



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 or contact us at info@acus.gov.

Report to Congress

Equal Access to Justice Act Awards, Fiscal Year 2021

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 2021 data from 58 agencies. Fifty-six (97 percent) responded by March 31, 2021.

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	8,369	0	8,369
Dep't of Veterans Affairs	7,119	0	7,119
Dep't of Justice	23	0	23
Dep't of Homeland Security	120	0	120
Dep't of Agriculture	18	3	21
Dep't of the Interior	11	0	11
Dep't of Commerce	2	0	2
Environmental Protection Agency	7	0	7
Dep't of Health and Human Services	6	0	6
Dep't of Energy	1	0	1
Dep't of Transportation	0	4	4
Dep't of Education	1	0	1
Dep't of Labor	3	1	4
Dep't of Housing and Urban Dev.	1	0	1
General Services Administration	1	0	1
Nat'l Archives and Records Admin.	1	0	1
Total	15,683	8	15,691

Read the full report to Congress at www.acus.gov/EAJA.

Visit the EAJA database at eaja.acus.gov.

Claims For Which EAJA Plaintiffs Filed Suit

	A P A	S S A	D J A	E S A	F L P M A	F O I A	I N A	M V A	N E P A	P W H C	Other
Social Security Administration											
Dep't of Veterans Affairs											BWA; VBA
Dep't of Justice											AGDS; FTCLA; JAG; U.S. Constitution
Dep't of Homeland Security											CFR; CRA; CSPA; MA; U.S. Constitution
Dep't of Agriculture											ANILCA; FSA; NFMA
Dep't of the Interior											NFMA; NHPA; NPATMA; U.S. Constitution
Dep't of Commerce											RFRA; U.S. Constitution
Environmental Protection Agency											CWA; FIFRA
Dep't of Health and Human Services											FDCA
Dep't of Energy											
Dep't of Transportation											No Court Cases
Dep't of Education											
Dep't of Labor											
Dep't of Housing and Urban Dev.											U.S. Constitution
General Services Administration											
Nat'l Archives and Records Admin.											

AGDS	Attorney General Duties Statute	FTCLA	Federal Tort Claims Act
ANILCA	Alaska National Interest Lands Conservation Act	INA	Immigration and Nationality Act
APA	Administrative Procedure Act	JAG	Edward Byrne Memorial Justice Assistance Grant Program
BWA	Blue Water Navy Vietnam Veterans Act	MA	Mandamus Act
CRA	Civil Rights Act	NEPA	National Environmental Policy Act
CSPA	Child Status Protection Act	NFMA	National Forest Management Act
CWA	Clean Water Act	NHPA	National Historic Preservation Act
DJA	Declaratory Judgment Act	NPATMA	National Parks Air Tour Management Act
ESA	Endangered Species Act	PWHC	Petition for Writ of Habeas Corpus
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	RFRA	Religious Freedom Restoration Act
FLPMA	Federal Land Policy and Management Act	SSA	Social Security Act
FOIA	Freedom of Information Act	VBA	Veterans' Benefits Act
FSA	Food Security Act		

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