



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

July 11, 2008

S. 2533

State Secrets Protection Act

As ordered reported by the Senate Committee on the Judiciary on April 24, 2008

CBO estimates that implementing S. 2533 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.

S. 2533 would codify certain practices and 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 detailing instances when the federal government asserted the state secrets privilege.

The government has invoked the state secrets privilege 40 times in the last five years. 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 S. 2533 would not affect direct spending or revenues.

The CBO staff contacts for this estimate are Leigh Angres and Jeffrey LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.