



**CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE**

October 8, 2008

**H.R. 1943  
Stop AIDS in Prison Act of 2007**

*As reported by the Senate Committee on the Judiciary on September 25, 2008*

**SUMMARY**

H.R. 1943 would amend current law to require the Bureau of Prisons (BOP) to test all incoming and outgoing inmates for the human immunodeficiency virus (HIV). The legislation would offer an opt-out provision to most inmates. Presently, BOP performs HIV testing on those inmates who are sentenced to six months or more in prison if they are determined to be at risk for HIV. CBO estimates that implementing H.R. 1943 would cost \$17 million over the 2009-2013 period, assuming appropriation of the necessary funds. Enacting H.R. 1943 would not affect direct spending or revenues.

H.R. 1943 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

**ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 1943 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					2009-2013
	2009	2010	2011	2012	2013	
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
HIV Testing and Services for BOP Inmates						
Estimated Authorization Level	3	4	3	3	3	16
Estimated Outlays	3	4	3	3	3	16
Reporting Requirements						
Estimated Authorization Level	*	1	*	*	*	1
Estimated Outlays	*	1	*	*	*	1
Total Changes						
Estimated Authorization Level	3	5	3	3	3	17
Estimated Outlays	3	5	3	3	3	17

Note: HIV = Human Immunodeficiency Virus; BOP = Bureau of Prisons; \* = less than \$500,000.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that H.R. 1943 will be enacted near the start of 2009 and that the amounts estimated to be necessary will be appropriated for each fiscal year. CBO estimates that implementing H.R. 1943 would cost \$17 million over the 2009-2013 period, assuming appropriation of the necessary funds.

## **Current HIV Testing Procedures in Bureau of Prisons' Facilities**

Under current law, BOP performs HIV testing on those inmates sentenced to six months or more in prison who are determined to be at risk for HIV—about 25,000 tests a year. Inmates may also request an HIV test once a year or when an inmate believes that he or she has been exposed to the virus. BOP also has the right to mandate testing for any inmate that it believes has intentionally or unintentionally transmitted the virus. For those who receive a test, BOP provides pre- and post-test counseling, regardless of the diagnosis. Inmates who test positive for the virus—about 1 percent of the nearly 200,000 a year incarcerated by BOP—also receive treatment during their incarceration and a 30-day supply of medication upon their release.

## **New Testing Procedures under H.R. 1943**

H.R. 1943 would require BOP to test all incoming and outgoing inmates but would allow inmates to opt out of such testing. For inmates admitted prior to the effective date of the new policy, a test would be required within six months. CBO estimates that implementing the expanded testing, medical treatment, and education programs under H.R. 1943 would cost about \$16 million over the 2009-2013 period, subject to appropriation of the necessary amounts.

Specifically, we estimate that BOP would require \$11 million for expanded AIDS testing over the 2009-2013 period. Of that amount, \$3 million would be required over the 2009-2010 period to test about 200,000 inmates at an average cost of \$17 per test. That up-front cost would include tests for inmates admitted prior to implementation of the new policy. Subsequently, we anticipate that BOP would conduct about 100,000 tests a year (assuming that few inmates would opt out of testing), at a discretionary cost of nearly \$2 million annually.

Finally, CBO estimates that the cost of providing additional medical services for newly diagnosed inmates would be nearly \$5 million over the 2009-2013 period. We also estimate that the cost of HIV education and counseling programs would be less than \$500,000 over the same period.

## **Reporting Requirements**

CBO estimates that BOP would spend about \$1 million over the 2009-2013 period to prepare two reports required by H.R. 1943, assuming the availability of appropriated funds. The first report would delineate BOP procedures for testing, treating, and preventing hepatitis and other infectious diseases. The second report would provide the Congress with statistics on HIV test results.

## **INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT**

H.R. 1943 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

## **PREVIOUS CBO COST ESTIMATE**

On September 7, 2007, CBO transmitted a cost estimate for H.R. 1943 as ordered reported by the House Committee on the Judiciary on July 25, 2007. The two versions of the legislation are very similar. However, our estimate of spending under the Senate version is \$1 million higher per year because it takes into account updated information on the cost of HIV testing. Specifically, this estimate assumes a 70 percent increase in the average cost per test. Other differences in the two cost estimates reflect a change in assumed enactment of H.R. 1943.

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