



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 16, 2005

H.R. 3402 **Department of Justice Appropriations Authorization Act,** **Fiscal Years 2006 through 2009**

As ordered reported by the House Committee on the Judiciary on July 27, 2005

SUMMARY

H.R. 3402 would authorize the appropriation of funds for fiscal years 2006 through 2009 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Attorneys, and the Bureau of Prisons. The bill also would authorize funding for a few programs through 2010. H.R. 3402 would specifically authorize the appropriation of about \$95 billion over the 2006-2010 period for almost all agencies and programs described in the bill. For a few programs, CBO estimated the funding levels necessary to implement those programs because the bill would authorize the appropriation of such sums as necessary.

Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing H.R. 3402 would cost about \$94 billion over the 2006-2010 period. Spending by the four agencies mentioned above would account for about \$59 billion of that total. Enacting the bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

H.R. 3402 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would benefit state, local, and tribal governments by authorizing the appropriation of more than \$12 billion over fiscal years 2006 through 2010 for a variety of programs to assist law enforcement agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3402 is shown in the following table. The cost of this legislation falls within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority ^a	19,422	0	0	0	0	0
Estimated Outlays	20,351	5,807	2,564	1,270	617	142
Proposed Changes						
Specified Authorization Level	0	22,968	22,739	23,721	24,750	592
Estimated Outlays	0	16,411	19,989	22,782	24,475	6,322
Estimated Authorization Level	0	15	1,204	1,233	1,264	21
Estimated Outlays	0	14	631	887	1,218	969
Spending Under H.R. 3402						
Estimated Authorization Level	19,422	22,983	23,943	24,955	26,014	613
Estimated Outlays	20,351	22,231	23,184	24,939	26,310	7,432

NOTE: Numbers may not sum to totals because of rounding.

a. Appropriations for the programs that would be authorized by the bill summed to \$19.4 billion in fiscal year 2005.

BASIS OF ESTIMATE

CBO estimates that implementing H.R. 3402 would cost about \$94 billion over the next five years, assuming appropriation of the necessary funds. Enacting the bill could affect direct spending and receipts, but we estimate that any such effects would not be significant.

Spending Subject to Appropriation

For this estimate, CBO assumes that the amounts specifically authorized by the bill will be appropriated near the start of each fiscal year and that spending will follow the historical spending rates for the authorized activities. We expect a few programs to spend additional funds more slowly than the historical rates because the bill would authorize substantial increases in funding, relative to the amounts appropriated for 2005.

H.R. 3402 would authorize the appropriation of about \$1.1 billion and \$60 million in 2006, and such sums as necessary for subsequent years, for the Edward Byrne Memorial Justice

Grant Program and for the Office of Weed and Seed Strategies, respectively. For those two law-enforcement grant programs, CBO estimated the necessary funding levels in future years by adjusting 2006 funding for anticipated inflation. In addition, based on information from DOJ, CBO estimated the cost for a new office to coordinate the various grant programs that improve technology. CBO estimates that operations of the bill's proposed Office of Applied Law Enforcement Technology would cost \$45 million over the 2006-2010 period.

In addition, based on information from DOJ, CBO estimates that increased protection for immigrant victims of violence authorized by the bill would cost \$49 million over the five-year period.

Under current law, the Antitrust Division of DOJ is authorized to collect premerger filing fees and spend such collections without further appropriation action. CBO assumes that the amounts authorized to be appropriated in H.R. 3402 for the Antitrust Division are in addition to this current spending authority.

Direct Spending and Revenues

H.R. 3402 would broaden the coverage of current laws against certain offenses committed in correctional facilities, thus enabling the government to pursue cases that it otherwise would not be able to prosecute. Because those prosecuted and convicted under H.R. 3402 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, then deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases affected.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 3402 contains no intergovernmental mandates as defined in UMRA. The bill would benefit state, local, and tribal governments by authorizing the appropriation of more than \$12 billion over fiscal years 2006 through 2010 for a variety of programs to assist law enforcement agencies. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

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