



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

September 7, 2007

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

As ordered reported by the House Committee on the Judiciary on July 25, 2007

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 about \$3 million in fiscal year 2008 and \$12 million over the 2008-2012 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				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
HIV Testing and Services for BOP Inmates					
Estimated Authorization Level	3	2	2	2	2
Estimated Outlays	3	2	2	2	2
Reporting Requirements					
Estimated Authorization Level	*	1	*	*	*
Estimated Outlays	*	1	*	*	*
Total Changes					
Estimated Authorization Level	3	3	2	2	2
Estimated Outlays	3	3	2	2	2

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 fiscal year 2008 and that the amounts estimated to be necessary will be appropriated for each fiscal year.

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 can 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-testing counseling, regardless of the diagnosis. Inmates who test positive for the virus—about 1 percent of the nearly 200,000 incarcerated by BOP a year—also receive treatment during their incarceration and a 30-day supply of medication upon their release.

New Testing Procedures under H.R. 1943

CBO estimates that implementing the expanded testing, medical treatment, and associated services under H.R. 1943 would cost \$11 million over the 2008-2012 period, subject to appropriation of the necessary amounts. H.R. 1943 would require BOP to test all incoming and outgoing inmates but would allow inmates to opt out of such testing. As under current law, if BOP believes that an inmate intentionally or unintentionally transmitted the virus, the inmate would be subject to mandatory testing. For inmates admitted prior to the effective date of the new policy, a test would be required within six months.

Based on information from BOP, CBO expects that comprehensive HIV testing would likely be incorporated into the current medical examination system at an average cost of \$10 per inmate. We estimate that the cost of additional HIV testing on about 200,000 additional inmates in fiscal year 2008 under H.R. 1943 would be about \$2 million, subject to the availability of appropriated funds. That first-year total would include tests for all inmates admitted prior to implementation of the new policy near the middle of fiscal year 2008. We anticipate that for years after 2008, BOP would conduct about 110,000 additional tests a year (assuming that few inmates would opt out of testing), at a cost of about \$1 million annually, also subject to the availability of appropriated funds.

Testing of entering and exiting inmates may result in the diagnosis of some new HIV cases. CBO estimates that the cost of providing additional medical services for newly diagnosed inmates would be nearly \$1 million a year. We estimate that the cost of HIV education and counseling programs would be less than \$500,000.

Reporting Requirements

CBO estimates that BOP would spend about \$1 million over the 2008-2012 period to prepare two reports required by the bill, 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.

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