



The Judicial Relief Clarification Act

Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa)

Historical Background

Article III, Section 2 of the Constitution limits courts to deciding “cases” or “controversies.” Nevertheless, it has become increasingly common for federal judges to issue sweeping “universal injunctions” that go beyond what is needed to protect the people who are before the court.

Universal injunctions defy two centuries of historic precedent, as scholars have found [no clear record](#) of such an order before 1963. They have only become common in the last decade. Concern about this recent practice spans the ideological spectrum. In 2020, Justices Gorsuch and Thomas [explained](#): “By their nature, universal injunctions tend to force judges into making rushed, high-stakes, low-information decisions.” In 2022, Justice Kagan [said](#), “It just can't be right that one district judge can stop a nationwide policy in its tracks and leave it stopped for the years that it takes to go through the normal process.”

The Supreme Court can and should end this practice, but has failed to do so. If the Court will not act, Congress must. Article III gives Congress the authority to establish, organize and regulate the jurisdiction of federal courts – and the time has come for Congress to exercise this power.

What Does the Judicial Relief Clarification Act Do?

1. Forbids federal courts from issuing sweeping relief against the government to persons not before the court—ending the practice of universal injunctions and diminishing the incentive to forum shop for a sympathetic judge.
2. Requires parties seeking universal relief against the government to use the class action process to show that class-wide relief is proper.
3. Makes temporary restraining orders (TROs) immediately appealable, strengthening appellate review.
4. Amends the *Administrative Procedure Act* (APA) and *Declaratory Judgment Act* to clarify that courts may only issue relief under those statutes to parties before the court.



Examples of District Court Overreach Across Administrations

1. ***Trump II - DEI EOs***: A district judge issued a universal injunction blocking President Trump’s DEI executive orders terminating “equity-related” grants. The injunction prohibited the government, or anyone acting “in concert” with the government, from applying certain provisions of these executive orders against anyone—including to persons and entities not before the court.
2. ***Biden - FDA Approval of Mifepristone***: In 2023, a district judge in Texas suspended FDA’s approval of the abortion drug mifepristone nationwide.
3. ***Trump I - The “Public Charge” Rule***: The First Trump Administration issued a rule expanding the list of federal benefits to consider in determining whether a green card applicant might become a “public charge.” In 2019, a district court used APA Section 706 to universally block the enforcement of the rule against all parties, even those that were never before the court.

