



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 29, 2004

S. 1700

Advancing Justice Through DNA Technology Act of 2004

As ordered reported by the Senate Committee on the Judiciary on September 21, 2004

SUMMARY

CBO estimates that S. 1700 would authorize the appropriation of almost \$1.9 billion over the 2005-2009 period to expand the use of DNA analysis in the criminal justice system. (Most of that total is specifically authorized in the bill.) The bill would establish six new grant programs and extend the authority for two current grant programs that provide funding for states to improve forensic analysis of crime-scene evidence, collect DNA samples from offenders, and train law enforcement personnel. The bill also would authorize appropriations for the Federal Bureau of Investigation (FBI) to carry out its programs concerning DNA evidence, including the Combined DNA Index System (CODIS), and would establish the National Forensic Science Commission. Finally, S. 1700 would require the collection of DNA samples from persons convicted of felonies.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1700 would cost about \$1.3 billion over the 2005-2009 period. Over \$1 billion of this total would be for the grant programs mentioned above. Enacting this legislation could affect direct spending, but CBO estimates that any such effects would not be significant.

S. 1700 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would benefit state, local, and tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 1700 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					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION^a						
Spending Under Current Law for the Programs That Would Be Authorized By S. 1700						
Budget Authority/Authorization Level ^b	271	57	42	0	0	0
Estimated Outlays	165	118	86	60	15	6
Proposed Changes:						
Grant Programs						
Authorization Level	0	316	316	336	336	336
Estimated Outlays	0	69	164	232	285	330
FBI and National Forensic Science Commission						
Authorization Level	0	43	43	43	43	43
Estimated Outlays	0	34	43	43	43	43
Additional DNA Samples from Felons						
Estimated Authorization Level	0	13	3	3	3	3
Estimated Outlays	0	12	4	3	3	3
Total Changes ^c						
Estimated Authorization Level	0	371	361	381	381	381
Estimated Outlays	0	115	210	277	330	376
Spending Under S. 1700 ^c						
Estimated Authorization Level	271	428	403	381	381	381
Estimated Outlays	165	233	297	337	345	382

- a. In addition to the discretionary costs, enacting S. 1700 could affect direct spending, but CBO estimates that any such effects would be less than \$500,000 annually.
- b. The 2004 level is the total amount appropriated for that year for the programs that would be authorized by S. 1700. The 2005 and 2006 levels are the total amounts authorized in current law for those programs.
- c. Components may not sum to totals because of rounding.

BASIS OF ESTIMATE

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 1700 would cost \$1.3 billion over the 2005-2009 period. This legislation also could affect direct spending, but CBO estimates that any such effects would not be significant.

Spending Subject to Appropriation

For this estimate, CBO assumes that the amounts authorized for the grant programs, the FBI, and the National Forensic Science Commission will be appropriated near the start of each fiscal year and that outlays will follow the historical spending rates for these or similar activities.

In addition, implementing S. 1700 would require the federal government to collect DNA samples from each person who has been convicted of a felony and who is in federal custody or on federally supervised release. Currently, the government collects DNA samples only from persons convicted of certain violent crimes. Based on information from the Bureau of Prisons, the Administrative Office of the United States Courts, and the Department of Defense, CBO estimates that implementing S. 1700 would require the collection of roughly 200,000 additional samples in 2005 and over 40,000 samples in each subsequent year. We expect that it would cost \$60 to take each DNA sample, so collection costs would total about \$13 million in fiscal year 2005 and \$3 million a year over the 2006-2009 period, assuming appropriation of the necessary amounts.

Direct Spending

Enacting S. 1700 could increase direct spending by raising the maximum compensation from \$5,000 to \$50,000 per year of imprisonment that could be paid to certain persons wrongly convicted of crimes by the federal government. Any such payments would be made from the U.S. Treasury's Judgment Fund and would be considered direct spending. The number of such cases in recent years has been very small, so we do not expect any increase in payments for this purpose to be significant.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 1700 contains no intergovernmental or private-sector mandates as defined in UMRA and would benefit state, local, and tribal governments by authorizing the appropriation of over \$1.5 billion in grants to those governments over fiscal years 2005 through 2009. It would create six new grant programs and reauthorize and expand two existing grants under the DNA Analysis Backlog Elimination Act of 2000. Any costs to grant recipients would be incurred voluntarily as conditions of receiving federal aid.

PREVIOUS CBO ESTIMATES

On October 16, 2003, CBO transmitted a cost estimate for H.R. 3214, the Advancing Justice Through DNA Technology Act of 2003, as ordered reported by the House Committee on the Judiciary on October 8, 2003. That legislation is very similar to S. 1700, and we estimated that implementing H.R. 3214 would cost about \$1.1 billion over the 2005-2008 period (with additional amounts spent after 2008), assuming appropriation of the necessary amounts.

On September 29, 2004, CBO transmitted a cost estimate for H.R. 5107, the Justice for All Act of 2004, as ordered reported by the House Committee on the Judiciary on September 22, 2004. That legislation is very similar to S. 1700 but would provide funding for Department of Justice programs to assist victims of crimes. We estimate that implementing H.R. 5107 would cost about \$1.4 billion over the 2005-2009 period, assuming appropriation of the necessary amounts.

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