

112TH CONGRESS  
2D SESSION

# S. 3415

To require the disclosure of all payments made under the Equal Access  
to Justice Act.

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2012

Mr. INHOFE (for himself and Mr. VITTER) introduced the following bill; which  
was read twice and referred to the Committee on the Judiciary

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## A BILL

To require the disclosure of all payments made under the  
Equal Access to Justice Act.

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 “Government Trans-  
5       parency and Recordkeeping Act of 2012”.

6       **SEC. 2. DISCLOSURE OF PAYMENTS.**

7       Section 1304 of title 31, United States Code, is  
8       amended by adding at the end the following:

9       “(d) DISCLOSURE OF PAYMENTS.—

10       “(1) IN GENERAL.—

1           “(A) PAST PAYMENTS.—Except as pro-  
2           vided in paragraph (3), not later than 90 days  
3           after the date of enactment of the Government  
4           Transparency and Recordkeeping Act of 2012,  
5           the Secretary of the Treasury shall make all  
6           records of individual payments made under this  
7           section since January 1, 2003, available to Con-  
8           gress and the public in accordance with para-  
9           graph (2).

10           “(B) ANNUAL UPDATE.—Beginning 1 year  
11           after the date on which the Secretary of the  
12           Treasury makes the records available under  
13           subparagraph (A), and each year thereafter, the  
14           Secretary of the Treasury shall make all  
15           records of individual payments made under this  
16           section during the previous year available to  
17           Congress and the public in accordance with  
18           paragraph (2).

19           “(2) REQUIREMENTS.—In making records  
20           available under paragraph (1), the Secretary of the  
21           Treasury shall ensure that—

22                   “(A) the records are made available on a  
23                   publicly accessible Internet website; and

24                   “(B) each record contains—

1 “(i) information that clearly identifies  
2 the entity receiving the payment;

3 “(ii) a copy of the settlement or judg-  
4 ment under which the payment was made;

5 “(iii) the amount of the total payment  
6 to each entity; and

7 “(iv) a breakdown of the payment  
8 showing the specific amount of the dam-  
9 ages, interest, and attorneys’ fees.

10 “(3) PROHIBITION.—

11 “(A) IN GENERAL.—The Secretary of the  
12 Treasury may not make a record of individual  
13 payment available under this subsection if—

14 “(i) the payment was not the result of  
15 any executive branch, Federal department,  
16 agency, or instrumentality statutory or  
17 regulatory approval or permit related case,  
18 court order, consent decree, or Federal de-  
19 partment, agency, or instrumentality set-  
20 tlement; or

21 “(ii) the disclosure of the information  
22 is otherwise prohibited by law or court  
23 order, or is not in the best interest of na-  
24 tional security.

1           “(B) RATIONALE.—For each record of in-  
2           dividual payment not disclosed under subpara-  
3           graph (A), the Secretary of the Treasury shall  
4           submit to Congress a statement explaining the  
5           rationale for not disclosing the record.”.

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