

At a Glance

H.R. 5412, Intelligence Authorization Act for Fiscal Year 2022

As reported by the House Permanent Select Committee on Intelligence on October 28, 2021

By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	*	*	*
Revenues	*	*	*
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	408	667	not estimated
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 2032?	< \$5 billion	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between -\$500,00 and \$500,000.

The bill would

- Authorize appropriations of \$619 million for the Intelligence Community Management Account (ICMA)
- Require standardized medical testing and treatment for employees of the intelligence community
- Provide 12 weeks of paid leave to employees of the intelligence community for a serious health condition
- Expand the responsibilities of the National Counter Proliferation Center
- Require the Federal Bureau of Investigation to establish counterintelligence units at other federal agencies

Estimated budgetary effects would mainly stem from

- Authorizing appropriations for the ICMA
- Standardizing medical testing and treatment for employees of the intelligence community
- Providing 12 weeks of paid leave for serious health conditions
- Expanding the responsibilities of the National Counter Proliferation Center

Detailed estimate begins on the next page.



Bill Summary

H.R. 5412 would authorize appropriations for fiscal year 2022 for intelligence activities of the U.S. government, including the Intelligence Community Management Account and the Central Intelligence Agency Retirement and Disability System. The bill also would require the Administration to standardize medical testing and treatment for employees of the intelligence community, provide 12 weeks of paid leave for serious health conditions, and create or modify other programs affecting the intelligence community.

CBO does not provide estimates for classified programs; therefore, this estimate addresses only the unclassified aspects of the bill. In addition, CBO cannot provide estimates for certain provisions in the unclassified portion of the bill because they concern classified programs. On that limited basis, CBO estimates that implementing the unclassified provisions of the bill would cost \$667 million over the 2022-2026 period; that spending would be subject to appropriation of the specified and estimated amounts.

In addition, CBO estimates that enacting H.R. 5412 would have insignificant effects on direct spending and revenues over the 2022-2031 period.

Estimated Federal Cost

The estimated budgetary effects of H.R. 5412 are shown in Table 1. The costs of the legislation fall within budget functions 050 (national defense), 600 (income security), and 750 (administration of justice).

Basis of Estimate

For this estimate, CBO assumes that H.R. 5412 will be enacted in the first quarter of fiscal year 2022. Outlays are based on historical spending patterns for existing or similar programs.

Spending Subject to Appropriation

CBO estimates that implementing the bill would cost \$667 million over the 2022-2026 period. Such spending would be subject to appropriation of the specified and estimated amounts.



**Table 1.
Estimated Budgetary Effects of H.R. 5412**

	By Fiscal Year, Millions of Dollars					2022-2026
	2022	2023	2024	2025	2026	
Spending Subject to Appropriation						
Intelligence Community Management Account						
Authorization	619	0	0	0	0	619
Estimated Outlays	402	173	22	9	3	609
Medical Testing and Treatment						
Estimated Authorization	3	5	5	5	5	23
Estimated Outlays	3	5	5	5	5	23
Paid Leave for Serious Health Conditions						
Estimated Authorization	0	5	5	5	0	15
Estimated Outlays	0	5	5	5	0	15
Counterproliferation and Biosecurity Center						
Estimated Authorization	1	2	2	2	3	10
Estimated Outlays	1	2	2	2	3	10
Counterintelligence Units						
Estimated Authorization	1	1	1	1	1	5
Estimated Outlays	1	1	1	1	1	5
Climate Security Advisory Council						
Estimated Authorization	0	0	1	1	*	2
Estimated Outlays	0	0	1	1	*	2
Researcher Screening Program						
Estimated Authorization	*	*	*	*	*	2
Estimated Outlays	*	*	*	*	*	2
Post-Employment Restrictions						
Estimated Authorization	1	*	*	*	*	1
Estimated Outlays	1	*	*	*	*	1
Total Changes						
Estimated Authorization	625	13	14	14	9	677
Estimated Outlays	408	186	36	23	12	667

Components may not sum to totals because of rounding; * = between zero and \$500,000.

In addition to the budgetary effects shown above, CBO estimates that enacting H.R. 5412 would increase direct spending and revenues by less than \$500,000 over the 2022-2031 period.

Intelligence Community Management Account. Section 103 would authorize the appropriation of \$619 million for fiscal year 2022 for the Intelligence Community Management Account (ICMA). The ICMA is the principal source of funding for the Office of the Director of National Intelligence and the coordination of the intelligence activities of the federal government. CBO estimates that implementing section 103 would cost \$609 million over the 2022-2026 period.

