



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

May 4, 2018

### **H.R. 3548** **Border Security for America Act of 2017**

*As reported by the House Committee on Homeland Security  
on January 10, 2018*

#### **SUMMARY**

H.R. 3548 would authorize the appropriation of about \$12 billion over the 2019-2023 period, mostly to enhance security measures by the Department of Homeland Security (DHS) at U.S. borders. Enhancements would include building new border infrastructure and hiring additional personnel. CBO estimates implementing the bill would require additional appropriations above the amounts specifically authorized totaling \$7.3 billion over the 2019-2023 period, mostly for new personnel. Assuming appropriation of the specified and estimated amounts, CBO estimates that implementing H.R. 3548 would cost \$17.6 billion over the 2019-2023 period.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 3548 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 3548 would impose an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA) by preempting state laws in some circumstances, but those preemptions would impose no duty on state, local, or tribal governments that would result in additional spending or a loss of revenues.

The bill contains no private-sector mandates as defined in UMRA.

#### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary effect of H.R. 3548 is shown in the following table. The costs of the legislation fall within budget functions 050 (national defense), 450 (community and regional development), and 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars						2019- 2023
	2018	2019	2020	2021	2022	2023	
<b>INCREASES IN SPENDING SUBJECT TO APPROPRIATION</b>							
Programs With Specified Authorizations							
Authorization Level	4,018	3,935	3,860	3,860	110	0	11,765
Estimated Outlays	0	1,470	2,174	2,947	1,985	1,679	10,255
Estimated Additional Authorizations							
Additional DHS Personnel and Pay							
Increases							
Estimated Authorization Level	0	0	0	0	3,196	3,494	6,690
Estimated Outlays	0	0	0	0	3,196	3,494	6,690
National Guard							
Estimated Authorization Level	0	120	120	130	130	130	630
Estimated Outlays	0	110	120	130	130	130	620
Total							
Estimated Authorization Level	4,018	4,055	3,980	3,990	3,436	3,624	19,085
Estimated Outlays	0	1,580	2,294	3,077	5,311	5,303	17,565

Components may not sum to totals because of rounding; DHS = Department of Homeland Security.

The bill would authorize appropriations totaling \$4,018 million in 2018. CBO does not estimate any outlays for those authorizations because appropriations for 2018 have already been enacted. The Congress appropriated about \$14 billion for fiscal year 2018 for Customs and Border Protection (CBP) activities.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 2019, that the necessary amounts will be appropriated each year beginning that year, and that outlays will follow the historical rate of spending for similar activities.

### **Programs With Specified Authorizations**

H.R. 3548 would authorize appropriations for many programs that aim to improve security along U.S. borders. Specifically, the bill would authorize the following appropriations:

- \$2.5 billion annually over the 2019-2021 period for thousands of additional DHS personnel stationed at U.S. borders, new barriers and other infrastructure along the border, and for other activities;

- \$1.25 billion annually over the 2019-2021 period for additional infrastructure at U.S. ports of entry, improvements to the systems that track visitors exiting the United States, and for other activities;
- \$110 million annually over the 2019-2022 period for the Operation Stonegarden program, which funds joint efforts to secure U.S. borders by federal, state, local, and tribal law enforcement agencies; and
- \$75 million for the Department of Defense (DoD) to provide assistance to U.S. Customs and Border Protection (CBP) to secure the southern border (the bill does not specify a period for the authorization, so for the purposes of this cost estimate CBO assumes that the funds are authorized for 2019).

CBO estimates that implementing those programs would cost about \$10.3 billion over the 2019-2023 period and about \$1.5 billion after 2023. In the Consolidated Appropriations Act, 2018 (Public Law 115-141), the Congress provided about \$4 billion for all CBP programs for fiscal year 2018.

In addition to the programs listed above, H.R. 3548 would authorize the appropriation of \$125 million in 2018 for DHS to upgrade license plate readers to check vehicles entering and exiting the United States and \$33 million in 2018 for DHS to expand surveillance near U.S. borders. Because appropriations for 2018 have already been enacted, CBO does not estimate any outlays associated with those authorizations.

### **Estimated Additional Authorizations**

In addition to the costs stemming from specified authorizations in the bill, CBO estimates that implementing some of the authorized programs and other related activities would cost an additional \$7.3 billion over the 2019-2023 period, assuming appropriation of the necessary amounts.

**Additional DHS Personnel and Pay Increases.** H.R. 3548 would direct DHS, by the end of fiscal year 2021, to hire nearly 7,000 border patrol agents, 4,600 CBP officers, and more than 2,000 other employees, including support personnel. (In 2017 there were about 20,000 border patrol agents and about 23,000 CBP officers.) On the basis of historical trends in hiring such personnel, CBO estimates that it would take DHS four years to meet those targets (by hiring about 3,500 new employees per year, on average). The bill also would authorize pay increases for certain current CBP employees.

For fiscal years 2019 through 2021, H.R. 3548 would provide specific authorizations of appropriations of \$2.5 billion per year to carry out those activities (as noted above). Using information from DHS about personnel costs (including benefits, anticipated pay

raises, and salaries, as well as the costs to purchase vehicles and weapons for officers and to pay for support activities), CBO estimates the additional personnel and pay raises would cost \$3.2 billion in fiscal year 2022 and \$3.5 billion in 2023.

**National Guard.** H.R. 3548 would exclude certain National Guard members—those who would be deployed in support of CBP to secure the southern border—from statutory limits on the authorized number of Guard personnel at the end of a fiscal year. The Secretary of Defense has recently authorized the deployment of up to 4,000 Guard members to support the mission to secure the southern border through September 30, 2018, and the Guard has supported similar missions in the past. On that basis, CBO estimates that the number of Guard members deployed to secure the southern border under the authority provided in this bill would be about 3,000 starting in 2019 and would continue at that average level through 2023.

Because DoD is already exercising existing authority to deploy Guard members to the southern border, this estimate does not include the cost of activating those personnel. However, by excluding those members from the limit on the number of Guard personnel, this provision would effectively raise the authorized end strength (the size of military forces at the end of a fiscal year) for the part-time Guard by a similar amount. Thus, this estimate includes the cost to DoD to increase the number of part-time National Guard members by 3,000.

In addition, the bill would require DoD to reimburse states for the cost, up to a maximum of \$35 million a year, to deploy Guard personnel under State Active Duty (SAD) authority in support of a southern border mission. Using information from the National Guard for several of the states affected by this provision, CBO estimates that, on average, about 150 Guard members would serve at any time under SAD authority between 2019 and 2023.

CBO estimates that increasing the number of part-time Guard members and reimbursing states for SAD deployments would cost DoD \$620 million over the 2019-2023 period.

**PAY-AS-YOU-GO CONSIDERATIONS:** None

## **INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS**

CBO estimates that enacting H.R. 3548 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

## **MANDATES**

H.R. 3548 would impose an intergovernmental mandate as defined in UMRA by expanding the Secretary of Homeland Security's authority to preempt state laws that would otherwise impede construction and operation of new security infrastructure and technology along the border. Additionally, the bill would grant CBP authority to waive certain state or local laws and regulations on federal land within 100 miles of a border. Although those preemptions would limit the application of state laws, they would impose no duty on state, local, or tribal governments that would result in additional spending or a loss of revenues.

The bill contains no private-sector mandates as defined in UMRA.

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