



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Revised September 13, 2011

### **H.R. 1741** **Secure Visas Act**

*As ordered reported by the House Committee on the Judiciary on June 23, 2011*

#### **SUMMARY**

H.R. 1741 would direct the Department of Homeland Security (DHS) to review visa applications at all U.S. consular posts that issue visas in 27 selected countries. The bill also would shift some of the current authority for issuing visas from the Department of State to DHS. CBO estimates that implementing H.R. 1741 would cost \$382 million over the 2012-2016 period, assuming appropriation of the necessary amounts.

Pay-as-you-go procedures do not apply to this legislation because it would not affect direct spending or revenues.

H.R. 1741 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1741 would impose a private-sector mandate as defined in UMRA by eliminating a right of action for foreign-born individuals in the United States. CBO estimates that the cost of complying with the mandate would fall below the annual threshold established in UMRA for private-sector mandates (\$142 million in 2011, adjusted annually for inflation).

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

The estimated budgetary impact of H.R. 1741 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

	By Fiscal Year, in Millions of Dollars					2012-
	2012	2013	2014	2015	2016	2016
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Costs for Additional DHS Personnel						
Estimated Authorization Level	32	65	67	69	71	304
Estimated Outlays	29	62	67	69	71	298
Support Costs						
Estimated Authorization Level	37	12	12	12	13	86
Estimated Outlays	33	14	12	12	13	84
Total Costs						
Estimated Authorization Level	69	77	79	81	84	390
Estimated Outlays	62	76	79	81	84	382

Note: DHS = Department of Homeland Security.

## **BASIS OF ESTIMATE**

For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2011. We assume that the necessary amounts will be appropriated near the start of each fiscal year and that spending will follow historical patterns for similar activities.

### **Costs for Additional DHS Personnel**

H.R. 1741 would direct DHS to review visa applications at all U.S. consular posts that issue visas in 27 selected countries, including Algeria, Canada, Egypt, Pakistan, Turkey, and the United Kingdom. According to Immigration and Customs Enforcement (ICE)—an agency within DHS—there are currently ICE agents in 19 overseas posts in those countries who review visa applications. ICE expects that implementing H.R. 1741 would require agents to be stationed in 40 additional posts in the affected countries.

ICE anticipates that a total of 117 agents (about three for each location) would need to be hired to staff the 40 additional posts. Based on the costs of similar overseas personnel, CBO estimates that each agent, on average, would cost about \$550,000 annually, including salary and benefits, enhanced pay for overseas law enforcement personnel, security measures, housing and other expenses for accompanying family members, and necessary support staff. Once fully phased in, CBO estimates that the total costs of new employees would reach \$65 million annually. For this estimate, we assume that the new positions would be fully staffed by fiscal year 2013 and that costs would be adjusted for anticipated inflation.

## **Support Costs**

Based on information from ICE, CBO estimates that there would be start-up costs in 2012 of about \$900,000 per post, on average, mostly to purchase and implement security measures and to install computer systems. Beginning in 2013, we estimate that there would be recurring support costs of about \$300,000 annually per office, on average, including information technology expenses and payments for staff and assistance provided by the host country. CBO estimates that total support costs would be \$37 million in 2012 and \$12 million annually thereafter.

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

## **ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS**

H.R. 1741 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

## **ESTIMATED IMPACT ON THE PRIVATE SECTOR**

H.R. 1741 would impose a private-sector mandate as defined in UMRA by prohibiting foreign-born individuals in the United States from seeking judicial review if their visa is revoked. The prohibition would impose a mandate by eliminating a right of action for individuals in the private sector. According to the Department of Homeland Security and the Department of State, few, if any, foreign-born individuals seek judicial review or other claims involving revocation of their visas under current law. Therefore, CBO estimates that the cost of complying with the mandate would fall below the annual threshold established in UMRA for private-sector mandates (\$142 million in 2011, adjusted annually for inflation).

## **PREVIOUS CBO ESTIMATE**

This revised cost estimate supersedes an estimate for H.R. 1741 that was transmitted on September 1, 2011. The previous estimate incorrectly reported that the legislation contains no private-sector mandates as defined in UMRA. The revised estimate corrects that error. The estimated federal cost of implementing the legislation is unchanged from the previous estimate.

**ESTIMATE PREPARED BY:**

Federal Costs: Mark Grabowicz

Impact on State, Local, and Tribal Governments: Melissa Merrell

Impact on the Private Sector: Paige Piper/Bach

**ESTIMATE APPROVED BY:**

Theresa Gullo

Deputy Assistant Director for Budget Analysis