



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 8, 2018

S. 2644

Special Counsel Independence and Integrity Act

As ordered reported by the Senate Committee on the Judiciary on April 26, 2018

S. 2644 would codify existing Department of Justice (DOJ) regulations on appointing a special counsel for independent investigations and would establish new procedures for removing a special counsel. Specifically, the bill would permit the special counsel to challenge a removal decision in the U.S. District Court for the District of Columbia. (That authority would be applied retroactively to special counsels appointed after January 1, 2017.) S. 2644 would require a three-judge panel to hear and determine any such challenge within 14 days of its filing.

Because S. 2644 would largely codify existing practice, CBO estimates that enacting the bill would have no significant effect on spending subject to appropriation.

Enacting S. 2644 could affect direct spending; therefore, pay-as-you-go procedures apply. Activities of the office of the special counsel are funded through a permanent, indefinite appropriation. (In 2017, the office of the special counsel spent \$3 million for an independent investigation.) Relative to current law and DOJ regulations, CBO expects that implementing S. 2644 could affect whether a special counsel is removed or reinstated, as well as any associated activities within that office. However, CBO has no basis to predict those future actions or estimate any direct spending effects of the bill. Enacting the bill would not affect revenues.

CBO estimates that enacting S. 2644 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 2644 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 reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.