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Status of FY2021 Labor, Health and Human Services, and Education Appropriations: In Brief

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On December 27, 2020, full-year FY2021 appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies (LHHS) were signed into law as Division H of the Consolidated Appropriations Act, 2021 (FY2021 CAA, H.R. 133; P.L. 116-260).[1] In addition, Division M of the act provided emergency supplemental appropriations to respond to the global pandemic of the Coronavirus Disease 2019 (COVID-19). Since the start of the fiscal year on October 1, 2020, LHHS programs and activities had been temporarily funded via a series of continuing resolutions (CRs).

This report provides a brief summary of the status of LHHS appropriations during the FY2021 cycle, including relevant congressional actions and a top-line comparison of discretionary funding enacted in FY2020 and FY2021, versus relevant FY2021 legislative proposals. It also provides background on the scope of the bill and the budgetary context for congressional decisionmaking.

Congressional clients may consult the LHHS experts list in CRS Report R42638, *Appropriations: CRS Experts*, for information on which analysts to contact at the Congressional Research Service (CRS) with questions on specific agencies and programs funded in the LHHS bill.

Scope of the LHHS Bill

The LHHS bill is the largest ($1.2 trillion in FY2021) of the 12 annual appropriations bills when accounting for both mandatory and discretionary funding.[2] It provides annually appropriated budget authority for the following federal departments and agencies:

- the Department of Labor (DOL);
- most agencies at the Department of Health and Human Services (HHS), except for the Food and Drug Administration (funded through the Agriculture appropriations bill), the Indian Health Service (funded through the Interior-Environment appropriations bill), and the Agency for Toxic Substances and Disease Registry (funded through the Interior-Environment appropriations bill);
- the Department of Education (ED); and
- more than a dozen related agencies (RAs), including the Social Security Administration, the Corporation for National and Community Service, the Corporation for Public Broadcasting, the Institute of Museum and Library Services, the National Labor Relations Board, and the Railroad Retirement Board.

In general, mandatory funding represents just over 80% of the total LHHS bill, supporting annually appropriated entitlements such as Medicaid and Supplemental Security Income (SSI). Discretionary funds account for less than 20% of total funds in the bill, but they tend to be the focus of congressional debate during the appropriations process.[3] This is because the

[1] For background on the FY2020 LHHS appropriations bill, see CRS Report R46492, *Labor, Health and Human Services, and Education: FY2020 Appropriations*.

[2] The FY2021 total is drawn from the *Congressional Record*, Vol. 166, No. 218, Book IV, December 17, 2019, pp. H8709, https://www.congress.gov/116/crec/2020/12/21/CREC-2020-12-21.pdf-bk4. The discretionary funding provided in the LHHS appropriations act is both provided and controlled by that act. The mandatory funding provided in the LHHS act is controlled by provisions in authorizing law. For definitions of these and other budget terms, see U.S. Government Accountability Office (GAO), *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP, September 1, 2005, http://www.gao.gov/products/GAO-05-734SP. (Terms of interest may include budget authority, appropriated entitlement, direct spending, discretionary, entitlement authority, and mandatory.)

[3] For an illustrative discussion of the distribution of funds among the different titles of the bill, and between

appropriations process generally has little control over the amount of mandatory funding provided for appropriated entitlements; rather, the authorizing statute controls the program parameters (e.g., eligibility rules, benefit levels) that entitle certain recipients to payments. Consequently, the focus of this report generally is on the discretionary spending that has been or would be provided for LHHS programs and activities under various laws and proposals.

Even though discretionary appropriations represent a relatively small share of the entire LHHS bill, the bill is typically the largest single source of nondefense discretionary funding for the federal government. (The Department of Defense bill is the largest single source of discretionary funding overall.)

Calculating Total LHHS Budget Authority

Budget authority is the amount of money a federal agency is legally authorized to commit or spend. Appropriations bills may include budget authority that becomes available in the current fiscal year, in future fiscal years, or some combination. Amounts that become available in future fiscal years are typically referred to as *advance appropriations*.

