



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 26, 2001

H.R. 2175 **Born-Alive Infants Protection Act of 2001**

As ordered reported by the House Committee on the Judiciary on July 24, 2001

H.R. 2175 would amend the United States Code by expanding the definition of the words “person, human being, child, and individual” as they are used in any act of the Congress or any administrative ruling, regulation, or interpretation. Under the bill, such words would be defined to include every infant born alive at any stage of development. The bill also would define the term “born alive.”

The interests of those who are born alive are recognized most commonly in the areas of tort law, trust and estate law, and criminal law. Because the words “person, human being, child, and individual” are used frequently throughout the United States Code, CBO cannot determine how the new definitions could be interpreted in all situations. However, CBO assumes that the bill would have no effect on trust and estate law and negligible effect on federal tort law. In the area of criminal law, CBO expects that the circumstances under which the new definitions could be used to bring lawsuits in federal court are very limited. Therefore, we estimate that the effect of H.R. 2175 on the federal budget would be negligible.

Anyone prosecuted and convicted under H.R. 2175 could be subject to criminal fines. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and spent in subsequent years. Because H.R. 2175 could affect direct spending and receipts, pay-as-you-go procedures would apply. CBO expects, however, that any additional receipts and direct spending would be negligible because it is not likely that the federal government would pursue many cases under this bill.

Because definition changes in this bill would affect such a large number of citations in the United States Code, CBO cannot determine with certainty whether those changes might impose new enforceable duties on state, local, and tribal governments or the private sector. CBO has identified no such instances, however, and believes that it is unlikely that H.R. 2175 would impose new federal mandates as defined by the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Lanette J. Walker. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.