



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 20, 2017

H.R. 4010 **Congressional Subpoena Compliance and Enforcement Act of 2017**

As ordered reported by the House Committee on the Judiciary on October 12, 2017

Under current law, the Congress may file a civil action and seek judgment from a federal court that a recipient of a subpoena is legally obligated to comply with that subpoena. H.R. 4010 would modify those procedures with an aim to enhance compliance with and enforce Congressional subpoenas.

H.R. 4010 would require recipients of subpoenas to provide information on the nature of withheld records. The bill also would require the courts to expedite civil actions related to compliance with Congressional subpoenas. CBO expects that the bill's provisions could lead to a small increase in the administrative costs of federal agencies receiving subpoenas and the federal Judiciary. However, based on the small number of expected cases, CBO estimates that those costs would not be significant.

The bill's provisions would extend to agencies that are not funded through annual appropriations (such as the Tennessee Valley Authority). The bill also would authorize the courts to impose monetary penalties, which are recorded in the budget as revenues, against any government official found to have willfully failed to comply with a subpoena. Because we expect the number of such cases to be small, CBO estimates that increased revenues under the bill would be insignificant for each year. Because enacting H.R. 4010 could affect direct spending and revenues, pay-as-you-go procedures apply.

CBO estimates that enacting H.R. 4010 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4010 contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act.

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