

Congressman David Dreier
H.R. 4830, the Border Tunnel Prevention Act
Summary

Since September 11, 2001, U.S. authorities have discovered 38 tunnels crossing international borders into the U.S. All but one has been on the southern border. These tunnels range in complexity from simple “gopher holes” a few feet long, to massive drug-cartel built mega-tunnels. In one egregious case, U.S. authorities discovered two tons of marijuana inside a 1,200 yard tunnel, complete with lighting, electricity, ventilation and a water pump.

The use of such tunnels undermines our efforts to protect the border and poses a significant threat to our national security. H.R. 4830, the Border Tunnel Prevention Act, would crack down on those who seek to use these tunnels to illegally enter our country by criminalizing the construction of border tunnels that span our international borders. Specifically, the bill:

- Amends the federal criminal code to criminalize the construction or financing of an unauthorized tunnel or subterranean passage across an international border into the United States with a term of imprisonment up to 20 years;
- Punishes those who recklessly permit others to construct or use an unauthorized tunnel or subterranean passage on their land with of term imprisonment of up to 10 years;
- Doubles the sentence for the underlying offense if a person is convicted of using a tunnel or subterranean passage to smuggle aliens, weapons, drugs, terrorists, or illegal goods;
- Ensures that assets involved in the offense, or any property traceable to the offense, may be subject to forfeiture; and
- Instructs the U.S. Sentencing Commission to promulgate or amend sentencing guidelines to provide for criminal penalties for persons convicted under this bill, and to take into account the gravity of this crime when considering the base offense levels.