



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

January 11, 2018

S. 807 **Criminal Antitrust Anti-Retaliation Act of 2017**

As passed by the Senate on November 15, 2017

S. 807 would prohibit employers from discriminating against employees or other entities that provide information for, or assist in the investigation of a violation of federal antitrust law. The act also would authorize people who allege such discrimination to seek relief.

CBO estimates that enacting S. 807 would increase the number of complaints filed with the Occupational Safety and Health Administration (OSHA), which administers employee protection laws (known as whistleblower programs). As a result, CBO expects that OSHA would need 2 or 3 additional staff at an average annual cost of around \$125,000 each to process the complaints. Using information provided by the Department of Labor, and assuming the availability of appropriated funds, CBO estimates that implementing S. 807 would cost \$2 million over the 2018-2022 period.

Enacting S. 807 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting S. 807 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

By providing whistleblower protection to public- and private-sector employees, S. 807 would impose intergovernmental and private-sector mandates, as defined in the Unfunded Mandates Reform Act (UMRA), on employers. The act would prohibit public and private employers from terminating or otherwise discriminating against employees who provide information for antitrust investigations. Based on information from OSHA indicating that employers would need to make only small changes to administrative procedures, CBO estimates that the cost of compliance would be minimal and would fall well below the annual thresholds for intergovernmental and private-sector mandates established in UMRA (\$78 million and \$156 million, respectively, in fiscal year 2017, adjusted annually for inflation).

The CBO staff contact for this estimate is Janani Shankaran (for federal costs) and Rachel Austin (for mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.