



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

December 4, 2009

### **H.R. 984** **State Secret Protection Act of 2009**

*As ordered reported by the House Committee on the Judiciary on November 5, 2009*

CBO estimates that implementing H.R. 984 would have no significant impact on the federal budget. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 984 would set limits on the federal government's use of the state secrets privilege. Under a Supreme Court ruling, the government can assert the state secrets privilege to withhold certain evidence that, if released, could harm national security. The bill would require the government to submit documents explaining the need for the privilege and allow judges to appoint experts to assess the validity of the government's claims. Finally, the bill would require the Attorney General to submit a report when the federal government asserts the state secrets privilege.

The government invoked the state secrets privilege about 40 times over the 2003-2007 period. Based on information obtained from the Department of Justice, CBO expects that the bill could alter and possibly increase litigation duties of federal attorneys. CBO estimates, however, that any resulting increase in federal spending would total less than \$500,000 a year, assuming the availability of appropriated funds. Enacting H.R. 984 would not affect direct spending or revenues.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.