Medical Testing and Treatment. Section 503 would require standardized testing and treatment for individuals who experience unexplained health events resulting in symptoms similar to those recently experienced by United States embassy staff, intelligence and military personnel, and their dependents. Such symptoms include headaches, cognitive difficulties, and ringing in the ears.

If military personnel or their dependents require treatment for unexplained health events, the Department of Defense (DoD) treats them at its medical facilities or through other DoD network providers. Civilian employees covered under the Federal Employees Health Benefits Program would generally seek and receive treatment for themselves and their dependents from their care providers. Civilians and their dependents may also receive treatment at DoD medical facilities on a space available basis. Because a number of treatment options are already available to the population covered by section 503, CBO expects that the costs to provide standardized medical treatment to them would be minimal.

The bill also would require the Administration to establish uniform standards across the intelligence community for conducting baseline medical testing of employees, their dependents, and contractor employees before they are stationed overseas.

Under current policy, DoD (which accounts for half of the elements of the intelligence community) only conducts pre-deployment health exams on service members and civilian employees who participate in contingency operations. Section 503 would require DoD to conduct exams on all DoD personnel in the intelligence community who receive orders overseas and their dependents.

Using information from DoD on the cost to perform physical examinations of military personnel and civilians before contingency deployments, CBO estimates that implementing section 503 across the entire intelligence community would cost \$23 million over the 2022- 2026 period.

Paid Leave for Serious Health Conditions. Section 303 would provide 12 weeks of paid leave to employees of the intelligence community who are unable to work because they have a serious health condition or they have a relative with a serious health condition who needs their care. The Director of National Intelligence would have 12 months from the date of enactment of the bill to implement the new leave program. The authority to offer that leave would expire three years after the program is implemented. The new leave would be

available to employees who have exhausted their accrued sick leave. Accordingly, CBO expects that most of the employees who would use the newly available leave are either not taking leave or are using unpaid leave under current law.

CBO estimates that implementing section 303 would cost \$15 million over the 2022-2026 period. Because the exact number of employees in the intelligence community is classified, CBO relied on publicly available information about the amounts appropriated to DoD and the intelligence community, as well as the number and salaries of people employed by DoD as the basis of this estimate.

In addition to the increases in spending subject to appropriation described above, enacting section 303 also would affect direct spending. Those effects are described below in the “Direct Spending” section of this estimate.

Counterproliferation and Biosecurity Center. Section 401 would expand the responsibilities of the National Counter Proliferation Center (NCPC). Specifically, the section would require the NCPC to expand its analytic and coordination responsibilities concerning biosecurity and foreign biological threats to include monitoring diseases with pandemic potential.

Using background information on the NCPC and average compensation rates funded by the ICMA, CBO expects that it would take about a dozen experts, analysts, and other staff to carry out those additional responsibilities. Salaries for those employees and other operating expenses to implement section 401 would cost \$10 million over the 2022-2026 period, CBO estimates.

Counterintelligence Units. Section 416 would require the Federal Bureau of Investigation (FBI) to establish a counterintelligence unit at the Department of Agriculture and at any other federal department or agency that the FBI, in coordination with the Director of National Intelligence, determines appropriate. The units would conduct assessments of agencies’ counterintelligence posture and provide recommendations and technical support on reducing threats. They also would serve as the primary point of contact for the agencies with other elements of the intelligence community.

Using information from the FBI and on other counterintelligence activities at agencies outside the intelligence community, CBO estimates that the FBI would establish two units under section 416 and staff them with about half a dozen full-time employees. The pay and operating expenses for those employees would cost \$1 million each year and \$5 million over the 2022-2026 period, CBO estimates.

Climate Security Advisory Council. Section 404 would require the Director of National Intelligence to operate the Climate Security Advisory Council through December 31, 2025. Under current law, the requirement to operate the Council terminates in December 2023.

CBO estimates that operating the council through December 2025 would cost \$2 million over the 2022-2026 period.

Researcher Screening Program. Section 701 would authorize DoD to screen individuals who are conducting research for the department. Such screening would be used to help safeguard sensitive research information and technologies by identifying individuals who may be loyal to a foreign entity or may be vulnerable to foreign influence. That authorization would expire after five years. On the basis of information from DoD, CBO estimates that implementing that requirement would cost less than \$500,000 each year and total \$2 million over the 2022-2026 period.

