

### At a Glance

## H.R. 2214, National Origin-Based Antidiscrimination for Nonimmigrants Act

As ordered reported by the House Committee on the Judiciary on February 12, 2020

By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	<b>2</b>	<b>76</b>	<b>290</b>
Revenues	*	-4	-17
Increase or Decrease (-) in the Deficit	<b>2</b>	<b>80</b>	<b>307</b>
Spending Subject to Appropriation (Outlays)	<b>0</b>	<b>3</b>	not estimated
Statutory pay-as-you-go procedures apply?	<b>Yes</b>	<b>Mandate Effects</b>	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	<b>&lt; \$5 billion</b>	Contains intergovernmental mandate?	<b>No</b>
		Contains private-sector mandate?	<b>No</b>

\* = between -\$500,000 and zero.

#### The bill would

- Nullify several executive actions that restrict entry into the United States and govern eligibility for asylum or refugee status
- Narrow the President's authority to impose entry restrictions on a class of aliens (non-U.S. nationals) on the basis of their country of birth, nationality, and certain other characteristics

#### Estimated budgetary effects would primarily stem from

- Increased spending for health, nutrition, education, and disability benefits for newly arrived immigrants, who could receive those federal benefits if they meet eligibility criteria for those programs
- Increased fees from visa applicants

#### Areas of significant uncertainty include

- Estimating the number of aliens who will be affected by entry restrictions under current law
- Anticipating how the Administration would implement the legislation

**Detailed estimate begins on the next page.**

## Bill Summary

H.R. 2214 would nullify several executive actions that restrict entry into the United States and govern eligibility for asylum or refugee status. The bill also would amend the Immigration and Nationality Act to narrow the President’s authority to impose entry or visa restrictions on aliens (non-U.S. nationals) based on their country of birth, country of nationality, and certain other characteristics.

## Estimated Federal Cost

The estimated budgetary effects of H.R. 2214 are shown in Table 1. The costs of the legislation primarily fall within budget functions 500 (education, training, employment, and social services), 550 (health), and 600 (income security).

**Table 1.**  
**Estimated Budgetary Effects of H.R. 2214**

	By Fiscal Year, Millions of Dollars											2020-2025	2020-2030
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		
<b>Increases in Direct Spending</b>													
Estimated Budget Authority	2	7	10	14	19	24	30	37	43	50	54	76	290
Estimated Outlays	2	7	10	14	19	24	30	37	43	50	54	76	290
<b>Decreases in Revenues</b>													
Estimated Revenues	*	*	-1	-1	-1	-1	-2	-2	-3	-3	-3	-4	-17
<b>Net Increase in the Deficit From Changes in Direct Spending and Revenues</b>													
Effect on the Deficit	2	7	11	15	20	25	32	39	46	53	57	80	307

\* = between -\$500,000 and zero.

In addition, CBO estimates that enacting the bill would increase discretionary costs for the Federal Pell Grant Program by \$3 million over the 2020-2025 period. Those costs would be subject to the availability of appropriated funds.

## Basis of Estimate

For this estimate, CBO assumes that H.R. 2214 will be enacted in fiscal year 2020 and that the Department of Homeland Security (DHS) and the Department of State will immediately begin to adjudicate applications without regard to the restrictions promulgated by the executive actions that would be nullified by the bill.

## People Affected by the Legislation

H.R. 2214 would affect aliens who are subject to entry restrictions issued by the President, aliens crossing the U.S.-Mexico border between ports of entry and seeking asylum, and aliens seeking refugee status who are subject to enhanced vetting.

**Entry Restrictions.** The Immigration and Nationality Act “grants the President broad discretion to suspend the entry of aliens into the United States.”<sup>1</sup> The President may exercise that authority if he determines that their entry “would be detrimental to the interests of the United States.”<sup>2</sup> Separately, that act prevents discrimination in the issuance of an immigrant visa based on country of birth, country of nationality, and certain other characteristics. Those limitations do not apply to other aspects of immigration law such as those that govern the admission of temporary visitors.

