



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

March 23, 2007

S. 378

Court Security Improvement Act of 2007

As ordered reported by the Senate Committee on the Judiciary on March 1, 2007

SUMMARY

S. 378 would authorize the appropriation of \$160 million over the 2008-2011 period to provide additional staff to the U.S. Marshals Service and to provide grants to state and local governments to improve court security and protect victims and witnesses. Additionally, the bill would reauthorize operations of the Office of Government Ethics (OGE) through fiscal year 2011. S. 378 also would amend sentencing requirements for crimes committed against certain federal employees and their families. Moreover, the bill would renew provisions of law preventing the release of financial information if disclosure could endanger federal judges or their families. CBO estimates that implementing S. 378 would cost \$30 million in 2008 and \$179 million over the 2008-2012 period, subject to the appropriation of the authorized and necessary amounts.

The bill also would direct the Administrative Office of the United States Courts (AOUSC) to pay increases in the cost of life insurance premiums that were implemented after 1999 for certain judges. CBO estimates that enacting this provision would increase direct spending by about \$1 million over the 2008-2017 period. Other provisions would have no significant impact on direct spending or revenues.

S. 378 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA); any costs to state, local, or tribal governments would be incurred voluntarily as a condition of receiving federal assistance.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 378 is shown in the following table. The cost of this legislation falls within budget functions 750 (administration of justice) and 800 (general government).

	By Fiscal Year, in Millions of Dollars				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION^a					
U.S. Marshals Service					
Authorization Level	20	20	20	20	0
Estimated Outlays	18	20	20	20	2
Grants to Witness and Victim Protection Programs					
Authorization Level	20	20	20	20	0
Estimated Outlays	2	8	13	17	12
Office of Government Ethics					
Estimated Authorization Level	11	11	12	13	0
Estimated Outlays	10	11	12	13	1
Total Proposed Changes					
Estimated Authorization Level	51	51	52	53	0
Estimated Outlays	30	39	45	50	15

a In addition to the amounts shown above, enacting S. 378 also would affect revenues and direct spending. CBO estimates that any such effects would not be significant in any year and would increase direct spending by about \$1 million over the 2008-2017 period.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted before the end of fiscal year 2007, that the amounts authorized by the bill will be appropriated for each year, and that spending will follow historical patterns for current and similar programs.

Spending Subject to Appropriation

CBO estimates that implementing S. 378 would cost \$179 million over the 2008-2012 period, assuming appropriation of amounts authorized and estimated to be necessary.

U.S. Marshals Service. Section 105 would authorize the appropriation of \$20 million annually over the 2008-2011 period for the U.S. Marshals Service to provide additional protection for the judiciary. The agency would use the funds to hire additional Deputy Marshals, investigators, and intelligence officers. Assuming appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$18 million in 2008 and \$80 million over the 2008-2012 period.

Section 104 would authorize the U.S. Marshals Service to provide security for the U.S. Tax Court. Under current law, such protection cannot be provided, although temporary security has been available upon request. Based on information from the U.S. Marshals, CBO expects that additional protection provided to the U.S. Tax Court under this bill would not require a significant increase in staff. Thus, CBO estimates that implementing this provision would have no significant cost.

Grants to Witness and Victim Protection Programs and Court Security. Section 301 would authorize the appropriation of an additional \$20 million annually over the 2008-2011 period to make Community-Based Justice Grants for Prosecutors. Those funds would be used to make grants for witness and victim protection programs. Assuming appropriation of the specified amounts, CBO estimates that implementing this provision would cost \$2 million in 2008 and \$52 million over the 2008-2012 period.

In addition, section 302 would authorize the Bureau of Justice Assistance to make grants to improve the security of state and local courts. The bill would reduce funding for grants made to programs that offer alternatives to traditional incarceration by 10 percent to fund this new activity. As such, CBO estimates that implementing those provisions would have no net impact on the federal budget.

Office of Government Ethics. Section 505 would reauthorize the operations of the Office of Government Ethics for fiscal years 2008 through 2011. The authorization for OGE expired in 2006, but the office received an appropriation of \$11 million in 2007. Based on the fiscal year 2007 appropriation and assuming adjustments for anticipated inflation, CBO estimates that implementing this section would cost \$10 million in 2008 and \$47 million over the 2008-2012 period, assuming the appropriation of the necessary amounts.

Federal Prison System. Title II would make it a separate crime to knowingly file a false claim against a federal judge, law enforcement officer, or family member on account of performance of duties. It would also make it a crime to make restricted information about federal judges, officers, jurors, witnesses, or their families publically available. Under current law, such actions may be prosecuted under other federal statutes in certain cases. Title II also would increase the maximum sentences for certain existing crimes against witnesses, victims, and informants. CBO estimates that the longer prison sentences required under the bill would not have a significant impact on prison populations over the 2008-2012 period, and thus, would not impose any significant costs over that period.

Other Provisions Affecting Federal Judges. Other sections would extend provisions of the Ethics in Government Act through 2009 which prevent public access to certain personal financial information if disclosure could endanger a federal judge or family member. Based on information from the AOUSC, CBO expects that the agency would exercise this authority rarely and any additional reporting requirements would therefore be minimal and would have no significant cost.

In addition, section 502 would direct the AOUSC to pay for increases in the cost of Federal Employees' Group Life Insurance (FEGLI) implemented by the Office of Personnel Management after April 1999 for magistrates and territorial district court judges. Such payments are currently made for all Article III judges as well as judges of the Court of Federal Claims. Based on information from the AOUSC, CBO estimates that additional costs related to the payment of FEGLI increases would have no significant effect on the federal budget.

Direct Spending and Receipts

S. 378 would subject individuals to penalties for various crimes against judges, federally funded public safety officers, and their families. Thus, the federal government might collect additional fines if the bill is enacted. Collections of criminal fines are deposited in the Crime Victims Fund and later spent. As such, CBO expects that any additional revenues and direct spending would not be significant.

In addition, section 502 would direct AOUSC to pay increases in FEGLI implemented after April 1999 for bankruptcy judges. Any increase to the salaries and benefits of bankruptcy judges is considered a change in direct spending, and thus the additional premium payment for life insurance for bankruptcy judges would result in an increase in direct spending. Based on information from AOUSC, CBO estimates that any increase in direct spending that results from enacting this provision would be insignificant in any one year and would total about \$1 million over the 2008-2017 period.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 378 contains no intergovernmental or private-sector mandates as defined in UMRA. It would authorize the appropriation of \$80 million for fiscal years 2008 through 2011 for grants to states to increase security of the court system and make other safety improvements. Any costs to those governments would be incurred voluntarily as a condition of receiving federal assistance.

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