



## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

ACUS is an independent federal agency that develops recommendations to improve administrative process and procedure and arranges for the interchange of useful information to carry out its mission. For more information about ACUS, visit our website at [www.acus.gov](http://www.acus.gov) or contact us at [info@acus.gov](mailto:info@acus.gov).

### Report to Congress

## Equal Access to Justice Act Awards, Fiscal Year 2019

### What is the Equal Access to Justice Act (EAJA)?

Under EAJA, individuals, small businesses, and others who prevail against the federal government in federal court cases and certain adversary adjudications may be entitled to attorney's fees and other expenses. To receive fees and expenses, the government's position must not have been substantially justified.

### What did ACUS study?

Federal law charges ACUS's Office of the Chairman with establishing a public database and preparing an annual report that accounts for all EAJA awards against the United States. ACUS requested FY 2019 data from 63 agencies. Fifty-nine (93%) responded by March 30, 2020.

In addition to collecting and reporting the data from agencies about individual EAJA awards, the Office of the Chairman assembled other information about the reported EAJA awards, including a breakdown of **awards by case type** (court case or adversary adjudication) and an overview of the **statutes under which EAJA plaintiffs filed suit**.

### Awards by Case Type

	Court	Adjudication	Total
Social Security Administration	8,223	0	8,223
Dep't of Homeland Security	41	5	46
Dep't of the Interior	22	0	22
Dep't of Agriculture	8	4	12
Dep't of Health and Human Services	7	0	7
Dep't of Transportation	3	3	6
National Labor Relations Board	5	0	5
Dep't of Commerce	3	0	3
Environmental Protection Agency	2	0	2
Federal Energy Regulatory Comm'n	2	0	2
Dep't of Justice	2	0	2
Dep't of Energy	1	0	1
General Services Administration	1	0	1
Dep't of Labor	1	0	1
Railroad Retirement Board	1	0	1
<b>Total</b>	<b>8,322</b>	<b>12</b>	<b>8,334</b>

Read the full report to Congress at [www.acus.gov/EAJA](http://www.acus.gov/EAJA).  
Visit the EAJA database at [eaja.acus.gov](http://eaja.acus.gov).

Statutes Under Which EAJA Plaintiffs Filed Suit

	APA	BGEPA	DJA	ESA	FLPMA	FOIA	MBTA	MVA	NEPA	PWHC	Other
Social Security Administration											BRA SSA
Dep't of Homeland Security											INA
Dep't of the Interior											MLA MSFCMA NFMA WFRHBA
Dep't of Agriculture											FCIA NFMA WA
Dep't of Health and Human Services											MA
Dep't of Transportation											
National Labor Relations Board											NLRA
Dep't of Commerce											
Environmental Protection Agency											FIFRA
Federal Energy Regulatory Comm'n											FPA GSA NGA
Dep't of Justice											
Dep't of Energy											
General Services Administration											CICA FAR TA
Dep't of Labor											ERISA
Railroad Retirement Board											RRA

<b>APA</b>	Administrative Procedure Act	<b>MA</b>	Medicare Act
<b>BGEPA</b>	Bald and Golden Eagle Protection Act	<b>MBTA</b>	Migratory Bird Treaty Act
<b>BRA</b>	Bankruptcy Reform Act	<b>MLA</b>	Mineral Leasing Act
<b>CICA</b>	Competition in Contracting Act	<b>MSFCMA</b>	Magnuson-Stevens Fishery Conservation and Management Act
<b>DJA</b>	Declaratory Judgment Act	<b>MVA</b>	Mandamus and Venue Act
<b>ERISA</b>	Employee Retirement Income Security Act	<b>NEPA</b>	National Environmental Policy Act
<b>ESA</b>	Endangered Species Act	<b>NFMA</b>	National Forest Management Act
<b>FAR</b>	Federal Acquisition Regulation	<b>NGA</b>	Natural Gas Act
<b>FCIA</b>	Federal Crop Insurance Act	<b>NLRA</b>	National Labor Relations Act
<b>FIFRA</b>	Federal Insecticide, Fungicide, and Rodenticide Act	<b>PWHC</b>	Petition for Writ of Habeas Corpus
<b>FLPMA</b>	Federal Land Policy and Management Act	<b>RRA</b>	Railroad Retirement Act
<b>FOIA</b>	Freedom of Information Act	<b>SSA</b>	Social Security Act
<b>FPA</b>	Federal Power Act	<b>TA</b>	Tucker Act
<b>GSA</b>	Government in the Sunshine Act	<b>WA</b>	Wilderness Act
<b>INA</b>	Immigration and Nationality Act	<b>WFRHBA</b>	Wild Free-Roaming Horses and Burros Act

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