The Administration has issued several executive orders and proclamations that, in many situations, restrict the ability of nationals of 13 countries to enter the United States either as immigrants (that is, with lawful permanent resident, or LPR, status) or as nonimmigrants (that is, temporary visitors).<sup>3, 4</sup>

Section 2 of the bill would prohibit discrimination on the basis of country of birth, country of nationality, and certain other characteristics in the issuance of nonimmigrant visas, admission or entry into the United States, and the approval or revocation of any other immigration benefit. Section 3 would limit the President’s authority under section 212(f) of the Immigration and Nationality Act to restrict the entry into the United States of a class of

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1. *Trump v. Hawaii*, 138 S. Ct. 2392 (2018), [www.supremecourt.gov/opinions/17pdf/17-965\\_h315.pdf](http://www.supremecourt.gov/opinions/17pdf/17-965_h315.pdf) (419 KB).

2. Sec. 212(f) of the Immigration and Nationality Act (codified at 8 U.S.C. §1182(f) (2018)).

3. See “Protecting the Nation From Foreign Terrorist Entry Into the United States,” Executive Order 13769, 82 Fed. Reg. 8977 (February 1, 2017), <https://go.usa.gov/xdwmg>; and “Protecting the Nation From Foreign Terrorist Entry Into the United States,” Executive Order 13780, 82 Fed. Reg. 13209 (March 9, 2017), <https://go.usa.gov/xdwmE>.

4. “Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats,” Proclamation 9645, 82 Fed. Reg. 45161 (September 27, 2017), <https://go.usa.gov/xdwmy>, affects nationals of Chad, Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen. In April 2018, the Administration lifted the restrictions on nationals of Chad; see “Maintaining Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats,” Proclamation 9723, 83 Fed. Reg. 15937 (April 13, 2018), <https://go.usa.gov/xdwyD>. “Improving Enhanced Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats,” Proclamation 9983, 85 Fed. Reg. 6699 (February 5, 2020), <https://go.usa.gov/xdwmw>, affects nationals of Burma, Eritrea, Kyrgyzstan, Nigeria, Sudan, and Tanzania.

aliens. Section 4 would, among other things, lift the restrictions on entry into the United States by the nationals of the 13 countries by nullifying the orders and proclamations that promulgated those restrictions.

Allowing nationals of the affected countries to be admitted to the United States as nonimmigrants would have a relatively minor effect on the budget, CBO estimates, because those visitors are ineligible for most federal benefits. Additionally, allowing them to enter under most LPR categories (such as family-sponsored preferences, employment-based preferences, or the diversity visa lottery) would have no net budgetary effect because under current law the number that can be admitted each year in those categories is limited and current demand significantly exceeds those limitations. For those categories, the Administration's entry restrictions affect which aliens can be granted LPR status, but not the number. In contrast, there is no limit on the number of immediate relatives of U.S. citizens (that is, parents, spouses, or minor children of U.S. citizens) that can be admitted each year. For those aliens, eliminating the prohibitions in the proclamations would significantly increase the number of people admitted; thus, the U.S. population and spending on federal benefits would increase.

*Additional Lawful Permanent Residents.* Using information from the Department of State about how it is implementing the current restrictions on entry (which were implemented in 2018) for nationals of Iran, Libya, North Korea, Somalia, Syria, Venezuela, and Yemen, CBO estimates that about 6,000 immediate relatives of U.S. citizens have already been denied entry (and have not subsequently received a waiver of that denial) and about 2,500 such applications will be denied each year that the restrictions are in effect. Using information from DHS and the Department of State about newly arrived lawful permanent residents in recent years, CBO anticipates that about 2,000 nationals from Burma, Eritrea, Kyrgyzstan, and Nigeria who are immediate relatives of U.S. citizens (who are affected by restrictions put in place in February 2020) will be denied entry each year that the entry restrictions for people from those countries are in effect.<sup>5</sup> CBO expects that under H.R. 2214, the immediate relatives already denied entry will arrive in the United States during fiscal years 2020 and 2021.

*Citizen Children.* Some aliens who would be admitted into the United States as lawful permanent residents would have children after arriving in the country. Those children would be U.S. citizens. Using information from the Census Bureau about fertility rates for foreign-born women in the United States and demographic information from DHS, CBO estimates that enacting H.R. 2214 would result in 3,500 additional births in the United States over the 2020-2030 period. (More births would be expected after that period.)

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5. Proclamation 9983 does not restrict the entry of nationals of Sudan and Tanzania who qualify for LPR status as immediate relatives of U.S. citizens. Therefore, the discussion below does include nationals of Sudan and Tanzania.

*Subsequent Family-Based Immigration.* Some of the lawful permanent residents admitted under H.R. 2214 eventually would become U.S. citizens and sponsor their own parents for admission as lawful permanent residents. On the basis of data from DHS about rates of naturalization and sponsorship, CBO estimates that enacting H.R. 2214 would result in just over 1,600 lawful permanent residents arriving in the U.S. through family-based immigration over the 2024-2030 period. (Additional sponsorships would be expected after that period.)

