



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

April 1, 2014

**S. 42
Criminal Antitrust Anti-Retaliation Act of 2013**

As passed by the Senate on November 4, 2013

S. 42 would prohibit an employer from discriminating against an employee or other agent of the employer who provided information or assisted in the investigation of a violation of federal antitrust law. The legislation also would authorize an individual who alleges discrimination to seek relief. CBO estimates that S. 42 would increase the number of complaints filed with the Occupational Safety and Health Administration (OSHA), which administers employee protection laws (known as whistleblower programs). Based on information provided by the Department of Labor, CBO estimates that assuming appropriation of the necessary amounts, implementing S. 42 would cost about \$2 million over the 2015-2019 period to process the new complaints. Enacting S. 42 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

By providing whistleblower protection, S. 42 would impose an intergovernmental and private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). The bill would prohibit public and private employers from terminating or otherwise discriminating against employees in the terms and conditions of their employment. Based on information from OSHA that employers would only need to make small changes to administrative procedures, CBO estimates that the cost to employers to comply with the mandate would be minimal and would fall well below the annual thresholds for intergovernmental and private-sector mandates established in UMRA (\$76 million and \$152 million in 2014, respectively, adjusted annually for inflation).

The CBO staff contacts for this estimate are Martin von Gnechten (for federal costs), Melissa Merrell (for the state and local costs), and Paige Piper/Bach (for the private-sector costs). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.