

115TH CONGRESS
2D SESSION

H. R. 5656

To clarify the meaning of the term “prevailing party” with regard to the recovery of attorneys’ fees.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2018

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

A BILL

To clarify the meaning of the term “prevailing party” with regard to the recovery of attorneys’ 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 “Catalyst Theory Res-
5 toration Act of 2018”.

6 **SEC. 2. IN GENERAL.**

7 (a) MEANING OF PREVAILING PARTY.—In deter-
8 mining the meaning of any Act of Congress, or of any
9 ruling, regulation, or interpretation of the various depart-
10 ments and agencies of the United States, or of any judicial

1 or administrative rule, which provides for recovery of at-
2 torneys' fees, the term "prevailing party" shall include a
3 party whose pursuit of a nonfrivolous claim or defense was
4 a catalyst for a voluntary or unilateral change in position
5 by the opposing party that provides any significant part
6 of the relief sought.

7 (b) RULE OF CONSTRUCTION.—This section shall not
8 alter special eligibility criteria established for prevailing
9 defendants nor alter any specific eligibility criteria con-
10 tained in any statute that expressly limits or qualifies who
11 may be considered a prevailing party for purposes of that
12 statute.

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