*Uncertainty About the Administration's Subsequent Actions.* The number of immediate relatives of U.S. citizens who would be admitted as a result of H.R. 2214, the number of children who would be born to those lawful permanent residents, and the amount of subsequent family-based immigration would depend on how the Administration implemented the bill.

- H.R. 2214 would nullify the executive orders and proclamations containing the entry restrictions but would not eliminate the President's authority to implement new restrictions. If the Administration quickly imposed new restrictions that are similar to those currently in effect, enacting H.R. 2214 would result in very little change in the U.S. population relative to current law.
- In contrast, if the Administration did not impose new entry restrictions or if it reissued significantly narrowed restrictions, enacting H.R. 2214 could result in the admission of immediate relatives of U.S. citizens who have been or will be affected by the current restrictions.

CBO has no basis for predicting how the Administration would implement H.R. 2214. For this estimate, CBO assumes a 50 percent probability that the Administration would impose new entry restrictions similar to those currently in effect and a 50 percent probability that the Administration would not impose such restrictions. On that basis, CBO estimates that, under the bill, 27,000 immediate relatives (that is, half of those who are subject to the current entry restrictions) would be admitted into the United States as lawful permanent residents over the 2020-2030 period. CBO expects that nearly 2,000 citizen children would be born to them and that they would sponsor nearly 1,000 relatives for admission over the same period.

**Asylum Applicants.** Under current policies, aliens who attempt to enter the United States across the southern border with Mexico between ports of entry are ineligible for asylum.<sup>6</sup> Section 4 would eliminate that restriction.

CBO expects that change would have a minimal effect on the size or immigration status of the foreign-born population of the United States for the following reasons:

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6. That policy was given effect in "Addressing Mass Migration Through the Southern Border of the United States," Proclamation 9822, 83 Fed. Reg. 57661 (November 15, 2018), <https://go.usa.gov/xdwy7>.

- Many aliens who are ineligible for asylum under that restriction also are ineligible for asylum under a regulation that DHS and DOJ issued in July 2019.<sup>7</sup> That regulation makes most aliens (other than Mexican nationals) ineligible for asylum if they enter the United States across the international border with Mexico and have not applied for protection in a third country through which they traveled on the way to the United States. That regulation would not be affected by H.R. 2214, so many of those people would still be ineligible for asylum under H.R. 2214.
- Mexican nationals who wish to apply for asylum are eligible under current law if they arrive at a port of entry. Data from DHS and DOJ show that in recent years, only 200 to 300 Mexican nationals encountered at the international border each year have received asylum.

Collectively, those factors suggest that enacting section 4 would have little effect on the number of aliens receiving asylum.

**Enhanced Vetting of Refugees.** In November 2017, the President resumed the U.S. Refugee Admissions Program (which had been suspended), with the requirement that certain classes of applicants be subject to enhanced vetting.<sup>8</sup> Section 4 would end that requirement.

The President sets the number of refugees who may be admitted into the United States each year and the bill would not change that authority. Thus, if the President does not increase the total number of refugees who may be admitted as a result of enacting the bill, any increase in refugees admitted because they were no longer subject to enhanced vetting procedures would correspondingly decrease the admission of other refugees who were never subject to the enhanced vetting. In contrast, if the President increased the total number of refugees who may be admitted in response to the enactment of H.R. 2214, the U.S. population—and, consequently, spending on federal benefits—also would increase, relative to current law. CBO has no basis for predicting whether the President would increase the number of refugees that may be admitted into the country if the bill were enacted.

### **Direct Spending and Revenues**

In total, CBO and the staff of the Joint Committee on Taxation (JCT) estimate, enacting H.R. 2214 would increase direct spending by \$290 million (see Table 2) and reduce revenues by \$17 million over the 2020-2030 period. Most of those effects would be for premium tax credits.<sup>9</sup>

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7. See “Asylum Eligibility and Procedural Modifications,” 84 Fed. Reg. 33829 (July 16, 2019), <https://go.usa.gov/xdwy6>.

8. “Resuming the United States Refugee Admissions Program With Enhanced Vetting Capabilities,” Executive Order 13815, 82 Fed. Reg. 50055 (October 27, 2017), <https://go.usa.gov/xdwy6>.

