



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 19, 2018

H.R. 6730 **Injunctive Authority Clarification Act of 2018**

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

H.R. 6730 would prohibit federal courts from issuing injunctions that restrain defendants from enforcing policies against non-parties to civil actions. CBO expects that the bill would limit the issuance of nationwide injunctions. In recent years, district courts have issued dozens of nationwide injunctions that have temporarily stopped the executive branch from implementing immigration, environmental, and other policies. Such injunctions affect the scope of and timeframes for implementing new policies and programs, and sometimes affect the amount and pace of federal spending.¹

CBO cannot predict the policies that will be issued by the executive branch in the future and subsequently challenged in the courts. CBO expects that enacting H.R. 6730 could affect the number and nature of future civil actions, how the executive branch responds to such lawsuits, and how the courts provide relief to plaintiffs. However, CBO has no basis to estimate those effects and cannot determine whether or how the bill would affect nationwide injunctions currently in effect. Accordingly, CBO cannot estimate the magnitude or direction of any budgetary effects of the bill. Because enacting H.R. 6730 could affect direct spending and revenues, pay-as-you-go procedures apply.

CBO cannot estimate whether enacting H.R. 6730 would significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6730 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

1. For examples of such effects, see Congressional Budget Office, letter to the Honorable Susan M. Collins concerning the budgetary effects of S. 534, the Immigration Rule of Law Act of 2015, as introduced on February 23, 2015 (February 26, 2015), www.cbo.gov/publication/49970, which discusses the budgetary effects of an injunction of certain immigration policies, and cost estimate for H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014 (August 1, 2014), www.cbo.gov/publication/45619, which discusses the estimated budgetary effects of halting enforcement of a 2014 rule issued by the Environmental Protection Agency (EPA); in 2015, the Sixth Circuit Court of Appeals issued a stay of the EPA rule.