Post-Employment Restrictions. Section 308 would prohibit certain former intelligence officials from working for foreign governments (or entities that are controlled by a foreign government) for a period of 30 months after leaving their positions. It would extend, from two years to five years, the period for which those officials must provide information on their post-employment activities to the federal government, and it would require each organization of the intelligence community to provide training to employees about the requirement to provide post-employment information. Section 308 also would require the Director of National Intelligence to submit annual reports to the Congress on the employment activities of former employees. Finally, the section would impose criminal penalties on individuals who violate the 30-month employment restriction or fail to provide the required information on post-employment activities.

CBO estimates that it would cost \$1 million over the 2022-2026 period for the organizations of the intelligence community to deliver the required training and for the Director of National Intelligence to prepare and submit the required reports.

Enacting section 308 also would affect direct spending and revenues. Those effects are described in the “Direct Spending and Revenues” section of this estimate.

Direct Spending and Revenues

Several sections in the bill would have insignificant effects on direct spending and revenues, generally because very few people would be affected. Collectively, CBO estimates that enacting H.R. 5412 would increase both direct spending and revenues by less than \$500,000 over the 2022-2031 period.

Paid Leave for Serious Health Conditions. As described under the heading, “Spending Subject to Appropriation,” section 303 would provide up to 12 weeks of paid leave to employees of the intelligence community who are unable to work because they have a serious health condition or need to care for a relative with a serious health condition, but only after they have exhausted sick leave they have accrued. Under current law, employees are allowed to use sick leave they have not yet accrued; thus, those employees would have negative sick-leave balances for periods of time. Once implemented, section 303 would



reduce or eliminate the need for employees of the intelligence community to use unaccrued sick leave, which would result in higher balances of sick leave for those employees when they retire. Any additional sick leave carried through to retirement would be used in the computation of those employees' or survivors' annuities; increases in annuity payments are classified as direct spending. Enacting section 303 would increase direct spending by an insignificant amount over the 2022-2031 period, CBO estimates.

Post-Employment Restrictions and Reporting Requirements. As discussed under the heading "Spending Subject to Appropriation," section 308 would prohibit certain former intelligence officials from working for foreign governments or other entities that are controlled, in whole or in major part, by a foreign government for a period of 30 months after leaving their positions with the federal government. The section also would extend, from two years to five years, the period for which those former intelligence officials must provide information on certain post-employment activities to the federal government. Individuals who knowingly and willfully fail to comply with either of those provisions would be fined, imprisoned, or both.

Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent without further appropriation. CBO estimates that any additional collections under section 308 would total less than \$500,000 in any year and over the 2022-2031 period because of the relatively small number of additional cases likely to arise.

Income Exclusion. Section 505 would exclude payments made to individuals under the Helping American Victims Afflicted by Neurological Attacks Act of 2021 (Public Law 117-46) when determining eligibility for other federal benefit programs. Under that act, agencies may provide compensation to individuals who experience health incidents resulting in injuries to the brain. Under current law, such payments could affect an individual's eligibility for other federal benefit programs funded by mandatory appropriations.

Although the regulations for making payments under the act have not been finalized, CBO expects that enacting section 505 would affect very few people and would increase direct spending by less than \$500,000 over the 2022-2031 period.

Whistleblower Protections. Section 304 would enhance protections for people who claim they were subjected to unlawful reprisal for protected whistleblower actions; some of them could receive retroactive pay and benefits, which are classified as direct spending. CBO estimates that few people would be affected by the provision; thus, enacting section 304 would increase direct spending by less than \$500,000 over the 2022-2031 period.

CIARDS Fund Payment. Section 201 would authorize the appropriation of \$514 million for the Central Intelligence Agency Retirement and Disability System (CIARDS) for fiscal year 2022 to maintain the necessary funding level for operating that system. Appropriations to CIARDS are treated as direct spending in the budget and are projected to continue at the



authorized levels in CBO's baseline as required by section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985. Because the amount that would be authorized by the bill is included in CBO's baseline, that authorization would have no budgetary effect relative to the baseline.

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 H.R. 5412 would have insignificant effects on direct spending and revenues over the 2022-2031 period.

Increase in Long-Term Deficits

CBO estimates that enacting H.R. 5412 would not increase on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2032.

Mandates: None.

Previous CBO Estimate

On October 5, 2021, CBO transmitted a [cost estimate for S. 2610](#), the Intelligence Authorization Act for Fiscal Year 2022, as reported by the Senate Select Committee on Intelligence on August 4, 2021. The differences in the estimated costs reflect the differences in the underlying bills.

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