



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

August 30, 2018

H.R. 4423 **North Texas Water Supply Security Act of 2018**

As ordered reported by the House Committee on the Judiciary on June 13, 2018

H.R. 4423 would impose new conditions for the judicial review of a permit issued by the Army Corps of Engineers (Corps) in 2018 to build the Lower Bois d'Arc Creek Reservoir project in Texas. Under the Administrative Procedures Act (APA), parties seeking judicial review may file a civil action within the six-year period following the issuance of the Corps permit. The bill would reduce that period to 105 days.

By limiting the period within which parties can appeal the permit, H.R. 4423 could reduce the number of civil actions that would otherwise be filed. (CBO is aware of one civil action related to the reservoir project that would satisfy the bill's 105-day threshold.) Under the APA, plaintiffs who successfully challenge the federal government are entitled to the repayment of attorneys' fees, which are paid from an agency's appropriated funds. CBO has no basis to predict the outcomes of such cases; however, we expect that enacting H.R. 4423 would probably reduce such payments. Based on the amount of such payments in the past, CBO estimates that any decrease in spending subject to appropriation would be insignificant.

Enacting H.R. 4423 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 4423 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 4423 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA) by eliminating rights of action for entities seeking judicial review of federal environmental statements for the Lower Bois d'Arc Creek Reservoir Project. Because the rights of action precluded under the bill do not generally result in monetary damages, CBO estimates that the cost of the mandates would fall well below the intergovernmental and private-sector thresholds established in UMRA (\$80 million and \$160 million in 2018, respectively, adjusted annually for inflation).

The CBO staff contacts for this estimate are Janani Shankaran (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.