

CBO's Estimate of the Statutory Pay-As-You-Go Effects of H.R. 1621, the Prohibiting Punishment of Acquitted Conduct Act of 2021, as posted on the website of the Clerk of the House on March 25, 2022
<https://docs.house.gov/billsthisweek/20220328/BILLS-117hr1621-SUS.pdf>

	By Fiscal Year, Millions of Dollars										2022- 2026	2022- 2031
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031		
	Net Increases in the On-Budget Deficit											
Pay-As-You-Go Effect	0	2	2	2	2	2	2	2	2	2	8	18
Memorandum:												
Changes in Outlays	0	2	2	2	2	2	2	2	2	2	8	18
Changes in Revenues	0	0	0	0	0	0	0	0	0	0	0	0

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those procedures are shown here. Enacting the bill also would increase spending for Social Security benefits, which are off-budget, and thus not counted for purposes of Statutory Pay-As-You-Go purposes. Those outlays would amount to less than \$500,000 in every year beginning in 2023 and would total \$1 million over the 2022-2031 period.

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Estimates relative to CBO's July 2021 baseline; estimated budget authority equals outlays.

H.R. 1621 would prohibit federal judges, when setting prison sentences in criminal cases, from considering conduct for which defendants were acquitted, unless consideration of the conduct would reduce the sentence. Under current law, there are no limitations on the information federal judges can consider when imposing a sentence in a criminal case. Specifically, under the bill, judges would be barred from considering conduct for which a person was charged and adjudicated not guilty by a federal, state, or tribal court.

Under the bill, CBO estimates that hundreds of defendants each year would receive sentences that are a little shorter than they would likely receive under current law. CBO also expects that many of those defendants would, upon the completion of their sentences, become eligible for Medicare, Medicaid, premium tax credits for health insurance purchased through the marketplaces established by the Affordable Care Act, Social Security, Supplemental Security Income, and the Supplemental Nutrition Assistance Program. In total, CBO estimates that providing benefits for more beneficiaries under those programs would increase direct spending by \$19 million over the 2022-2031 period. Of that amount, spending under the Social Security program, which is classified as off-budget, would total \$1 million over the same period.

In addition, CBO expects that future appropriations for operating the federal prison system would be reduced to reflect savings in the bureau's overall costs to house and monitor prisoners. Those savings are discretionary and, thus, are not reflected in the table.