’s Beef Association](#) (NCBA), the [American Sheep Industry Association](#), the Association of National Grasslands and 35 organizations representing livestock producers said the legislation will bring transparency and accountability to the Equal Access to Justice Act (EAJA).

EAJA allows plaintiffs to recover attorney fees and other expenses from the federal government when they prevail in a case against the government. According to Dustin Van Liew, PLC executive director and NCBA director of federal lands, environmental extremist groups have made a hobby of suing the federal government on minor process-related decisions. He said the government often settles cases and pays the plaintiffs through EAJA instead of devoting time, staff and resources to a trial. Pointing to Wyoming attorney Karen Budd Falen’s estimates, Van Liew said over the past decade, 12 environmental groups alone have filed more than 3,300 lawsuits, recovering more than \$37 million in EAJA funds.

“EAJA has become a means for wealthy radical environmental groups to obtain federal funding to target ranchers by challenging federal land management agencies in court (primarily on minor process decisions), all to curtail natural resource uses such as livestock grazing,” the groups penned in a letter to Subcommittee Chairman Howard Coble (R-N.C.) and Ranking Member Steve Cohen (D-Tenn.). “As a result, our members are forced to pay multiple times over to defend themselves: on the one hand, they pay attorney fees as interveners in defense of the federal government; on the other hand, as hard working citizens, their tax dollars go toward agency operations budgets, and toward lining the pockets of these vastly wealthy environmental groups with EAJA funds.”

Specifically, H.R. 1966, which was introduced by Rep. Cynthia Lummis (R-Wyo.), will prohibit non-profit organizations with a net worth exceeding \$7 million from filing for EAJA funds; require that EAJA filers show a “direct and personal monetary interest” in the action to be eligible for payment; and cap the attorney fees environmental activists claim to be owed. Despite accusations otherwise, Van Liew said the legislation does not affect the ability of individual citizens and small businesses to utilize EAJA when defending themselves against the federal government.

“Livestock producers have an obligation to responsibly use and manage the land and its resources,” Van Liew said. “EAJA payments do not encourage the responsible use and care for natural resources. EAJA payments encourage destructive behavior on the part of radical environmentalists. This legislation will reform EAJA to ensure individual citizens and small businesses can still access EAJA while ending abuse of the program by environmental extremists. We commend Rep. Lummis for introducing H.R. 1966 and the subcommittee for holding a hearing. It’s time to end this abuse of EAJA and the American taxpayers’ hard-earned money once and for all.”