



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

July 17, 2003

H.R. 1707
Prison Rape Reduction Act of 2003

As ordered reported by the House Committee on the Judiciary on July 9, 2003

SUMMARY

H.R. 1707 would authorize the appropriation of:

- \$15 million for each of the fiscal years 2004 through 2010 for the Department of Justice (DOJ) to carry out comprehensive statistical analyses of prison rape incidents nationwide;
- \$5 million annually over the 2004-2010 period for DOJ to provide training and other assistance to federal, state, and local prison authorities to deter prison rape;
- \$40 million annually over the 2004-2010 period for the DOJ to make grants to states to prevent and prosecute prison rape; and
- such sums as necessary to establish the National Prison Rape Reduction Commission, which would have two years to conduct a comprehensive study of the impacts of prison rape.

Assuming appropriation of the necessary amounts, CBO estimates that implementing H.R. 1707 would cost \$236 million over the 2004-2008 period. Enacting this legislation would not affect direct spending or revenues.

H.R. 1707 contains intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs of complying with those mandates would be significantly below the thresholds established under that act (\$59 million for intergovernmental mandates and \$117 million for private-sector mandates in 2003, adjusted for inflation). It also would provide benefits to state, local, and tribal governments in the form of new grant programs.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

For this estimate, CBO assumes that H.R. 1707 will be enacted by the end of fiscal year 2003, that the necessary amounts will be appropriated by the beginning of each fiscal year, and that outlays will follow the historical spending rates for these or similar activities. The estimated budgetary impact of H.R. 1707 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 | | | | |
|---|--|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| DOJ Statistical Analyses of Prison Rape | | | | | |
| Authorization Level | 15 | 15 | 15 | 15 | 15 |
| Estimated Outlays | 4 | 10 | 15 | 15 | 15 |
| Training and Assistance to Prison Authorities | | | | | |
| Authorization Level | 5 | 5 | 5 | 5 | 5 |
| Estimated Outlays | 4 | 5 | 5 | 5 | 5 |
| Grants to States to Prevent and Prosecute Prison Rape | | | | | |
| Authorization Level | 40 | 40 | 40 | 40 | 40 |
| Estimated Outlays | 9 | 24 | 38 | 40 | 40 |
| National Prison Rape Reduction Commission | | | | | |
| Estimated Authorization Level | 1 | 1 | 0 | 0 | 0 |
| Estimated Outlays | 1 | 1 | 0 | 0 | 0 |
| Total Changes | | | | | |
| Estimated Authorization Level | 61 | 61 | 60 | 60 | 60 |
| Estimated Outlays | 18 | 40 | 58 | 60 | 60 |

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1707 contains intergovernmental and private-sector mandates as defined in UMRA. It would require state, local, or tribal governments and entities in the private sector, if subpoenaed, to attend and produce written or other matter at hearings conducted by the Review Panel on Prison Rape and the National Prison Rape Reduction Commission. CBO expects that the panel and commission would likely exercise their subpoena power sparingly and that the costs to comply with a subpoena would not be significant. CBO estimates that the cost of those mandates to public and private entities would be small and well below the relevant annual thresholds established by UMRA.

In addition, this bill would provide benefits to state, local, and tribal governments. It would authorize appropriations of \$315 million over seven years for new training and grant programs and would create a new information clearinghouse to assist local officials. Eligibility requirements, such as the adoption of current national standards, would be conditions of federal aid and not mandates as defined in UMRA.

This bill would direct the Attorney General to adopt national standards for the prevention of prison rape. Though the language specifies that those standards may not place substantial additional costs on federal, state, or local prison authorities, CBO has no basis for estimating what those standards might be or what costs state and local governments would face in complying with them.

Finally, the bill would add new conditions for existing grant programs. States that refused, or had localities that refused, to participate in the federal survey on prison rape would be required to return federal funds they received for prisons. In addition, state grant awards would be reduced by 5 percent if they did not comply with national standards or agree to use at least 5 percent of any federal grant money for prisons to maintain their compliance with the national standards.

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