The amount of LHHS budget authority can be tabulated in various ways. The total amount of budget authority provided in an appropriations bill (i.e., *total in the bill*) would be calculated regardless of the year in which the funding becomes available.[4] In some cases, however, such as the 302(b) suballocations (discussed later), the total is calculated based on *current-year* appropriations (i.e., the amount of *budget authority available for obligation in a given fiscal year)*, which is calculated regardless of the year in which it was first appropriated.[5] Additionally, scorekeeping and other types of adjustments made by the Congressional Budget Office (CBO) to reflect budget enforcement conventions and special instructions of Congress may be reflected in or excluded from the calculation of budgetary totals.[6]

Context for FY2021

Under the congressional budget process, the start of annual appropriations decisionmaking traditionally is preceded by the submission of the President's budget request and the adoption of the congressional budget resolution. The President's FY2021 budget request was submitted to Congress on February 10, 2020.[7] On March 17, 2020, President Trump submitted a letter to Congress about FY2021 budget amendments (along with a supplemental appropriations request for FY2020) related to the response to the COVID-19 outbreak.[8] These budget amendments affected the FY2021 President's requested levels for several accounts at DOL, HHS, ED, and

discretionary and mandatory spending, see the summary of FY2020 LHHS appropriations in CRS Report R46492, *Labor, Health and Human Services, and Education: FY2020 Appropriations*, pp. 11-14.

[4] Such figures include advance appropriations provided in the bill for future fiscal years, but do not include advance appropriations provided in prior years' appropriations bills that become available in the current year.

[5] Such figures exclude advance appropriations for future years, but include advance appropriations from prior years that become available in the given fiscal year.

[6] For more information on scorekeeping, see CRS Report 98-560, *Baselines and Scorekeeping in the Federal Budget Process*. See also a discussion of key scorekeeping guidelines included in the joint explanatory statement accompanying the conference report to the Balanced Budget Act of 1997 (H.Rept. 105-217, pp. 1007-1014).

[7] For further information on the HHS budget request, see CRS Report R46321, *Department of Health and Human Services: FY2021 Budget Request*. Note that the report covers the FY2021 President's request for HHS in its entirety, not just the components of the agency funded through the annual LHHS bill.

[8] Executive Office of the President, Office of Management and Budget, Letter from Acting Director Russell T. Vought to The Honorable Michael R. Pence, March 17, 2020, https://www.whitehouse.gov/wp-content/uploads/2020/03/Letter-regarding-additional-funding-to-support-the-United-States-response-to-COVID-19-3.17.2020.pdf.

certain LHHS related agencies, including the Social Security Administration and the Railroad Retirement Board.

In the aftermath of the President's budget submission, appropriations decision-making proceeded on the basis of procedures and budgetary limits enacted in the Bipartisan Budget Act of 2019 (P.L. 116-37). In addition, congressional action on FY2021 appropriations has been influenced by the ongoing COVID-19 pandemic. Four emergency FY2020 supplemental discretionary appropriations measures were enacted during March and April of 2020 as part of the legislative response to the pandemic. In December, an FY2021 discretionary supplemental appropriations measure was enacted as Division M of the Consolidated Appropriations Act, 2021. Further supplemental appropriations may be considered during the FY2021 cycle. These and related issues are summarized below.

On January 14, 2021, following the enactment of full-year FY2021 appropriations, the Trump Administration transmitted to Congress a proposal for rescissions of budget authority totaling $27.4 billion.[9] The proposal was submitted in accordance with Section 1012 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. §683). The transmittal proposed rescissions totaling nearly $1.8 billion for LHHS-related accounts at DOL, HHS, ED, and the Corporation for National and Community Service. The rescissions proposal was subsequently withdrawn by the Biden Administration, on January 31, 2021.[10]

FY2020 Regular and Supplemental Appropriations

FY2020 regular appropriations for LHHS were enacted as part of the Further Consolidated Appropriations Act, 2020, on December 20, 2019 (FY2020 LHHS omnibus; P.L. 116-94). Discretionary appropriations in the FY2020 LHHS omnibus totaled $195.4 billion (including advance appropriations for future years, but excluding certain scorekeeping adjustments).[11] This amount was 3.2% more than FY2019 enacted levels. The omnibus also provided $902.3 billion in mandatory funding, for a combined LHHS total of $1.098 trillion.

Subsequently, five acts were signed into law providing FY2020 supplemental discretionary appropriations for LHHS programs and activities. The first of these acts (P.L. 116-113), enacted on January 29, 2020, provided $210 million in additional funding to DOL to carry out the United States-Mexico-Canada Agreement.[12] The remaining four, which together contain more than 99% of the LHHS supplemental appropriations provided for FY2020 ($279.8 billion), were part of the legislative response to the COVID-19 global pandemic:[13]

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[9] Office of Management and Budget (OMB), Rescission Transmittal Package, January 14, 2021, available at https://www.whitehouse.gov/wp-content/uploads/2018/05/POTUS-Rescission-Transmittal-Package-5.8.2018.pdf.

