



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 11, 2006

H.R. 2679 **Veterans' Memorials, Boy Scouts, Public Seals,** **and Other Public Expressions of Religion Protection Act of 2006**

As ordered reported by the House Committee on the Judiciary on September 7, 2006

H.R. 2679 would prevent federal courts from awarding monetary relief to parties claiming violations of the Constitutional prohibition on the establishment of religion by federal, state, or local governments. In addition, parties who have prevailed on claims of such violations could no longer be awarded attorneys' fees and expenses. Because few suits are brought against the federal government for such violations, CBO expects that enacting H.R. 2679 would have no significant effect on the federal budget.

H.R. 2679 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. H.R. 2679 would impose new private-sector mandates, as defined in UMRA, on certain individuals and certain attorneys. Based on information from government and other sources, CBO expects that the direct cost of those mandates would fall below the annual threshold established by UMRA for private-sector mandates (\$128 million in 2006, adjusted annually for inflation).

H.R. 2679 would impose a new private-sector mandate on certain individuals by prohibiting them from receiving monetary damages and costs in certain lawsuits involving a violation of a prohibition in the Constitution against the establishment of religion. Because the bill would eliminate existing rights to seek compensation for injury caused by certain acts, it would impose a private-sector mandate. The direct cost of the mandate would be the forgone net value of awards and settlements in such claims. The bill also would prohibit awards for attorneys' fees from lawsuits involving a violation of a prohibition in the Constitution against the establishment of religion. Under current law, the courts may award the prevailing party a reasonable attorney's fee. The direct cost of the mandate would be the net loss of revenue that certain attorneys would experience as a result of the prohibition on fee awards.

The CBO staff contact for this estimate is Daniel Hoople. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.