CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

May 19, 2017

H.R. 1761
Protecting Against Child Exploitation Act of 2017

As ordered reported by the House Committee on the Judiciary on May 3, 2017

H.R. 1761 would broaden the coverage of current laws related to sexual exploitation of minors. As a result, the government might be able to pursue cases that it otherwise would not be able to prosecute. CBO expects that the bill would apply to a relatively small number of offenders, however, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such spending would be subject to the availability of appropriated funds.

Enacting the bill could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. Because those prosecuted and convicted under H.R. 1761 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 without further appropriation action. CBO expects that any additional revenues and associated direct spending would not be significant because the legislation would probably affect only a small number of cases.

CBO also estimates that enacting H.R. 1761 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1761 would preempt state laws and exempt providers of electronic communications or remote computer services from state criminal charges if such providers unintentionally transmit certain images. Electronic communication providers, remote computer providers, and domain registers also would be exempt from state criminal charges for such transmissions if done in response to a search warrant or other legal proceeding. Preemptions are mandates as defined in the Unfunded Mandate Reform Act (UMRA) because they limit the application of state laws. However, CBO estimates that this preemption would not affect the budgets of state governments because it would impose no duty on states that would result in additional spending or a loss of revenue.

H.R. 1761 contains no private-sector mandates as defined in UMRA.

The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs) and Rachel Austin (for intergovernmental mandates). The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.