9. Premium tax credits are federal subsidies for health insurance purchased through the marketplaces established by the Affordable Care Act.

**Table 2.  
Direct Spending Effects of H.R. 2214**

	By Fiscal Year, Millions of Dollars											2020-2025	2020-2030
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		
<b>Increases in Direct Spending Outlays<sup>a</sup></b>													
Premium Tax Credits	2	6	9	13	16	18	21	24	28	32	35	64	204
Medicaid and CHIP	*	1	1	1	2	4	6	7	9	11	11	9	53
SNAP	*	*	*	*	1	2	2	3	3	4	5	3	20
Other Federal Benefits	*	*	*	*	*	*	1	3	3	3	3	*	13
<b>Total Changes in Direct Spending</b>	<b>2</b>	<b>7</b>	<b>10</b>	<b>14</b>	<b>19</b>	<b>24</b>	<b>30</b>	<b>37</b>	<b>43</b>	<b>50</b>	<b>54</b>	<b>76</b>	<b>290</b>

CHIP = Children’s Health Insurance Program; SNAP = Supplemental Nutrition Assistance Program; \* = between zero and \$500,000.

a. Estimated increases in budget authority equal the estimated increases in outlays.

b. Other programs include child nutrition, higher education assistance, Supplemental Security Income, Social Security, and Medicare. The spending for Social Security is off-budget but CBO estimates that the increased spending would not be significant over the 2020-2030 period.

**Premium Tax Credits.** People with LPR status are generally eligible to receive premium tax credits if their household income is between 100 percent and 400 percent of the federal poverty guidelines—or if their income is below 100 percent of the guidelines but they are ineligible for Medicaid because of their immigration status—and if they do not have access to health insurance coverage through certain other sources.

CBO and JCT estimate that about 600 people who receive LPR status under H.R. 2214 would purchase health insurance through the marketplaces in 2021 and would have income that was low enough to qualify for premium tax credits. That number would rise to 1,800 in 2030. We estimate that the average cost of those tax credits would be about \$12,600 per person in 2021 and about \$21,300 in 2030. The per-person cost of those tax credits depends on the age and income of the enrollees; many of the new enrollees under H.R. 2214 would be older, which would increase the average per-person cost. In total, CBO and JCT estimate that enacting H.R. 2214 would increase spending for health insurance tax credits by \$204 million over the 2020-2030 period.

Additionally, we estimate that the nonrefundable portion—that is, the portion that reduces tax liabilities—of the premium tax credits would reduce revenues by \$17 million over the 2020-2030 period.

**Medicaid and the Children’s Health Insurance Program.** Under current law, lawful permanent residents are ineligible for coverage under Medicaid, except for emergencies, during the first five years after receiving LPR status. However, some children or pregnant women who would otherwise qualify for Medicaid can obtain coverage after a shorter period. CBO estimates that beginning in 2020, between 100 and 300 people each year would receive such coverage. In addition, beginning in 2025, CBO expects that some people who would be admitted into the United States under the bill and had been in LPR status for five years would receive comprehensive coverage from Medicaid. In that year, CBO estimates that about 800 people would enroll in Medicaid. That number would rise to about 2,000 people in 2030. CBO estimates that the average federal cost per beneficiary would increase from about \$1,900 per person in 2020 to about \$4,400 in 2030. In addition, we estimate that each year an average of 450 citizen children would be enrolled in Medicaid and the Children’s Health Insurance Program by their parents with LPR status. In total, CBO estimates, enacting H.R. 2214 would increase spending for those programs by \$53 million over the 2020-2030 period.

**Supplemental Nutrition Assistance Program.** Under current law, lawful permanent residents are eligible for benefits under the Supplemental Nutrition Assistance Program (SNAP) if they have been in that status for at least five years and meet the program’s income and asset requirements. Those who are under the age of 18 are eligible for benefits immediately. CBO estimates that under H.R. 2214, fewer than 100 additional foreign-born people would receive SNAP benefits in 2020. That number would rise to about 2,200 people in 2030. In addition, under the bill, CBO expects that SNAP benefits would be paid to the parents of about 100 citizen children, on average, throughout the 2020-2030 period. CBO estimates that the average federal cost per beneficiary would increase from nearly \$1,500 per person in 2020 to about \$1,940 in 2030. Therefore, enacting H.R. 2214 would increase direct spending for SNAP benefits by \$20 million over the 2020-2030 period.

