



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

January 5, 2012

S. 1236

Border Tunnel Prevention Act of 2011

As reported by the Senate Committee on the Judiciary on December 15, 2011

CBO estimates that implementing S. 1236 would have no significant costs 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.

S. 1236 would establish a new federal crime relating to the unlawful construction or use of border tunnels between the United States and other countries. As a result, the government might be able to pursue criminal cases that it otherwise would not be able to prosecute. CBO expects that S. 1236 would apply to a relatively small number of additional offenders, however, 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.

In addition, S. 1236 would require the Department of Homeland Security (DHS) to submit annual reports to the Congress relating to investigations of unlawful border tunnels between Mexico and the United States. Based on the costs of similar activities, CBO estimates that preparing the reports would not significantly affect DHS spending from appropriated funds.

Because those prosecuted and convicted under S. 1236 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 small number of cases likely to be affected.

S. 1236 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.