[10] See letter posted at https://www.whitehouse.gov/wp-content/uploads/2021/02/Rescissions-Withdrawal-Package_President-of-the-Senate.pdf.

[11] This amount differs from what is listed in **Table 1** because it captures total discretionary budget authority provided in the FY2020 LHHS omnibus, regardless of when the funds become available. It does not include advance appropriations from prior years that became available in FY2020, but does include current-year appropriations that become available in future years. In addition, this total does not reflect certain scorekeeping adjustments applied by the Congressional Budget Office (e.g., effects of one-time rescissions or changes in mandatory program spending).

[12] Title IX of the United States-Mexico-Canada Agreement Supplemental Appropriations Act, 2019, (USMCA, P.L. 116-113). The USMCA supplemental appropriations of $210 million for DOL were for the Bureau of International Labor Affairs (ILAB) to support the implementation and enforcement of the USMCA. The labor-related provisions in the USMCA, which are associated with ILAB's role, are discussed in CRS Report R44981, *The United States-Mexico-Canada Agreement (USMCA)*, pp. 32-33.

[13] Other divisions of the acts that provided supplemental LHHS appropriations contained authorization provisions that

- Title III, Division A, of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123), enacted on March 6, 2020;
- Title V, Division A, of the Families First Coronavirus Response Act (FFCRA, P.L. 116-127), enacted on March 18, 2020;
- Title VIII, Division B, of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136), enacted on March 27, 2020; and
- Title I, Division B, of the Paycheck Protection Program and Health Care Enhancement Act (PPPHCEA, P.L. 116-139), enacted on April 24, 2020.

All of these additional funds were designated as an "emergency requirement" and thus were effectively exempted from otherwise applicable budget enforcement requirements, such as the discretionary spending limits.[14]

In total, FY2020 supplemental appropriations increased regular FY2020 LHHS enacted funding by about 143%. The bulk of the supplemental funding (89%) was directed at HHS. The $248 billion in supplemental HHS funds represented a 261% increase over the agency's FY2020 regular appropriations funding level. ED received the next largest increase via supplemental funds (43%), whereas DOL and RA received the smallest increases relative to their initial FY2020 enacted levels (5% and 3%, respectively).

While annual appropriations for FY2021 were being deliberated, Congress and the President considered the extent to which any additional COVID-19 pandemic response funding would be enacted in separate supplemental appropriations measures or packaged with the FY2021 annual funding. In addition, policymakers had the option of making further COVID-19 pandemic response funding subject to the limit on FY2021 nondefense discretionary spending, or to provide that funding instead as emergency appropriations (effectively exempt from that limit).[15] Ultimately, $155 billion in FY2021 emergency-designated supplemental LHHS appropriations for COVID-19 pandemic response were included in a separate division of the Consolidated Appropriations Act, 2021 (Division M, P.L. 116-260).[16]

In total, FY2021 supplemental LHHS appropriations for COVID-19 pandemic response enacted as of the date of this report have increased regular FY2021 LHHS funding by about 77%. Just over half of the FY2021 supplemental LHHS funding was provided to ED (53%), with the remainder being provided to HHS (47%). No supplemental appropriations for FY2021 have been enacted for DOL or RA.

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in some cases relate to LHHS programs and activities—for instance, provisions providing a 6.2% increase to the federal matching assistance percentage for Medicaid and certain other programs in FFCRA, and provisions modifying student loan subsidy costs in the CARES Act. The mandatory spending budgetary effects of such provisions are outside the scope of this report. For further information on the LHHS appropriations provided by these COVID-19 pandemic response supplementals, see CRS Report R46353, *COVID-19: Overview of FY2020 LHHS Supplemental Appropriations*.

[14] For further information, see CRS Report R45778, *Exceptions to the Budget Control Act's Discretionary Spending Limits*.