**Other Federal Benefits.** CBO estimates that spending for other federal benefits programs would increase slightly because few people affected by H.R. 2214 would become eligible for those benefits over the budget window. In total, CBO estimates that spending would increase by \$13 million over the 2020-2030 period.

*Child Nutrition.* Students are eligible for federally subsidized meals at school, regardless of immigration status. CBO estimates that enacting H.R. 2214 would increase spending for child nutrition programs by \$5 million over the 2020-2030 period.

*Supplemental Security Income.* The Supplemental Security Income program provides a monthly cash benefit to people who are disabled, age 65 or older, or both, and who have low income and few assets. Lawful permanent residents must meet additional qualifications. CBO estimates that enacting H.R. 2214 would increase direct spending for those benefits by \$4 million over the 2020-2030 period.



*Higher Education Assistance.* Lawful permanent residents are eligible for the Federal Pell Grant Program and the Federal Direct Loan Program. CBO estimates that direct spending on assistance for higher education would increase by about \$4 million over the 2020-2030 period. A portion of those grants would be funded through discretionary spending; see the section on “Spending Subjection to Appropriation.”

*Social Security and Medicare.* Lawful permanent residents are eligible to receive Social Security and Medicare benefits, if they otherwise qualify. Under H.R. 2214, CBO expects that the lawful permanent residents who qualify for those programs during the 2020-2030 period would do so on the basis of disability, not old age. CBO estimates that enacting H.R. 2214 would increase spending on Social Security (which is off-budget) and Medicare by an insignificant amount over the 2020-2030 period.

**Immigration Fees.** Enacting H.R. 2214 would increase collections of various immigration fees by DHS and the Department of State. Most of those fees are classified as offsetting receipts (that is, as reductions in direct spending) and are available for spending without further appropriation. Some visa application fees paid to the Department of State are classified as revenues and are deposited in the Treasury. CBO estimates that the net reduction in direct spending attributable to the collection and spending of immigration application fees would be less than \$500,000 over the 2020-2030 period. Additionally, CBO estimates that the increase in revenues attributable to increased visa application fees would be less than \$500,000 over the 2020-2030 period.

### **Spending Subject to Appropriation**

Lawful permanent residents are eligible for Pell grants. Most of each grant award is paid from discretionary appropriations (about \$3,700 of the average award of \$4,400 in 2025, CBO estimates). CBO estimates that under H.R. 2214, discretionary costs for Pell grants would increase by \$3 million over the 2020-2025 period; any spending would be subject to the availability of appropriated funds (see “Higher Education Assistance” above). Under current law, the Federal Pell Grant Program is authorized through fiscal year 2020; for this estimate, CBO has estimated costs over the 2021-2030 period.

### **Uncertainty**

CBO considered several areas of uncertainty in estimating the effects of H.R. 2214.

- The number of people who would gain admission as lawful permanent residents under H.R. 2214 could differ from CBO’s projection, in which case costs could be higher or lower than estimated here.
- The Administration could, under current law, narrow the scope of the entry restrictions during the 2020-2030 period (as happened in 2018 when it removed Chad from the list of countries whose nationals are subject to entry restrictions). In that case, the budgetary effects of H.R. 2214 relative to current law would be lower than shown in this estimate.

- The Administration could implement H.R. 2214 in a number of ways; CBO has no basis for predicting how it would do so. If the Administration implemented the bill in a manner that increased the number of people admitted into the United States as refugees or the number of people granted asylum, spending would be higher than the amounts estimated here.

### Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 3. Only on-budget changes to outlays or revenues are subject to pay-as-you-go procedures.

**Table 3.**  
**CBO’s Estimate of the Statutory Pay-As-You-Go Effects of H.R. 2214, the National Origin-Based Antidiscrimination for Nonimmigrants Act, as Ordered Reported by the House Committee on the Judiciary on February 12, 2020**

	By Fiscal Year, Millions of Dollars											2020-2025	2020-2030
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030		
	<b>Net Increase in the On-Budget Deficit</b>												
Pay-As-You-Go Effect	2	7	11	15	20	25	32	39	46	53	57	80	307
<b>Memorandum:</b>													
Changes in Outlays	2	7	10	14	19	24	30	37	43	50	54	76	290
Changes in Revenues	0	0	-1	-1	-1	-1	-2	-2	-3	-3	-3	-4	-17

### Increase in Long-Term Deficits

CBO estimates that enacting H.R. 2214 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2031.

**Mandates:** None.

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