



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

May 1, 2020

The Honorable Nancy Pelosi
Speaker of the House of Representatives
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 requires that the Office of Management and Budget (OMB) submit a report to the Congress on discretionary appropriations legislation within seven calendar days of enactment (excluding Saturdays, Sundays, and legal holidays). The "Seven-Day-After" report must contain the OMB and Congressional Budget Office (CBO) estimates of discretionary new budget authority provided by the legislation and an explanation of any differences between the two estimates.

Enclosed is the Seven-Day-After report for the Emergency Appropriations for Coronavirus Health Response and Agency Operations (Division B of Public Law 116-136, the Coronavirus Aid, Relief, and Economic Security Act or the "CARES Act"). The President signed the CARES Act into law on March 27, 2020. This report does not include any estimates of the budgetary effects for Division A of the Act since that division is not counted toward the discretionary spending limits. The due date for this report was April 7, 2020, but OMB delayed its release to provide CBO with sufficient time to complete its full estimate of the Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Vought".

Russell T. Vought
Acting Director

Enclosure

Table 1.
CBO Estimates Compared to OMB Estimates for Division B of Public Law 116-136,
Emergency Appropriations for Coronavirus Health Response and Agency Operations
(in millions of dollars)

	Enacted Budget Authority	
	2020	2021
<u>DEFENSE CATEGORY DISCRETIONARY APPROPRIATIONS</u>		
<i>Defense Category - Emergency Requirement Supplemental Appropriations</i>		
CBO ESTIMATE, DEFENSE DISCRETIONARY EMERGENCY APPROPRIATIONS ¹	10,525	---
<u>Scorekeeping Differences:</u>		
Title III - Defense:		
Department of Defense:		
Other Department of Defense Programs: Defense Health Program.....	-1	---
The \$1 million budget authority difference in 2020 is due to rounding. This account receives two appropriations with the first under the account heading and a second in a general provision (section 13002). CBO rounds each appropriation to the nearest million and adds to a total while OMB adds the appropriations together before rounding to the nearest whole million.		
CBO Rounding Adjustment.....	+1	
CBO uses this account to reconcile the CBO total for this title of the Act (tracked in millions) with the Appropriations Subcommittee's Comparative Statement of Budget Authority (CSBA) total (tracked in thousands). OMB scoring does not include a reconciliation with the CSBA.		
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TOTAL, DEFENSE EMERGENCY DIFFERENCES	---	---
OMB ESTIMATE, DEFENSE DISCRETIONARY EMERGENCY APPROPRIATIONS	10,525	---
<u>NON-DEFENSE CATEGORY DISCRETIONARY APPROPRIATIONS</u>		
<i>Non-Defense Category - Base Supplemental Appropriations</i>		
CBO ESTIMATE, NON-DEFENSE DISCRETIONARY BASE APPROPRIATIONS ¹	---	---
<u>Scorekeeping Differences:</u>		
Title IX - Legislative Branch:		
Library of Congress: Salaries and Expenses.....	+6	---
Section 19007 of the Act makes a technical correction to the legislative language for this account in the Legislative Branch Appropriations Act, 2020 (division E of Public Law 116-94). The correction increases the appropriation level for this account by \$6 million and OMB scores this amount. CBO had already scored the original legislative language in division E of Public Law 116-94 as if this correction had been made and therefore scores no effect for this provision.		
OMB ESTIMATE, NON-DEFENSE DISCRETIONARY BASE APPROPRIATIONS	6	---

