



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 27, 2012

H.R. 3803

District of Columbia Pain-Capable Unborn Child Protection Act

As ordered reported by the House Committee on the Judiciary on July 18, 2012

CBO estimates that implementing H.R. 3803 would have no significant cost to the federal government. Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effects would be insignificant for each year.

H.R. 3803 would make it illegal to perform abortions in the District of Columbia after 20 weeks of pregnancy, with an exception only for saving the life of the pregnant woman. Because the legislation would establish a new offense, the government would be able to pursue cases that it otherwise would not be able to prosecute. We expect that H.R. 3803 would apply to a relatively small number of offenders, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 3803 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the relatively small number of cases likely to be affected.

H.R. 3803 would impose intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would preempt the authority of the District of Columbia to regulate abortions in a manner that is not compatible with requirements in the bill. It also would require the District of Columbia Department of Health to collect data from physicians and issue annual reports on abortions performed in the District. The District would incur costs to upgrade its data collection system and to issue regulations and reports. Based on information from government and industry representatives, CBO estimates that the cost incurred by the District to comply with the mandates would not exceed the annual thresholds established in UMRA (\$73 million in 2012, adjusted annually for inflation).

H.R. 3803 would impose private-sector mandates as defined in UMRA by banning certain abortions in the District of Columbia and by instituting new reporting requirements for all

abortions performed in that jurisdiction. The costs of those mandates would be the net income forgone by physicians and clinics and the incremental cost of the reporting requirements. Information from the Centers for Disease Control and Prevention and other industry experts indicate that only a relatively small number of abortions are performed within the District. Therefore, CBO estimates that the direct cost of the mandates would fall below the annual threshold established in UMRA for private-sector mandates (\$146 million in 2012, adjusted annually for inflation).

The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs), Melissa Merrill (for the impact on state, local and tribal governments), and Marin Randall (for the impact on the private sector). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.