



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

September 2, 2009

S. 251

Safe Prisons Communications Act of 2009

*As ordered reported by the Senate Committee on Commerce, Science,
and Transportation on August 8, 2009*

SUMMARY

S. 251 would amend the Communications Act of 1934 to authorize certain correctional facilities to operate technology that would interfere with cell phone signals inside prison walls (such technology is known as a jamming system). The bill would require the Federal Communications Commission (FCC) to develop regulations to authorize the use of such systems as well as a list of devices that prisons could choose from if the agency granted authority to install a jamming system. Under the bill, the FCC would be authorized to revoke a prison's authority to operate such a system if public safety authorities or providers of wireless services in the area can prove that the system is interfering with their communications.

CBO estimates that implementing S. 251 would cost \$18 million over the 2010-2014 period, assuming appropriation of the necessary amounts. We estimate that enacting S. 251 would not affect direct spending or revenues.

S. 251 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments would be incurred voluntarily.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 251 is shown in the following table. The costs of this legislation fall within budget functions 376 (commerce and housing credit) and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					2010-2014
	2010	2011	2012	2013	2014	
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	0	6	7	8	21
Estimated Outlays	0	0	3	7	8	18

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2010 and that the necessary amounts will be appropriated for each year.

Federal Communications Commission

S. 251 would require the FCC to develop regulations to authorize prisons to install jamming systems within prison walls. The bill would require the FCC to notify both public safety agencies and commercial providers of cell phone service of a prison's intent to install the technology, and to keep those entities informed of progress at several points in the process. The FCC also would be required to develop criteria to certify the manufacture, sale, and interstate transport of jamming technology for use under this program. Correctional facilities that request authority to install the systems would be required to use equipment that has received FCC certification.

Based on information from the FCC, CBO estimates that implementing S. 251 would cost about \$10 million over the 2010-2014 period, assuming appropriation of the necessary amounts, to develop and enforce regulations for the program. Furthermore, under current law, the FCC is authorized to collect fees from the telecommunications industry to offset its regulatory program. Therefore, CBO estimates that the net budgetary impact of S. 251 on the FCC would be insignificant.

Federal Bureau of Prisons

Based on information provided by the Bureau of Prisons (BOP), CBO assumes that all of the 115 federal prisons would use the new authority to install jamming systems if permitted under the new FCC regulations. Information from manufacturers of those systems indicates that, on average, the one-time cost for the devices would be about \$150,000 per prison, plus an additional annual cost of \$15,000 a year for maintenance and repair once the device is installed. CBO assumes that jamming systems would

be installed over a three-year period, beginning in 2012 after the FCC's regulations and field testing are complete.

In total, CBO estimates that the cost to purchase, set up, and service jamming systems at all federal prisons would be about \$18 million over the 2012-2014 period. Additional amounts would be required after 2014 for routine maintenance and repair.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 251 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would allow states and those in charge of local prisons to apply to the FCC for authorization to install jamming systems. Any costs to state or local governments would be incurred voluntarily.

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