



Report to Congress:

Report on Unobligated Balances for Appropriations Relating to Quality Measurement

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

(September 2022)

^Corrected Version, as of November 2022

^A few corrections have been made to primarily align with funding amounts posted in the Report to Congress: "Identification of Quality Measurement Priorities: Strategic Plan, Initiatives, and Activities" under section 1890(e) of the Social Security Act (Sept. 2022)

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)¹, this is the first report on the amount of the unobligated balances for appropriations related to quality measurement. The information below describes quality measurement funding associated with using the consensus-based entity (CBE) under contract with 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 detailed plans of how the Secretary of the Department of Health and Human Services expects to expend such unobligated balances in the upcoming fiscal years.

The table below identifies 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 September 30, 2021. 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.

¹ Pub. L. 116–230 (2020).

Table 1: Funding authority (in millions), funds obligated, and funds expended by public law, 2021

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	\$71.20	\$1.25
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	\$11.44
Grand Total	\$306.00	(\$5.04)	\$300.96	\$293.50	\$7.46**	\$278.93	\$14.57

[^]Corrections have been made to align with amounts noted in the Report to Congress as required by section 1890(e) of the Act.

*The unobligated authority balance of \$4.26 million in addition to an estimated \$1.0 million carryover from FY21 totals \$5.26 million in carryover for FY22. See below for details.

**The negative unobligated authority amount is included in the Grand Total.

FY 2021 Unobligated Balances

On September 30, 2021, unobligated balances of budget authority for section 1890 and 1890A activities for FY 2021 were \$5.26 million. In FY 2022, CMS received an additional appropriation of \$20 million from section 102 of Division CC of the CAA, 2021, bringing the total amount of funds available to be obligated in FY 2022 to \$25.26 million. These balances will be used in FY 2022 to continue the work reported in the annual Report to Congress. Specifically, CMS will continue supporting quality measurement work, including the duties of the CBE, dissemination of quality measures, and program assessment and review. The annual work of the CBE entails endorsement and maintenance of quality measures, identifying gaps in quality and efficiency measures, convening stakeholders to make recommendations on priorities for health care performance measurement in different settings, and development of a required annual report. In addition to the work of the CBE, CMS will use these funds to continue to support work on public reporting coordination, and for essential resources, such as the Measures Management System, and for the dissemination of quality measures. CMS will also use these funds to continue the required assessment of the quality and efficiency impact of the use of endorsed measures.

In conjunction with the additional budget authority of \$20 million for FY 2022 provided by section 102(a) of Division CC of the CAA, the amounts below are expected to be expended in FY 2022. The information below shows the current spending plan for FY 2022 and how it will obligate the FY 2021 unobligated balance of \$5.26 million as well as the FY 2022 appropriation of \$20 million:

FY 2022 Spending

Duties of the Consensus-Based Entity: \$14.01 million

Dissemination of Quality Measures: \$6.34 million

Program Assessment and Review: \$2.74 million

TOTAL: \$23.09 million

FY 2022 Unobligated Balances

On September 30, 2022, unobligated balances of budget authority for section 1890 and 1890A activities are estimated to amount to \$3.45 million. In FY 2023, CMS will receive additional budget authority of \$20 million from section 102 of Division CC of the CAA, 2021, bringing the total estimated amount of funds available to be obligated in FY 2023 to \$23.45 million. Again, and similar to the activities described above for the FY 2021 unobligated balances, 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, and program assessment and review. In conjunction with \$20 million provided by the CAA, 2021, the amounts below are expected to be expended in FY 2023. The information below shows the current spending plan for FY 2023 that will obligate the remaining estimated FY 2022 unobligated balance of \$3.45 million as well as the FY 2023 appropriation of \$20 million:

FY 2023 Spending

Duties of the Consensus-Based Entity[^]: \$13.3 million

Dissemination of Quality Measures: \$5.99 million

Program Assessment and Review: \$2.65 million

TOTAL: \$21.9 million

[^]Duties of the CBE FY2023 spending estimate was corrected.