

At a Glance

S. 1464, Enhancing DHS Drug Seizures Act

As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on May 17, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	*	*
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	10	not estimated
Increases <i>net direct spending</i> 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 <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

The bill would

- Authorize the Department of Homeland Security (DHS) to provide danger pay allowances to employees who are stationed abroad in certain areas
- Create new criminal penalties for destroying, damaging, or evading border technology
- Allow Customs and Border Protection to participate in joint operations with foreign governments abroad and authorize the agency to pay certain claims for monetary damages brought against the United States that arise from those operations
- Require DHS to prepare several reports

Estimated budgetary effects would mainly stem from

- Authorization of appropriations for danger pay allowances
- Collection and spending of criminal fines

Detailed estimate begins on the next page.



Bill Summary

S. 1464 would authorize the Department of Homeland Security (DHS) to provide danger pay allowances to employees who are deployed abroad in certain areas, including those with civil war, terrorist threats, or wartime conditions. The bill also would create new criminal penalties for destroying, damaging, or evading border technology, such as physical barriers cameras, and sensors.

In addition, S. 1464 would allow Customs and Border Protection (CBP) to participate in joint operations with foreign governments abroad to prevent illicit drug trafficking and terrorist threats. The bill would authorize DHS to pay certain claims for monetary damages, loss of personal property or personal injury brought against the United States that arise from such operations. Lastly, the bill would authorize DHS to waive reimbursement from foreign governments for providing training to law enforcement personnel and impose various reporting requirements.

Estimated Federal Cost

The estimated budgetary effect of S. 1464 is shown in Table 1. The costs of the legislation fall within budget function 750 (administration of justice).

Table 1.
Estimated Increases in Spending Subject to Appropriation Under S. 1464

	By Fiscal Year, Millions of Dollars						2023-2028
	2023	2024	2025	2026	2027	2028	
Estimated Authorization	0	2	2	2	2	2	10
Estimated Outlays	0	2	2	2	2	2	10

CBO estimates that enacting S. 1464 would increase revenues and direct spending by less than \$500,000 over the 2023-2033 period.

Basis of Estimate

CBO assumes that the bill will be enacted late in fiscal year 2023 and that the estimated amounts will be provided each year.

Spending Subject to Appropriation

CBO estimates that implementing S. 1464 would cost \$10 million over the 2023-2028 period.

Danger Pay. Using information from DHS, CBO estimates that about 90 employees with an average annual salary of \$130,000 would be eligible for danger pay under the bill. Based on information from the Department of State regarding current danger pay allowances, CBO estimates that the average allowance would be 15 percent of an eligible employee’s salary.



On that basis, CBO estimates that this provision would cost \$10 million over the 2024-2028 period.

Claims from Operations Abroad. Under current law, CBP can settle claims for damages that arise within the United States under the Federal Tort Claims Act (FTCA). For five years after enactment, the bill would allow the agency to settle such claims that originate in a foreign country and stem from a joint operation with a foreign government. Under the bill, all claims would be paid from discretionary funds. Based on similar FTCA claims, CBO expects that very few claims would be paid under the bill and that the average claim would be small. As a result, CBO estimates that implementing this provision would cost less than \$500,000 over the 2024-2028 period.

Waive Reimbursement. Based on information from DHS, the amount the agency spends on foreign law enforcement training is very small. Thus, CBO estimates that waiving reimbursements from foreign governments for providing training to law enforcement personnel would cost less than \$500,000 over the 2024-2028 period.

Reporting Requirements. S. 1464 would impose various reporting requirements. For example, DHS would be required to develop a public-private partnership strategy to combat illicit drugs, prepare an assessment of the agency's counterdrug task forces, and study possible improvements to data collection related to drug seizures. Based on the costs of similar activities, CBO estimates that the bill's reporting requirements would cost less than \$500,000 over the 2024-2028 period.

Direct Spending and Revenue

S. 1464 would create new criminal penalties for destroying, damaging, or evading border technology. Data from the U.S. Sentencing Commission indicate that a small number of people who are convicted of immigration offenses pay criminal fines. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation. Based on an analysis of fines collected for other immigration offenses, CBO estimates that S. 1464 would increase revenues and direct spending by less than \$500,000 over the 2024-2033 period.

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. CBO estimates that enacting the bill would increase direct spending and revenues by less than \$500,000 over the 2023-2033 period.



Increase in Long-Term Net Direct Spending and Deficits

CBO estimates that enacting S. 1464 would not significantly increase net direct spending in any of the four consecutive 10-year periods beginning in 2034.

CBO estimates that enacting S. 1464 would not significantly increase on-budget deficits in any of the four consecutive 10-year periods beginning in 2034.

Mandates: None.

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