



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 19, 2000

### **H.R. 4640**

### **DNA Analysis Backlog Elimination Act of 2000**

*As ordered reported by the House Committee on the Judiciary on July 26, 2000*

#### **SUMMARY**

H.R. 4640 would authorize the appropriation of \$170 million over fiscal years 2001 through 2004 for grants to states to increase their capability to perform DNA analyses. The bill would direct the Department of Justice, the Judiciary, and the Department of Defense (DoD) to collect and analyze DNA samples from persons convicted of certain crimes. H.R. 4640 also would establish new federal crimes for refusing to provide DNA samples and for the unauthorized use of DNA samples.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 4640 would cost about \$165 million over the 2001-2005 period. This legislation could affect direct spending and receipts, so pay-as-you-go procedures would apply; however, CBO estimates that any such effects would be less than \$500,000 annually.

The bill contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit states by enabling them to obtain grant funds. H.R. 4640 would impose a new private-sector mandate, as defined by UMRA, on persons who have been convicted of certain federal offenses. CBO estimates that the cost of the mandate would fall well below the threshold established by UMRA for private-sector mandates (\$109 million in 2000, adjusted annually for inflation).

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 4640 is shown in the following table. The costs of this legislation fall within budget functions 050 (national defense) and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars				
	2001	2002	2003	2004	2005
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION<sup>a</sup></b>					
State Grants for DNA Analysis					
Authorization Level	40	65	40	25	0
Estimated Outlays	9	30	48	45	27
Costs to the Department of Justice					
Estimated Authorization Level	3	1	1	1	1
Estimated Outlays	2	2	1	1	1
Costs to the Judicial Branch and DoD					
Estimated Authorization Level	1	b	b	b	b
Estimated Outlays	1	b	b	b	b
Total Costs					
Estimated Authorization Level	44	66	41	26	1
Estimated Outlays	12	32	49	46	28

a. In addition to the discretionary costs, enacting H.R. 4640 could affect direct spending and receipts, but CBO estimates that any such effects would be less than \$500,000 annually.

b. Less than \$500,000.

## BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 4640 will be enacted near the beginning of fiscal year 2001, and that the necessary amounts will be appropriated for each year. Outlay estimates are based on historical information for similar programs.

### Spending Subject to Appropriation

**State Grants for DNA Analysis.** CBO assumes that the bill's specified authorization levels will be appropriated for each fiscal year and that spending will follow the historical rates of similar grant programs.

**Costs to the Department of Justice.** H.R. 4640 would direct the Bureau of Prisons (BoP) to collect a DNA sample from each person in federal custody who has been convicted of certain felonies or sexual offenses. Based on information from the Department of Justice, CBO estimates that there are roughly 6,000 such persons now and that there would be

another 2,000 persons incarcerated in fiscal year 2001 and in each year thereafter. The BoP estimates that it would cost about \$50 to collect DNA samples for each of these individuals, so collection costs would total less than \$500,000 in each year.

The bill would direct the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA) to collect a DNA sample from each person under the supervision of that agency who has been convicted of certain offenses. For this estimate, CBO assumes that these crimes will include the same felonies and sexual offenses that apply to BoP. CSOSA estimates that there are about 5,000 such individuals under its supervision, so collection costs would total less than \$500,000 in fiscal year 2001.

H.R. 4640 would direct the Federal Bureau of Investigation (FBI) to perform analyses of most of the DNA samples collected under the bill's provisions. Based on information from the FBI, CBO estimates that it would cost about \$3 million in fiscal year 2001 and about \$500,000 in each year thereafter, subject to the availability of appropriated funds, for the necessary equipment and personnel to carry out these analyses.

**Costs to the Judicial Branch.** The bill would direct the Judiciary to collect a DNA sample from each person under federally supervised release who has been convicted of certain felonies or sexual offenses. The Administrative Office of the United States Courts estimates that there are about 1,500 such individuals now and that there would be a few hundred more offenders under federal supervision in fiscal year 2001 and in each year thereafter. CBO estimates that DNA collection costs for these individuals would total less than \$500,000 in each year.

**Costs to DoD.** The bill would direct DoD to collect a DNA sample from members of the armed forces who have been convicted of certain felonies or sexual offenses and to perform an analysis of these samples. Because of the small number of military personnel affected, CBO estimates that this would cost less than \$500,000 in each year, assuming appropriation of the necessary amounts.

### **Direct Spending and Receipts**

Under the provisions of H.R. 4640, specific individuals who refuse to allow DNA samples to be taken, or misuse information concerning DNA samples could be subject to criminal fines. The federal government might collect additional fines if the bill is enacted. Collections of criminal fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and spent in subsequent years. CBO expects that any additional receipts and direct spending would be less than \$500,000 each year.

## **PAY-AS-YOU-GO CONSIDERATIONS**

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 4640 would change direct spending and receipts by less than \$500,000 each year.

## **ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS**

H.R. 4640 contains no intergovernmental mandates as defined in UMRA and would benefit states by enabling them to obtain federal grants to analyze certain DNA samples for inclusion in the Combined DNA Index System (CODIS). Those funds could also be used to increase the capacity of laboratories owned by state and local governments to conduct such analyses. States would have to meet certain conditions in order to receive grants. The bill also would benefit state and local law enforcement entities because the expansion of the CODIS database would enhance their ability to use DNA information for law enforcement purposes.

## **ESTIMATED IMPACT ON THE PRIVATE SECTOR**

H.R. 4640 would impose a new private-sector mandate, as defined by UMRA, on persons who have been convicted of certain federal offenses. The bill would require such persons to submit DNA samples to federal authorities upon demand. The bill would authorize the Director of the Bureau of Prisons and probation officers responsible under federal law for the supervision of individuals on probation, parole, or supervised release, to collect DNA samples from individuals convicted of murder, offenses relating to sexual abuse, kidnaping, burglary, and certain military offenses. Individuals who fail to cooperate with the collection of samples would be guilty of a misdemeanor and subject to criminal punishment.

The collection of DNA samples would impose negligible monetary costs on prisoners and individuals on parole, probation, or supervised release. CBO estimates, therefore, that the cost of the mandate would fall well below the threshold established by UMRA for private-sector mandates (\$109 million in 2000, adjusted annually for inflation).

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