

### At a Glance

## S. 1798, Offices of Countering Weapons of Mass Destruction and Health Security Act of 2023

As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on June 14, 2023

By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	*	*
Increase or Decrease (-) in the Deficit	0	*	*
Spending Subject to Appropriation (Outlays)	0	1,622	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? <span style="float: right;">Yes</span>	
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate? <span style="float: right;">No</span>	
		Contains private-sector mandate? <span style="float: right;">No</span>	

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

#### The bill would

- Permanently reauthorize the Department of Homeland Security's (DHS's) Countering Weapons of Mass Destruction Office (CWMD)
- Create an Office of Health Security (OHS), responsible for all of DHS's medical and public health activities
- Protect any medical record created by DHS from disclosure, with certain exceptions, and create new penalties for violating the confidentiality of such a record
- Require new reports from DHS and the Government Accountability Office

#### Estimated budgetary effects would mainly stem from

- Administrative costs associated with reauthorizing CWMD and complying with new reporting requirements
- Administrative costs for OHS
- Revenues from penalties resulting in the unlawful disclosure of medical records

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



## Bill Summary

S. 1798 would permanently reauthorize the Countering Weapons of Mass Destruction Office (CWMD) within the Department of Homeland Security (DHS). CWMD leads DHS's efforts to prevent the use of chemical, biological, radiological, or nuclear weapons, and promotes readiness against such attacks by coordinating with federal, state, local, tribal, and territorial governments, as well as the private sector. Under current law, CWMD's authorization expires on December 21, 2023.

S. 1798 also would create an Office of Health Security (OHS) within DHS. That office would assume responsibility for all of the department's medical and public health activities that are currently handled by other offices, including food, agriculture, and veterinary defense, as well as workforce health and safety. The bill also would protect any medical record created by DHS from disclosure, with certain exceptions, and create new fines for any person who willfully discloses such a record.

S. 1798 would require the National Academies of Sciences, Engineering and Medicine to study DHS's role in preparing for biological and health security threats and the Government Accountability Office to review CWMD's efforts and effectiveness.

## Estimated Federal Cost

The estimated budgetary effect of S. 1798 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. 1798**

	By Fiscal Year, Millions of Dollars						2023-2028
	2023	2024	2025	2026	2027	2028	
Office of Countering Weapons of Mass Destruction							
Estimated Authorization	0	336	455	466	477	487	2,221
Estimated Outlays	0	77	225	351	421	457	1,531
Office of Health Security							
Estimated Authorization	0	17	23	24	24	25	113
Estimated Outlays	0	7	17	21	22	24	91
Total Changes							
Estimated Authorization	0	353	478	490	501	512	2,334
Estimated Outlays	0	84	242	372	443	481	1,622

CBO estimates that enacting S. 1798 would increase revenues by less than \$500,000 over the 2023-2033 period.



## **Basis of Estimate**

For this estimate, CBO assumes that the bill will be enacted near the end of fiscal year 2023 and that the estimated amounts will be provided for each year beginning in 2024.

### **Spending Subject to Appropriation**

CBO estimates that implementing S. 1798 would cost \$1.6 billion over the 2024-2028 period.

**Office of Countering Weapons of Mass Destruction.** The Congress appropriated \$431 million for CWMD in 2023 for operations and support; procurement and maintenance of chemical, biological and radiological detection equipment; research and development; and assistance to state, local, tribal, and territorial governments. Another \$21 million was transferred for purposes that would fall under the jurisdiction of OHS. Accounting for anticipated inflation, the transfer of funds to OHS, CWMD's current authorization through December 2023, and the cost of similar reports, CBO estimates implementing this provision would cost \$1.5 billion over the 2023-2028 period, assuming appropriation of the estimated amounts.

**Office of Health Security.** S. 1798 would consolidate medical and public health efforts into OHS. Many of those activities are permanently authorized but the agency's activities related to veterinary defense and food and agriculture security are part of CWMD and their authority expires in December 2023. Using information from the office, CBO estimates that S. 1798 would effectively transfer 35 existing employees and \$21 million to the new Office of Health Security and permanently reauthorize those activities. Accounting for anticipated inflation and the cost of the activities that are not permanently authorized, CBO estimates that creating OHS would cost \$91 million over the 2024-2028 period, assuming appropriation of the estimated amounts.

### **Revenues**

S. 1798 would create a new \$3,000 civil fine for anyone who willfully discloses a DHS medical record. The fine for subsequent offenses would increase to \$20,000 per violation. Any penalties would be transferred to the Treasury and could not be spent by DHS without further appropriation. Using information from DHS about the expected number of offenses, CBO estimates that S. 1798 would increase revenues by an insignificant amount each year and in total over the 2023-2033 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 revenues by less than \$500,000 over the 2023-2033 period.



**Increase in Long-Term Net Direct Spending and Deficits:** None.

**Mandates:** None.

**Previous CBO Estimate**

On June 6, 2023, CBO transmitted a [cost estimate for H.R. 3224](#), the Countering Weapons of Mass Destruction Extension Act of 2023, as ordered reported by the House Committee on Homeland Security on May 17, 2023. The two bills are similar, and CBO's estimates of the cost of authorizing CWMD are similar. S. 1798 would require additional reporting requirements within CWMD, would create the Office of Health Security, and would impose new fines on people who willfully disclose a medical record created by DHS. CBO's estimate of S. 1798 reflects those differences.

**Estimate Prepared By**

Federal Costs: Jeremy Crimm

Mandates: Rachel Austin

**Estimate Reviewed By**

Justin Humphrey

Chief, Finance, Housing, and Education Cost Estimates Unit

Kathleen FitzGerald

Chief, Public and Private Mandates Unit

Christina Hawley Anthony

Deputy Director of Budget Analysis

H. Samuel Papenfuss

Deputy Director of Budget Analysis

**Estimate Approved By**

Phillip L. Swagel

Director, Congressional Budget Office