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	2020	2021
<i>Non-Defense Category - Emergency Requirement Changes in Mandatory Programs (CHIMPs)</i>		
CBO ESTIMATE, NON-DEFENSE DISCRETIONARY EMERGENCY CHIMPs¹	14,300	---
<u>Scorekeeping Differences:</u>		
Title I - Agriculture:		
Department of Agriculture:		
Food and Nutrition Programs: Supplemental Nutrition Assistance Program (SNAP).....	-100	
OMB does not score a cost for the \$100 million carve-out for the food distribution program on Indian reservations because costs for the program are uncapped in the authorizing statute and are therefore assumed as part of the baseline. CBO scores the carve-out as a \$100 million cost above their baseline.		
Title XII - Transportation and Housing and Urban Development:		
Department of Transportation:		
Office of the Secretary: Essential Air Service.....	+56	---
OMB and CBO have a conceptual difference regarding this \$56 million appropriation. OMB scores this amount made to the Essential Air Service and Rural Improvement Fund as a CHIMP because the funds will be executed as mandatory consistent with the classification of the other funds made available in this account for the same purposes. CBO scores this appropriation as regular discretionary funding in the "Payment to Air Carriers" account.		
TOTAL, NON-DEFENSE EMERGENCY CHIMP DIFFERENCES	-44	---
OMB ESTIMATE, NON-DEFENSE DISCRETIONARY EMERGENCY CHIMPs	14,256	---
<i>Non-Defense Category - Emergency Requirement Supplemental Appropriations</i>		
CBO ESTIMATE, NON-DEFENSE DISCRETIONARY EMERGENCY APPROPRIATIONS¹	304,858	---
<u>Scorekeeping Differences:</u>		
Title VII - Interior and Environment:		
Department of Health and Human Services:		
Indian Health Service: Indian Health Services.....	-125	---
Indian Health Service: Indian Health Facilities.....	+125	---
OMB scores a \$125 million permissive transfer from the Indian Health Services account to the Indian Health Facilities account that CBO does not score.		

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CBO Estimates Compared to OMB Estimates for Division B of Public Law 116-136,
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(in millions of dollars)

	Enacted Budget Authority	
	2020	2021
Title VIII - Labor, Health and Human Services, and Education:		
Department of Health and Human Services:		
Centers for Disease Control and Prevention: CDC-Wide Activities and Program Support.	+50	---
Department of Homeland Security (DHS):		
Countering Weapons of Mass Destruction Office (CWMD): Federal Assistance.....	-50	---
CBO estimates that section 18114, which allows funds enacted in title III of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116-123) to be used to reimburse the DHS CWMD account, will result in a \$50 million non-expenditure transfer from the CDC-Wide Activities and Program Support account to CWMD. Therefore, CBO scores a \$50 million reduction in budget authority in the CDC account and a commensurate increase in CWMD. OMB does not score a budget authority impact to this provision because the reimbursements to CWMD will be executed as expenditure transfers, which result in outlays into CWMD rather than a shift in budget authority.		
Title XI - State and Foreign Operations:		
International Monetary Fund (IMF):		
Loans to the IMF - New Arrangements to Borrow (NAB).....	-137	---
Section 21012(b)(5) of the Act provides an increase and extension of NAB for the IMF. CBO scores a cost based on market risk adjusted net present value for the proposed increase and extension of NAB while OMB, consistent with the proposal in its 2021 Budget, considers this an exchange of assets and does not score it as a cost.		
Title XII - Transportation and Housing and Urban Development:		
Department of Transportation:		
Office of the Secretary: Payments to Air Carriers.....	-56	---
OMB scores the \$56 million appropriation made to Essential Air Service in that account as a CHIMP while CBO scores this appropriation as regular discretionary funding in this account (<i>see explanation in the CHIMP section above</i>).		
CBO Rounding Adjustments (multiple Titles).....	+4	
CBO uses several rounding adjustments in multiple titles of this Act to reconcile the CBO total (tracked in millions) with the Appropriations Subcommittee's Comparative Statement of Budget Authority (CSBA) total (tracked in thousands). OMB scoring does not include a reconciliation with the CSBA. The total of these adjustments across titles nets to -\$4 million in budget authority.		
TOTAL, NON-DEFENSE EMERGENCY DIFFERENCES.....	-189	---
OMB ESTIMATE, NON-DEFENSE DISCRETIONARY EMERGENCY APPROPRIATIONS	304,669	---

Table 1.
CBO Estimates Compared to OMB Estimates for Division B of Public Law 116-136,
Emergency Appropriations for Coronavirus Health Response and Agency Operations
(in millions of dollars)

	Enacted Budget Authority	
	2020	2021
<u>SUMMARY</u>		
CBO ESTIMATE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ¹	329,683	---
<i>CBO Defense Category Subtotal</i>	10,525	---
<i>CBO Non-Defense Category - Base Subtotal</i>	---	---
<i>CBO Non-Defense Category - Emergency Subtotal (including CHIMPs)</i>	319,158	---
TOTAL DIFFERENCES	-227	---
<i>Defense Category Differences</i>	---	---
<i>Non-Defense Category - Base Differences</i>	+6	---
<i>Non-Defense Category - Emergency Differences (including CHIMPs)</i>	-233	---
OMB ESTIMATE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS	329,456	---
<i>OMB Defense Category Subtotal</i>	10,525	---
<i>OMB Non-Defense Category - Base Subtotal</i>	6	---
<i>OMB Non-Defense Category - Emergency Subtotal (Including CHIMPs)</i>	318,925	---

¹ CBO data received by OMB on April 16, 2020; an update was made on April 24, 2020 to classify the entire appropriation for the Federal Emergency Management Agency's Operations and Support account as non-defense.

