Congressional Budget Office
Cost Estimate

May 5, 2023

H.R. 801, Securing the Border for Public Health Act of 2023

As ordered reported by the House Committee on Energy and Commerce on March 24, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2034?	< $2.5 billion	Statutory pay-as-you-go procedures apply?	Yes
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2034?	< $5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

H.R. 801 would authorize the Department of Health and Human Services (HHS) to suspend the entry of people and goods into the United States from certain countries if the department determines that doing so would prevent the arrival of certain controlled substances, including opiates and fentanyl. The bill would require HHS to consult with the Department of Justice before making such a determination.

Under current law, by invoking its authority under Section 362 of the Public Health Service Act, HHS can deny entry to people or goods from certain countries to prevent the spread of communicable diseases. Furthermore, the government may prevent certain people (but not goods) from coming into the country if their entry is determined to be detrimental to U.S. interests, under Section 212(f) of the Immigration and Nationality Act.

Direct Spending

Enacting H.R. 801 would expand the government's authority to restrict the import of goods into the United States. If that authority is used, it would result in a net increase in direct spending because any such restrictions would decrease the collection of certain customs fees charged on the import of these goods. Since these fees are classified in the budget as direct spending, any decrease in collections would result in an increase in direct spending. A portion of the fees collected can be spent by Customs and Border Protection without further

See also
CBO's Cost Estimates Explained, *CBO Describes Its Cost-Estimating Process*, *Glossary*

appropriation; therefore, the increase in direct spending under the bill would be less than the total change in customs fees collected.

CBO estimates that direct spending would increase by less than $500,000 under the bill. HHS has rarely used its existing Section 362 authority to restrict the import of goods into the United States, and CBO's estimate incorporates the assumption that the new authority under H.R. 801 would also be used only rarely. However, the estimate of costs is subject to significant uncertainty. If the new authority is not used at all during the 2023-2033 period, H.R. 801 would have no effect on direct spending during that period. If the authority is used more frequently than CBO anticipates, or if an order is issued that affects a larger number of imports than CBO expects, costs would be larger. Additionally, if the authority under H.R. 801 is used more than CBO expects, total output of the economy could change (through changes to international trade, for example). CBO has not undertaken an analysis of those effects.

CBO estimates that the bill would not affect the federal budget through immigration channels because H.R. 801 would not expand the government's authority to restrict immigration beyond that already authorized under the Immigration and Nationality Act. Numerous Presidents have invoked that authority in recent decades, most recently in Presidential Proclamations 9645 and 9983, issued in 2017 and 2020, respectively, which prohibited entry into the United States by nationals of certain countries.

Spending Subject to Appropriation

CBO estimates that it would cost HHS less than $500,000 to promulgate rules and enforce orders if the agency uses the authority under the bill. Such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Jeremy Crimm. The estimate was reviewed by Chad Chirico, Deputy Director of Budget Analysis.

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