

117TH CONGRESS
1ST SESSION

H. R. 43

To amend title 28, United States Code, to prohibit the issuance of national injunctions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2021

Mr. BIGGS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to prohibit the issuance of national injunctions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Injunctive Authority
5 Clarification Act of 2021”.

6 **SEC. 2. ORDERS PURPORTING TO RESTRAIN ENFORCE-**
7 **MENT AGAINST NON-PARTIES.**

8 (a) IN GENERAL.—Chapter 155 of title 28, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 2285. Orders purporting to restrain enforcement**
2 **against non-parties**

3 “No court of the United States (and no district court
4 of the Virgin Islands, Guam, or the Northern Mariana Is-
5 lands) shall issue an order that purports to restrain the
6 enforcement against a non-party of any statute, regula-
7 tion, order, or similar authority, unless the non-party is
8 represented by a party acting in a representative capacity
9 pursuant to the Federal Rules of Civil Procedure.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 155 of title 28, United States Code, is amend-
12 ed by inserting after the item relating to section 2285 the
13 following:

“2285. Orders purporting to restrain enforcement against non-parties.”.

