



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

January 14, 2000

### **S. 1754**

### **Denying Safe Havens to International and War Criminals Act of 1999**

*As passed by the Senate on November 4, 1999*

#### **SUMMARY**

S. 1754 would change the procedures used by the Department of Justice (DOJ) to process international criminal cases and international defendants. CBO estimates that implementing the act would cost \$25 million over the 2000-2004 period, assuming appropriation of the necessary funds. Because S. 1754 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 1754 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. The legislation would create a new private-sector mandate, but CBO estimates that the costs to firms and individuals would fall well below UMRA's private-sector threshold (\$100 million in 1996, adjusted annually for inflation).

S. 1754 would allow for the transfer of persons in prison or custody in the United States to a foreign country to stand trial or serve as a witness. S. 1754 would amend the Immigration and Nationality Act to include the acts of torture and genocide as grounds for inadmissibility and deportation and would expand the duties of DOJ's Office of Special Investigations (OSI) to investigate, remove, denaturalize, and prosecute any alien who has participated in torture or genocide abroad. Currently, OSI's authority to take these actions is limited to Nazi war criminals. In addition, implementing S. 1754 would expand the federal courts' power to compel testimony in connection with requests for legal assistance from foreign governments.

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

The estimated budgetary impact of S. 1754 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

---

	By Fiscal Year, in Millions of Dollars				
	2000	2001	2002	2003	2004

---

**CHANGES IN SPENDING SUBJECT TO APPROPRIATION**

Estimated Authorization Level	3	6	6	6	6
Estimated Outlays	2	5	6	6	6

---

**BASIS OF ESTIMATE**

For the purposes of this estimate, CBO assumes that S. 1754 will be enacted by the middle of fiscal year 2000, and that the estimated amounts necessary to implement this legislation will be appropriated for each fiscal year.

Most of the estimated costs of S. 1754 would stem from the expanded duties of the OSI. Based on information from the DOJ, CBO estimates implementing S. 1754 would require OSI to hire 40 additional full-time staff members to expand its work to include the investigation of acts of torture and genocide abroad at an annual cost of about \$5 million. In addition, we estimate that implementing S. 1754 would cost about \$1 million a year for travel expenses because more investigators would need to travel overseas to interview witnesses and gather evidence. We estimate that it would cost about \$3 million to implement this program midway through 2000.

Currently, OSI maintains a staff of 30 full-time employees, including historians, attorneys, and one investigator, and received an appropriation of \$7 million for 2000. To investigate any individuals in this country who may have participated in acts of torture or genocide abroad, OSI would require additional attorneys, investigators, administrative staff, and experts on world regions fraught with criminal war activity. The number of such investigations that would result if S. 1754 were enacted is unknown and would depend in part on DOJ's definition of "torture" and "genocide"; however, based on information from DOJ, CBO expects that the level of effort necessary to implement S. 1754 would be similar to the resources now devoted to investigating potential Nazi war criminals in the U.S. Other sections of S. 1754 would increase the responsibilities of the United States Marshal Service and the Administrative Office of the United States Courts to enforce treaties with foreign governments regarding international criminals. These provisions could increase costs for these agencies, but CBO expects that the amounts would not be significant.

**PAY-AS-YOU-GO CONSIDERATIONS:** None.

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

S. 1754 contains no intergovernmental mandates as defined in UMRA and would impose no cost on state, local, or tribal governments.

**ESTIMATED IMPACT ON THE PRIVATE SECTOR**

Section 201 of S. 1754 would create a new private-sector mandate by expanding the federal courts' power to compel testimony in connection with requests for legal assistance from foreign governments. Under current law, the courts may compel an individual to testify or produce evidence in connection with such a request only in the district in which that individual lives or is currently found. Under S. 1754, the courts could require an individual to travel to another district for those purposes.

CBO estimates that the aggregate costs of the mandate would fall well below the threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation). Requests from foreign governments for legal assistance are relatively rare and it is unlikely that the courts would frequently require individuals to testify outside their home districts.

**ESTIMATE PREPARED BY:**

Federal Costs: Lanette J. Keith  
Impact on the Private Sector: John Harris

**ESTIMATE APPROVED BY:**

Peter H. Fontaine  
Deputy Assistant Director for Budget Analysis