



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

March 12, 2012

H.R. 4119 **Border Tunnel Prevention Act of 2012**

As ordered reported by the House Committee on the Judiciary on March 6, 2012

CBO estimates that implementing H.R. 4119 would have no significant cost 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.

H.R. 4119 would establish a new federal crime relating to the unlawful construction or use of an underground tunnel 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 H.R. 4119 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, H.R. 4119 would require the Department of Homeland Security (DHS) to submit annual reports to the Congress relating to investigations of unlawful 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 H.R. 4119 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.

H.R. 4119 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.

On January 5, 2012, CBO transmitted a cost estimate for S. 1236, the Border Tunnel Prevention Act of 2011, as reported by the Senate Committee on the Judiciary on December 15, 2011. The two bills are similar, and the cost estimates are the same.

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