



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

June 14, 2016

**H.R. 4768
Separation of Powers Restoration Act of 2016**

As ordered reported by the House Committee on the Judiciary on June 8, 2016

H.R. 4768 would authorize courts that review agency actions to decide all relevant questions of law, including the interpretation of constitutional and statutory provisions and rules, without deferring to previous legal determinations by the agency (de novo review).

Under the legislation, the courts could overturn some agency decisions that they would have upheld under current law. Some of those decisions could affect the budget by overturning regulations that affect discretionary spending, direct spending, and revenues. However, CBO has no basis for estimating either the likelihood that such actions would be overturned or what the effects on the budget might be.

Because enacting the legislation could affect direct spending and revenues, pay-as-you-go procedures apply. For example the legislation could affect the timing or content of rules that concern federal entitlement programs or rules related to the collection of fees. CBO also cannot determine whether enacting H.R. 4768 would increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 4768 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Marin Burnett. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.