[15] Prior to the enactment of full-year FY2021 LHHS funding, COVID-19 pandemic-related LHHS provisions were included in several different appropriations measures for FY2021, including the House-passed full-year LHHS bill (Division E, H.R. 7617), a supplemental appropriations package (Division A, H.R. 925), and the FY2021 continuing resolution (Division A, P.L. 116-159). While in some cases the budgetary effects of the COVID-19 pandemic-related provisions were designated as an emergency requirement, that was not the case universally.

[16] In addition, the annual LHHS appropriations in Division H included a total of $1.563 billion in emergency-designated funding to support state efforts to process additional unemployment insurance claims, and a program to help low-income households pay water and wastewater treatment bills.

As the FY2021 appropriations cycle progresses, Congress and the President may consider whether further COVID-19 pandemic response funding is needed.

FY2021 Discretionary Spending Limits and Appropriations Allocations

The framework for budget enforcement under the congressional budget process has both statutory and procedural elements. The statutory elements include limits on defense and nondefense discretionary spending established by the Budget Control Act of 2011 (BCA; P.L. 112-25); LHHS appropriations are classified as nondefense spending. The procedural elements are primarily associated with the budget resolution and provide a limit on total discretionary spending available to the appropriations committees (commonly referred to as a *302(a) allocation*) and limits on spending under the jurisdiction of each appropriations subcommittee (*302(b) suballocations*). Certain spending, such as that designed for an *emergency requirement* and for certain program integrity-related purposes, is effectively exempt from these limits (commonly referred to as *cap adjustments*).[17]

On August 2, 2019, the FY2020 and FY2021 BCA spending limits were increased via the enactment of the Bipartisan Budget Act of 2019 (BBA 2019; P.L. 116-37).[18] The FY2021 nondefense limit ($626.5 billion) was 0.8% (+$5 billion) more than the FY2020 limit. In addition, BBA 2019 provided procedures to establish the spending allocations to the House and Senate appropriations committees via statements submitted to the *Congressional Record* by the chairs of the House and Senate budget committees, without the adoption of a budget resolution.[19] Among other requirements, these spending allocations must be consistent with the levels established by the statutory discretionary spending limits. These FY2021 committee-level spending allocations were submitted in the House on May 1, and in the Senate on May 4, 2020.[20]

Generally, the next step in the appropriations process is for each of the appropriations committees to adopt suballocations from the total amount allocated to them. These 302(b) suballocations provide a limit on current-year (i.e., FY2021) appropriations within each subcommittee's jurisdiction and incorporate any applicable scorekeeping adjustments made by CBO. The House Appropriations Committee adopted 302(b) suballocations for each of its 12 subcommittees on July 9.[21] The House initial LHHS discretionary suballocation for FY2021 was $182.9 billion.[22] The Senate Appropriations Committee did not formally adopt suballocations prior to the

[17] For further information, see CRS Report R45778, *Exceptions to the Budget Control Act's Discretionary Spending Limits*.

[18] For further information, see CRS Insight IN11148, *The Bipartisan Budget Act of 2019: Changes to the BCA and Debt Limit*.

[19] Ibid. For a general discussion of budget enforcement mechanisms that may be adopted in the absence of a budget resolution, see CRS Report R44296, *Deeming Resolutions: Budget Enforcement in the Absence of a Budget Resolution*.

[20] "Publication of Budgetary Material," *Congressional Record*, daily edition, Vol. 166, No. 82 (May 1, 2020), pp. H1968-H1969. "Budget Enforcement Levels for Fiscal Year 2021," *Congressional Record*, daily edition, Vol. 166, No. 83 (May 4, 2020), pp. S2205-S2206.

[21] House Appropriations Committee, "Appropriations Committee Approves FY2021 Subcommittee Allocations," July 9, 2020, press release, https://appropriations.house.gov/news/press-releases/appropriations-committee-approves-fy-2021-subcommittee-allocations.

[22] The House Appropriations Committee subsequently reported revised 302(b) suballocations (H.Rept. 116-454, July 16, 2020), although the LHHS discretionary suballocation was unchanged from the initial amount.

enactment of full-year appropriations for FY2021, although a majority proposal for these suballocations was released on November 10, 2020.[23]

LHHS Legislative Action

FY2021 Consolidated Appropriations Act

On December 27, 2020, the Consolidated Appropriations Act, 2021 (FY2021 CAA; H.R. 133) was signed into law by the President (P.L. 116-260). The FY2021 CAA provided full-year appropriations for all 12 annual appropriations acts in Divisions A-L, and supplemental appropriations for COVID-19 pandemic relief in Division M.[24] (Full-year LHHS appropriations were enacted in Division H.) Prior to its enactment, the final version of the measure was approved by the House on December 21. (The vote to approve the portion that contained LHHS appropriations was 359-53.[25]) It was approved by the Senate (92-6) later that same day. The FY2021 LHHS appropriations provided in the FY2021 CAA are summarized in "FY2021 LHHS Estimated Discretionary Funding Levels."