Table 2.
Enacted Appropriations as of April 15, 2020¹
(in millions of dollars)

	Enacted Budget Authority	
	2020	2021
DEFENSE CATEGORY		
Discretionary spending limit ²	745,999	671,500
Appropriations previously enacted ³	745,992	---
Newly enacted base Defense appropriations:		
None	---	---
Defense appropriations over (+)/under (-) spending limit.....	-7	-671,500
NON-DEFENSE CATEGORY		
Discretionary spending limit ²	654,603	626,500
Appropriations previously enacted ³	654,603	---
Newly enacted base Non-Defense appropriations:		
Amount provided in division B of Public Law 116-136, the Emergency Appropriations for Coronavirus Health Response and Agency Operations.....	6	---
Total, all previously enacted and newly enacted base Non-Defense appropriations	654,609	---
Non-Defense appropriations over (+)/under (-) spending limit ⁴	+6	-626,500
Newly enacted Defense appropriations designated by the Congress and the President as Emergency Requirements⁵		
Emergency defense appropriations previously enacted ³	82	---
Emergency amounts provided in division B of Public Law 116-136, the Emergency Appropriations for Coronavirus Health Response and Agency Operations.....	10,525	---
Newly enacted Non-Defense appropriations designated by the Congress and the President as Emergency Requirements⁵		
Emergency non-defense appropriations previously enacted ³	19,857	---
Emergency amounts provided in division B of Public Law 116-136, the Emergency Appropriations for Coronavirus Health Response and Agency Operations.....	318,925	---

Notes:

1 Enacted appropriations reflect OMB scoring of emergency supplemental amounts in division B of Public Law 116-136, the Emergency Appropriations for Coronavirus Health Response and Agency Operations.

2 The FY 2020 and FY 2021 spending limits for the defense (or "revised security") and non-defense (or "revised nonsecurity") categories are equal to the amounts published in the *OMB Sequestration Preview Report to the President and Congress for Fiscal Year 2021* (see OMB's website: <https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/>).

Table 2.
Enacted Appropriations as of April 15, 2020 ¹
(in millions of dollars)

	Enacted Budget Authority	
	2020	2021

3 Appropriations previously enacted for 2020 reflect OMB scoring of the Consolidated Appropriations Act, 2020 (Public Law 116-93), the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), the USMCA Supplemental Appropriations Act, 2019 (title IX of Public Law 116-113), the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116-123); and the Second Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (division A of Public Law 116-127). The seven-day-after reports for these Acts are on the OMB website: <https://www.whitehouse.gov/omb/legislative/budget-enforcement-act-7-day-reports/>.

4 This table currently shows that enacted appropriations are over the Non-Defense cap by \$6 million. However, this excess is the result of a scoring difference with CBO that is summarized in the accompanying table of this report. Section 747 in division C of Public Law 116-93 includes a technical allowance that permits a cap adjustment for such estimating differences in 2020 and this adjustment will be made in OMB's Sequestration Update Report for 2021. The adjustment in the Non-Defense category is expected to be equal to the amount by which the budget authority exceeds the discretionary spending limit in that category because the entire overage is due to estimating differences with CBO.

5 Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA) authorizes an adjustment to the caps for appropriations that are designated by the Congress, and subsequently designated by the President, as emergency requirements or for Overseas Contingency Operations/Global War on Terrorism. Division B of Public Law 116-136 includes supplemental funding for these activities with the appropriate designations as emergency requirements and the President transmitted to the Congress on March 27, 2020 his subsequent designations of all of these amounts. These amounts are summarized here and are not included in the totals displayed above that are counted against the caps. The adjustments to the discretionary limits to reflect this spending are not included in this report but will be included in OMB's Sequestration Update Report for 2021.



EXECUTIVE OFFICE OF THE PRESIDENT
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The Honorable Michael R. Pence
President of the Senate
United States Senate
Washington, DC 20510

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<i>Emergency defense appropriations previously enacted ³</i>	82	---
<i>Emergency amounts provided in division B of Public Law 116-136, the Emergency</i>		
<i> Appropriations for Coronavirus Health Response and Agency Operations.....</i>	10,525	---
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