



## **Report to Congress:**

# **Report on Unobligated Balances for Appropriations Relating to Quality Measurement**

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**A Report Required by Section 1890(f) of the Social Security Act**

United States Department of Health and Human Services

Centers for Medicare & Medicaid Services

(January 2023)

This is the second report on the amount of the unobligated balances for appropriations related to quality measurement published in accordance with section 1890(f) of the Social Security Act (the Act), as added by section 102(b)(2) of Division CC of the Consolidated Appropriations Act, 2021 (CAA)<sup>1</sup>. The information below describes quality measurement funding associated with using the consensus-based entity (CBE) under contract with the Department of Health and Human Services (HHS)—currently the National Quality Forum (NQF)—and other contractors that conduct activities pursuant to the quality and performance measurement provisions of sections 1890 and 1890A of the Act. This report also includes anticipated plans of how the Secretary of the HHS expects to expend such unobligated balances in the upcoming fiscal years (FY).

The table below identifies all of the authorized funding for quality measurement activities performed under sections 1890 and 1890A of the Act, adjustments made to the amount of funding provided due to sequestration, the funds obligated and expended under such sections, and unobligated balances as of April 30, 2022. Unobligated balances are defined as those funds remaining for which there is not a legal liability for disbursement as a result of a series of actions, such as a contract award.

**Table 1:** Funding authority (in millions), funds obligated, and funds expended by public law, as of April 30, 2022

Public Law Amending Section 1890 of the SSA	Authority	Sequester	Adjusted Authority	Obligations	Unobligated Authority	Expended Amount	Unexpended Balances
The Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110-275, Sec.183)	\$50.00	(\$0.51)	\$49.49	\$47.37	\$2.12	\$47.37	\$0.00
The Patient Protection and Affordable Care Act of 2010 (ACA) (Pub. L. 111-148, Sec. 3014, as amended by section 10304 of the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152)	\$100.00	(\$2.46)	\$97.54	\$96.35	\$1.19	\$95.5	\$0.85
The Protecting Access to Medicare Act of 2014 (PAMA) (Pub. L. 113-93, Sec. 109)	\$20.00	\$0.00	\$20.00	\$20.00	\$0.00	\$20.00	\$0.00
The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) (Pub. L. 114-10, Sec. 207)	\$75.00	(\$2.07)	\$72.93	\$72.40	\$0.53	\$71.15	\$1.25

<sup>1</sup> Pub. L. 116–230 (2020).

<b>Public Law Amending Section 1890 of the SSA</b>	<b>Authority</b>	<b>Sequester</b>	<b>Adjusted Authority</b>	<b>Obligations</b>	<b>Unobligated Authority</b>	<b>Expended Amount</b>	<b>Unexpended Balances</b>
Bipartisan Budget Act of 2018 (Pub. L. 115-123, Sec. 50206)	\$15.00	\$0.00	\$15.00	\$10.82	\$4.18	\$10.78	\$0.04
Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Pub. L. 116-136, Sec. 3802)	\$20.00	\$0.00	\$20.00	\$24.82	(\$4.82)	\$23.78	\$1.04
Consolidated Appropriations Act of 2021 (CAA) (Pub. L. 116-260, Sec. 102)*	\$26.00	\$0.00	\$26.00	\$21.74	\$4.26	\$10.30	\$11.43
Consolidated Appropriations Act of 2022 (P.L. 116-260, Sec. 102)*	\$20.00	(\$0.57)	\$19.43	\$22.53	(\$3.10)	\$0.21	\$22.30
<b>Grand Total</b>	<b>\$326.0</b>	<b>(\$5.61)</b>	<b>\$320.39</b>	<b>\$316.03</b>	<b>\$4.36</b>	<b>\$279.09</b>	<b>\$36.91</b>

\*Note: Currently, the CAA is the only funding source used for these activities as the others listed are no longer available.

### **FY 2022 Unobligated Balances**

On April 30, 2022, unobligated FY 2022 balances of budget authority for sections 1890 and 1890A activities were \$7.24 million. (Unobligated balances as of September 30, 2022 are not available to meet the statutory deadline of this report.) In FY 2023, CMS anticipates receiving an additional budget authority of \$20 million from section 102 of Division CC of the CAA, bringing the total estimated amount of funds available to be obligated in FY 2023 to \$26.1 million, as noted in Table 2 below. The FY 2022 unobligated balance together with the FY 2022 appropriation will be used to continue the work reported in the annual Report to Congress, including supporting the duties of the CBE, dissemination of quality measures, program assessment and review, and public reporting coordination. CMS will also use these funds to continue the required assessment of the quality and efficiency impact of the use of endorsed measures.

**Table 2: FY 2022 and FY 2023 Balances (in millions)**

<b>FY 2022 Carryover</b>	<b>FY 2022 Budget Authority minus Sequestration</b>	<b>FY 2022 Beginning Balance</b>	<b>FY 2022 Obligations</b>	<b>FY 2023 Carryover</b>	<b>FY 2023 Budget Authority minus Sequestration</b>	<b>FY 2023 Beginning Balance</b>
\$5.26	\$19.42	\$24.68	\$17.44	\$7.24	\$18.86	\$26.1

Along with the \$20 million provided by the CAA, the amounts below are expected to be expended in FY 2023. Below is the current spending plan for FY 2023 that will obligate the remaining estimated FY 2022 unobligated balance of \$7.24 million as well as \$20 million of the FY 2023 appropriation (less sequestration of \$1.14 million):

**FY 2023 Estimated Spending**

**Duties of the Consensus-Based Entity: \$14.9 million**

**Dissemination of Quality Measures: \$6.6 million**

**Program Assessment and Review: \$2.7 million**

**TOTAL: \$24.68 million\***

\*Includes \$550,000 in administrative costs

**FY 2023 Unobligated Balances**

As of September 30, 2023, unobligated balances of budget authority for sections 1890 and 1890A activities are estimated to be \$1.43 million. In FY 2024, CMS anticipates the following obligations in order to continue the work reported in the annual Report to Congress in FY 2023, including the duties of the CBE, dissemination of quality measures, and program assessment and review. This plan will obligate the remaining estimated unobligated funds available at the end of FY 2023. of \$1.43 million and would require additional funding. Below is the current spending plan for FY 2024:

**FY 2024 Estimated Spending\***

**Duties of the Consensus-Based Entity: \$15.37 million**

**Dissemination of Quality Measures: \$6.46 million**

**Program Assessment and Review: \$2.7 million**

**TOTAL: \$25.1 million\*\***

\*The estimate for FY 2024 Spending above is based on the increasing costs of certain requirements as well as previously established option years. for certain task orders. It also includes a \$1.43 million carry-over from FY 2023. We note that currently no additional funding has been appropriated yet for FY 2024 to support the quality measurement activities under section 1890 and 1890A activities.

\*\*Includes \$550,000 in administrative costs