



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 21, 1998

S. 1379

Nazi War Crimes Disclosure Act

As reported by the Senate Committee on the Judiciary on March 5, 1998

SUMMARY

S. 1379 would establish the Nazi War Criminal Records Interagency Working Group to locate, catalogue, recommend for declassification, and make publicly available most U.S. government records on Nazi war crimes. The bill would allow agencies to exempt certain records to protect personal privacy and national security. The working group would have one year from enactment to complete and report to the Congress on its work. Subject to appropriation of the necessary funds, CBO estimates that implementing S. 1379 would cost federal agencies about \$3 million in fiscal year 1999. For future years, CBO estimates that the bill would increase costs to federal agencies to respond to requests from the public for information related to Nazi war crimes, but that such annual costs would probably not be significant.

Because agencies can charge fees under the Freedom of Information Act (FOIA) to cover some or all of the costs to process certain requests, pay-as-you-go procedures would apply to the bill. CBO estimates, however, that any increase in fees collected under the bill, which would decrease direct spending, would be negligible. S. 1379 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would have no impact on the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

According to the National Archives and Records Administration (NARA), most records relating to Nazi war crimes are stored either at NARA or at the Office of Special Investigations (OSI) at the Department of Justice (DOJ). The bill would exempt records held by OSI from its provisions; however, OSI would still have to review classified records held by other agencies to ensure that their declassification and release would not affect any ongoing investigations of suspected Nazi war criminals.

Based on information from NARA, CBO estimates that the administration would need between 5 and 10 people working full time to locate, catalogue, and declassify relevant records archived with it within one year. According to NARA, it already has identified and catalogued most of the relevant records. Based on that information, CBO estimates that implementing the bill would cost NARA about \$500,000 in fiscal year 1999, subject to appropriation of the necessary funds.

In addition, CBO estimates that OSI would need about 10 people working full time to review and clear agency records for declassification. Thus, implementing the bill would cost OSI as much as \$1 million in fiscal year 1999. The estimate of required staff-years is based in part on the experience of NARA and DOJ over the last year and a half, working as part of the Interagency Group on Nazi Assets. According to the agencies we contacted, S. 1379 would require a somewhat comparable effort to locate, catalogue, declassify, and release relevant records.

Finally, other federal agencies, in particular the Federal Bureau of Investigation, the Central Intelligence Agency, the Department of Defense, and the Department of State, would incur some costs to locate, catalogue, and declassify records not held by NARA. CBO estimates that the costs for all other agencies would total between \$1 million and \$2 million in fiscal year 1999. That estimate assumes that each of the four agencies would require around five full-time employees to carry out its responsibilities under the bill. In addition, we estimate that the working group would incur some small costs to compile the report for the Congress, as required by S. 1379. In total, we estimate that implementing S. 1379 would cost federal agencies about \$3 million in fiscal year 1999, subject to appropriation of the necessary funds.

In future years, implementing the bill would increase discretionary costs to federal agencies to respond to requests from the public for information related to Nazi war crimes, but CBO expects that such costs probably would not be significant. Under the bill, NARA would make the records publicly available, including posting the information on the Internet. In addition, we expect that most written requests for information would be submitted to NARA, which reports average processing costs that are far below the governmentwide average for FOIA requests. According to the agencies we spoke with, no noticeable increase in requests for information under FOIA has occurred as a result of the work of the Interagency Group on Nazi Assets.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act of 1985 specifies procedures for legislation affecting direct spending and receipts. Pay-as-you-go procedures would apply to

S. 1379 because it could result in agencies collecting additional fees to cover some or all of the costs to process certain requests for information under FOIA. CBO estimates that any increase in fees collected under the bill, which would decrease direct spending, would be negligible. (Based on information reported by federal agencies, CBO estimates that agencies currently collect around \$10 million a year in FOIA fees.)

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1379 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

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