FY2021 Continuing Appropriations

Between the start of the fiscal year on October 1, 2020, and the enactment of the FY2021 CAA on December 27, 2020, LHHS programs and activities were provided temporary FY2021 funding via a series of continuing resolutions (CRs).

The first CR providing temporary funding for LHHS programs and activities was signed into law on October 1 (Division A of H.R. 8337; P.L. 116-159). The measure had previously been introduced by the House Appropriations Committee chair, Representative Lowey, on September 22, and had passed the House that same day, 359-57.[26] The Senate subsequently took up and passed the measure without amendment, 84-10, on September 30.

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[23] See linked draft 302(b) suballocation text in the Senate Appropriations Committee majority press release, "Committee Releases FY21 Bills in Effort to Advance Process, Produce Bipartisan Results," November 10, 2020, https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results.

[24] The FY2021 CAA also contained additional COVID-19 pandemic response provisions in Division N, but this division is considered authorizing legislation, rather than appropriations legislation, and is thus beyond the scope of this report. For further discussion, see the Congressional Budget Office cost estimate for Division N, released on January 14, 2021, https://www.cbo.gov/system/files/2021-01/PL_116-260_div_N.pdf. In addition, Divisions O-FF of the FY2021 CAA contained miscellaneous authorizing provisions that are also beyond the scope of this report.

[25] The special rule, H.Res. 1271, provided for the consideration of an amendment consisting of the FY2021 CAA (as contained in House Rules Committee Print 116-68) to the Senate amendment to H.R. 133. H.Res. 1271 also provided for the House to adopt the amendment in two votes: the first on Divisions B, C, E, and F, and the second on the remaining divisions. The House adopted Divisions B, C, E, and F by a vote of 327-85, and adopted the remaining divisions by a vote of 359-53. The subsequent motion that the House agree to the Senate amendment with an amendment was agreed to without objection.

[26] For further information about the continuing appropriations in H.R. 8337, see House Appropriations Committee, "House Democrats File Bipartisan Continuing Resolution," press release, September 22, 2020, https://appropriations.house.gov/news/press-releases/house-democrats-file-bipartisan-continuing-resolution. Previously, the chairwoman had introduced H.R. 8319, which included a similar CR in Division A, but that measure did not receive House floor consideration. For further information about the continuing appropriations in H.R. 8319, see House Appropriations Committee, "House Democrats Introduce Continuing Resolution," press release, September 21, 2020, https://appropriations.house.gov/news/press-releases/house-democrats-introduce-continuing-resolution-1.

The CR provided continuing appropriations for all 12 annual appropriations acts (including LHHS) through December 11, 2020. In general, the CR funded discretionary programs at the same rate and under the same conditions as in FY2020 (§101) and annually appropriated entitlements at their current law levels (§111).[27] It also included several anomalies that are specific to LHHS accounts or related activities (§§149-156).

This first CR was extended by four subsequent CRs:

- P.L. 116-215 (Division A), which extended LHHS funding through December 18;
- P.L. 116-225, which extended LHHS funding through December 20;
- P.L. 116-226, which extended LHHS funding through December 21; and
- P.L. 116-246, which extended LHHS funding through December 28.

Prior Congressional Action on FY2021 Full-Year Appropriations

Prior to the start of the fiscal year, the House took action on full-year LHHS appropriations. Those LHHS appropriations were initially considered on the floor as part of a consolidated appropriations package and passed the House (217-197), as amended, on July 31, 2020 (Division E of H.R. 7617). This package would have provided appropriations for five other appropriations acts in addition to LHHS: Department of Defense; Commerce, Justice, Science; Energy and Water Development; Financial Services and General Government; and Transportation, Housing, and Urban Development.[28] Floor action on H.R. 7617 was regulated by the terms of a special rule (H.Res. 1067) that made in order 92 amendments to the LHHS title of the bill.[29] That rule also provided the authority for the chair of the Appropriations Committee or her designee to offer any of the amendments made in order en bloc (i.e., in groups of amendments to be disposed of together). All but three LHHS amendments were considered in this manner.[30] When counted as 92 separate amendments, 84 were adopted and 8 were rejected.

