



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

March 2, 2015

**S. 165
Detaining Terrorists to Protect America Act of 2015**

*As reported by the Senate Committee on Armed Services
on February 23, 2015*

S. 165 would prohibit the use of federal funds to construct or modify a facility in the United States to house anyone who is currently detained at the U.S. Naval Station at Guantanamo Bay, Cuba, and who is not a U.S. citizen or member of its armed forces. Regarding those detainees, the bill would further bar the use of federal funds to:

- Release them within the United States or its territories and possessions;
- Release or transfer to them to a foreign country, if the detainees have been designated as a high-risk or medium-risk threat to the United States; and
- Transfer any of them to Yemen.

Those prohibitions would remain in effect for two years after the date of enactment of the bill. S. 165 also would require the Department of Defense to submit a report to the Congress before releasing or transferring any detainees who would not otherwise be ineligible for such disposition under the bill.

Similar prohibitions and requirements have been enacted into law in each of the last six years.

The Administration has not announced any concrete plans for the construction or modification of a facility in the United States to house Guantanamo detainees, and construction of such a facility would require additional legislative authorization. Therefore, spending subject to appropriation would not be affected by the prohibition on establishing a new detention facility. Further, the costs of conducting detention operations in the United States would not be significantly different from the costs of those operations at Guantanamo. Therefore, CBO estimates that implementing S. 165 would have no net effect on the federal budget. Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

S. 165 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is David Newman. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.