



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

December 3, 2018

### **S. 3191** **Civil Rights Cold Case Records Collection Act of 2018**

*As ordered reported by the Senate Committee on Homeland Security  
and Governmental Affairs on September 26, 2018*

#### **SUMMARY**

S. 3191 would make federal information about investigations of unsolved civil rights cases more readily available to the public. The bill would authorize the National Archives and Records Administration (NARA) to create a collection of unsolved civil rights cases. In addition, the legislation would establish a Civil Rights Cold Case Review Board (Review Board) to determine which records can be released to the public.

CBO estimates that implementing S. 3191 would cost \$10 million over the 2019-2023 period; such spending would be subject to the availability of appropriated funds.

Enacting S. 3191 could affect direct spending by agencies that are authorized to use receipts from the sale of goods, fees, and other collections to cover operating costs; therefore, pay-as-you-go procedures apply. Because most agencies can adjust the amounts collected as operating costs change, CBO estimates that any net changes in direct spending by those agencies would be negligible. In addition, NARA can charge and spend fees to cover some or all of its costs to process certain requests. CBO estimates, however, that any net increase in fees collected under the bill would be negligible. Enacting the bill would not affect revenues.

CBO estimates that enacting S. 3191 would not significantly increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

S. 3191 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

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

The estimated budgetary effect of S. 3191 is shown in the following table. The costs of the legislation primarily fall within all budget functions 750 (administration of justice) and 800 (general government).

	By Fiscal Year, in Millions of Dollars					2019- 2023
	2019	2020	2021	2022	2023	
<b>INCREASES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Estimated Authorization Level	1	3	2	2	2	10
Estimated Outlays	1	3	2	2	2	10

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that S. 3191 will be enacted near the end of 2018. Estimated outlays are based on historical spending patterns for similar activities.

S. 3191 would require NARA to establish a collection of federal records about unsolved civil rights cases that occurred between 1940 and 1979. The collection would be made available to the public. The bill also would establish a Civil Rights Cold Case Records Review Board. Five members would be appointed by the President with the advice and consent of the Senate. The board would facilitate the review, transmission to NARA, and public disclosure of government records related to the unsolved cases. It would terminate five years after enactment.

Information from the Department of Justice (DOJ) Cold Case Initiative indicates that there are about 115 unsolved civil rights cases that the department is aware of. Using information from NARA, CBO expects that the cost of implementing this bill would be similar to the John F. Kennedy Assassination Records Review Board. That board re-examined records related to the assassination investigation that federal agencies considered too sensitive to release to the public to consider which records should be released to the public; CBO expects that the board established under S. 3191 would be similar. CBO estimates that implementing the bill would cost about \$2 million annually and \$10 million over the 2019-2023 period, subject to the availability of appropriated funds. Those amounts would cover personnel and other administrative costs to evaluate which documents could be released publicly. If more cold cases are reopened following the enactment of S. 3191 there would be additional costs in future years to evaluate those additional records.

## **PAY-AS-YOU-GO CONSIDERATIONS**

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. S. 3191 could affect direct spending by agencies that are not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any changes in direct spending would be negligible. In addition, NARA can charge and spend fees to cover some or all of the costs to process certain requests. CBO estimates, however, that any net increase in fees collected under the bill would be negligible. The bill would not affect revenues.

## **INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS**

CBO estimates that enacting S. 3191 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

## **MANDATES**

S. 3191 contains no intergovernmental or private-sector mandates as defined in UMRA.

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