With regard to prior House committee action, on July 13, 2020, the House Appropriations Committee voted to report the FY2021 LHHS appropriations bill, 30-22; the measure was subsequently reported to the House on July 15 (H.R. 7614; H.Rept. 116-450). This was preceded by subcommittee approval of the draft bill on July 7, by a vote of 9-6. Full committee approval of the initial suballocations for all 12 bills, including LHHS, occurred on July 9, by a vote of 29-21 (H.Rept. 116-443).

Senate Appropriations Committee action on the FY2021 LHHS bill did not occur during the FY2021 cycle. The chair of the Senate Committee on Appropriations, Senator Richard Shelby,

[27] For an estimate of the discretionary appropriations contained in Division A of H.R. 8337, see CBO, "CBO's Estimate for H.R. 8337, the Continuing Appropriations Act, 2021 and Other Extensions Act, as Passed by the House of Representatives on September 22, 2020," September 23, 2020, https://www.cbo.gov/system/files/2020-09/hr8337.pdf.

[28] H.R. 7617 was initially expected to provide appropriations for the act funding the Department of Homeland Security, but that division was ultimately omitted under the terms of the special rule that regulated floor consideration (H.Res. 1067).

[29] For a list of these LHHS amendments (numbered 218-309) and the text of each that was made in order, see H.Rept. 116-461, pp. 23-32 and 89-108. Readers should note that LHHS amendments were keyed to Division F of what was to be the base text for amendment (Rules Committee Print 116–60). The LHHS division was redesignated as Division E after House passage due to the omission of the Department of Homeland Security division from the bill.

[30] For the en bloc amendments proposing changes to the LHHS division of the bill, see consideration of amendments en bloc nos. 3, 4, and 5 in *Congressional Record*, daily edition, Vol. 166, No. 135 (July 30, 2020), pp. H4134-H4139, H4143-H4169.

released drafts of all 12 annual appropriations bills along with draft accompanying committee reports on November 10, 2020, which was intended to further negotiations on annual appropriations between the House and the Senate. [31] Hereinafter, the draft of the Senate LHHS bill is referred to as "the Senate Appropriations Committee majority draft bill."

FY2021 LHHS Estimated Discretionary Funding Levels

Table 1 displays the CBO estimate of enacted LHHS discretionary appropriations for FY2020 and FY2021, House-passed FY2021 discretionary appropriations for LHHS, and the Senate Appropriations Committee majority draft bill released by the chair of the Senate Appropriations Committee, Senator Shelby. Per CBO conventions, the amount shown for "regular discretionary appropriations" does not include any funding that is subject to program integrity adjustments or emergency designations. The amount shown represents current-year budget authority subject to the spending limits and takes into account any applicable CBO scorekeeping adjustments. Under this method of estimating the bill, FY2021 enacted regular discretionary appropriations for LHHS decreased relative to FY2020 by about $9 billion (-4.9%). However, readers should note that the LHHS funding amounts calculated via this method are the net of billions of dollars in offsets included in each proposal, such as certain rescissions of previously enacted funding and *changes in mandatory program spending* (CHIMPS). When those offsets are excluded from this calculation, enacted FY2021 regular discretionary appropriations represent an increase to LHHS funding relative to FY2020.[32] Similarly, using CBO conventions, the House proposal would have decreased LHHS regular discretionary appropriations by about $128 million (-0.1%) relative to the FY2020 enacted level, whereas the comparable amount in the Senate Appropriations Committee majority draft bill would have represented a $1.4 billion increase (+0.8%) relative to FY2020. However, when offsets are excluded, both the House-passed bill and the Senate Appropriations Committee majority draft would have increased regular discretionary funding relative to FY2020.[33]

As previously mentioned, certain LHHS appropriations, such as those allowed for program integrity funding or designated as for emergency requirements, are effectively exempt from the discretionary spending limits. Enacted FY2021 LHHS appropriations, as well as the House-passed bill and the Senate Appropriations Committee majority draft bill, included the maximum amount allowed for program integrity funding ($1.881 billion). With regard to new FY2021 funding for emergency requirements, the House bill would have provided an estimated $24.425 billion in emergency-designated funding for purposes associated with COVID-19 pandemic

[31] See linked draft bill and report language text in the Senate Appropriations Committee majority press release, "Committee Releases FY21 Bills in Effort to Advance Process, Produce Bipartisan Results," November 10, 2020, https://www.appropriations.senate.gov/news/committee-releases-fy21-bills-in-effort-to-advance-process-produce-bipartisan-results. See also the statement from the Senate Appropriations Committee Vice Chair, Senator Patrick Leahy, at https://www.appropriations.senate.gov/news/minority/senate-approps-vice-chair-leahy-statement-on-the-release-of-the-fy-2021-senate-appropriations-bills-.

