

S. 3132, a bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes

As ordered reported by the Senate Committee on Commerce, Science, and Transportation on March 11, 2020

By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	Yes, Under Threshold
		Contains private-sector mandate?	Yes, Under Threshold
* = between zero and \$500,000.			

Under current law, the Federal Trade Commission (FTC) has the authority to share confidential information with foreign agencies and provide investigative assistance to those agencies to combat illegal activities originating outside the United States. That authority will expire on September 30, 2020; S. 3132 would extend the authority through September 30, 2027. In addition, S. 3132 would authorize the appropriation of \$100,000 each year from 2021 through 2027 for the FTC to collaborate with foreign governments and to participate in multinational organizations related to law enforcement.

Assuming appropriation of the authorized amounts, CBO estimates that implementing the bill would cost less than \$500,000 over the 2021-2025 period.

S. 3132 would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the cost of the mandates would not exceed the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$84 million and \$168 million in 2020, respectively, adjusted annually for inflation).



By extending preemptions of state and local liability laws, S. 3132 would impose an intergovernmental mandate. Specifically, current law preempts laws that prohibit people from disclosing information to the FTC and that require people to notify third parties if they disclose information to the FTC. Those preemptions expire on September 30, 2020; S. 3132 would extend them through September 30, 2027. Although the preemptions would limit the application of state and local law, CBO estimates that they would impose no duty on state, local, or tribal governments that would result in additional spending.

S. 3132 also would extend an existing mandate that exempts from liability private entities that voluntarily provide certain information about third parties to the FTC. The extension of such protection constitutes a mandate on those third-party entities because it limits their ability to file a claim for damages related to the disclosure. The cost of the mandate would be the forgone net value of settlements and damages that would have been awarded. Using information from the FTC, CBO expects that few such lawsuits would be filed and the cost of the mandate would be small.

On February 14, 2020, CBO transmitted a [cost estimate for H.R. 4779](#), an act to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes, as passed by the House of Representatives on December 16, 2019. S. 3132 is similar to H.R. 4779 and CBO's estimate of the budgetary effects and mandates are the same for both pieces of legislation.

The CBO staff contacts for this estimate are David Hughes (for federal costs) and Rachel Austin (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.