[32] See Senate Appropriations Committee Vice Chair, Senator Patrick Leahy, "Summary, Labor, Health and Human Services, Education, and Related Agencies Fiscal Year 2021 Appropriations Bill," December 21, 2020, p. 1, https://www.appropriations.senate.gov/imo/media/doc/LHHS.pdf.

[33] For the House-passed proposal, see the House Appropriations Committee, "Appropriations Committee Releases Fiscal Year 2021 Labor-HHS-Education Funding Bill," press release, July 6, 2020, https://appropriations.house.gov/news/press-releases/appropriations-committee-releases-fiscal-year-2021-labor-hhs-education-funding. See also related discussion on H.Rept. 116-450, p. 3. (It appears that the overall funding level of FY2021 LHHS appropriations in Division E of H.R. 7617, as passed the House, does not differ substantially from that reported by the committee in H.R. 7614.) For the Senate Appropriations Committee majority draft bill, see the Senate Appropriations Committee majority press release, "Labor, Health and Human Services, Education, and Related Agencies, 2021," November 10, 2020, https://www.appropriations.senate.gov/imo/media/doc/FY21%20BILL%20HIGHLIGHTS_LABORH.pdf.

response, whereas the Senate Appropriations Committee majority draft bill did not include such emergency-designated funding. Enacted FY2021 LHHS appropriations have included $156.563 billion in emergency-designated funding. The "adjusted appropriations" total in the table includes these additional funds along with "regular discretionary appropriations."

Table 1. LHHS Discretionary Appropriations: Comparison of FY2020 Enacted with FY2021 Proposed and Enacted Amounts

(Budget authority in billions of dollars)

	FY2020 Enacted	FY2021 House (H.R. 7617)	FY2021 Senate Appropriations Committee Majority Draft	FY2021 Enacted
Regular discretionary appropriations[a]	183.042	182.914	184.472	174.073
Adjustments:				
Program integrity	1.842	1.881	1.881	1.881
Emergency requirements	280.000	24.425	0	156.563
Adjusted appropriations	464.884	209.220	186.353	332.517

Source: The FY2020 enacted amount is from Congressional Budget Office (CBO), *Report on the Status of Discretionary Appropriations, Fiscal Year 2020, House of Representatives, as of April 24, 2020*, https://www.cbo.gov/system/files?file=2020-05/FY2020-House-2020-4-24.pdf. The FY2021 House amount is from CBO, "Estimate of Discretionary Spending Under H.R. 7617, the Defense, Commerce, Justice, Science, Energy and Water Development, Financial Services and General Government, Homeland Security, Health and Human Services, Education, Transportation, Housing, and Urban Development Appropriations Act, 2021 (as posted on the House Committee on Rules Website https://rules.house.gov/bill/116/hr-7617)," July 27, 2020, https://www.cbo.gov/system/files/2020-07/hr7617.pdf. The FY2021 Senate Appropriations Committee Majority Draft amount is from page 3 of the draft committee report released by the Senate Appropriations Committee Chair, Senator Shelby, on November 10, 2020, https://www.appropriations.senate.gov/imo/media/doc/LHHSRept.pdf. The FY2021 enacted amount is from CBO, *Report on the Status of Discretionary Appropriations, Fiscal Year 2021, House of Representatives, as of December 27, 2020)*, https://www.cbo.gov/system/files?file=2021-02/FY2021-House-2021-02-01.pdf.

Notes: Amounts reflect current-year discretionary budget authority subject to spending limits.

a. Regular discretionary appropriations exclude funds for which special rules apply under the spending limits (e.g., funds for certain program integrity activities and emergency requirements), as well as funds provided under authorities in the 21st Century Cures Act (P.L. 114-255) that are effectively exempt from the spending limits.

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