OMB Final Sequestration Report to the President and Congress for Fiscal Year 2024



April 12, 2024

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GENERAL NOTES

- 1. All years referred to are fiscal years unless otherwise noted.
- 2. Details in the tables and text may not add to totals due to rounding.



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

April 12, 2024

The President The White House Washington, DC 20500

Dear Mr. President:

Enclosed please find the *OMB Final Sequestration Report to the President and Congress for Fiscal Year 2024*, which has been prepared pursuant to section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (BBEDCA). As required by BBEDCA, this report provides the Office of Management and Budget's (OMB) current estimates of the discretionary spending limits for each category, OMB's scoring of the enacted 2024 discretionary appropriations bills compared to those limits, and comparisons of OMB's estimates of the caps with the estimates provided by the Congressional Budget Office in its *Final Sequestration Report for Fiscal Year 2024*.

Based on the estimates in this report, enacted appropriations are within the discretionary spending limits for 2024 and a sequestration of discretionary budget authority pursuant to section 251 of BBEDCA is not required.

Sincerely,

Shalanda D. Young

Chalanda D. Yang

Director

Enclosure

Identical Letter Sent to The Honorable Kamala Harris and The Honorable Mike Johnson

I. INTRODUCTION

The Fiscal Responsibility Act of 2023 (FRA; Public Law 118-5) amended the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (BBEDCA), by reestablishing limits on discretionary budget authority for fiscal years 2024 and 2025. Section 254 of BBEDCA requires the Office of Management and Budget (OMB) to issue a final sequestration report 15 days after the Congress ends a session to determine whether a sequestration of discretionary budget authority is required, based on OMB's scoring of enacted discretionary appropriations against the applicable discretionary spending limits. However, section 251(d)(2) of BBEDCA (as added by section 102 of the FRA) effectively delayed the final report until 15 days after the Congress completed action on the annual full-year 2024 appropriations Acts or April 30, 2024, whichever comes first. The delay created an unusual circumstance, whereby the final report for 2024 is being released after OMB's sequestration preview report for 2025, which was released on March 11, 2024, concurrent with the 2025 Budget, pursuant to BBEDCA requirements.¹ Furthermore, the 2025 preview report adjusted the spending limits for 2024 pursuant to section 251(d)(1) of BBEDCA due to the incomplete status of 2024 appropriations.

OMB is issuing this final sequestration report for 2024 given that action on all of the full-year 2024 appropriations is now complete. The regular 12 appropriations Acts for 2024 were enacted in the Consolidated Appropriations Act, 2024 (CAA of 2024; Public Law

118-42) and the Further Consolidated Appropriations Act, 2024 (FCAA of 2024; Public Law 118-47). The President signed the Acts into law on March 9, 2024 and March 23, 2024, respectively. OMB completed its scoring estimates for each appropriations Act and transmitted its Seven-Day-After Reports detailing its scoring estimates to the Congress on March 19, 2024 for the CAA of 2024 and April 2, 2024 for the FCAA of 2024, in accordance with the requirements of section 251(a)(7) of BBEDCA.²

This final fiscal year 2024 sequestration report provides OMB's current estimates of the discretionary spending limits for each category in BBEDCA, including updates to the limits for 2024 pursuant to section 251(d)(3) of BBEDCA and adjustments included in the enacted appropriations Acts. This report also provides a summary of OMB's scoring of the enacted 2024 discretionary appropriations in the Acts described above compared to those adjusted limits and comparisons of OMB's limits with those provided by the Congressional Budget Office (CBO) in its Final Sequestration Report for Fiscal Year 2024. As required by BBEDCA, OMB's scoring for 2024 relies on the same economic and technical assumptions used in the 2024 Budget that was transmitted to the Congress on March 9, 2023. This report covers appropriations legislation enacted through April 2, 2024, and determines that no sequestration of discretionary budget authority is required.

¹ OMB's Sequestration Preview Report for 2025 can be found on OMB's website: https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/.

 $^{^2}$ OMB's Seven-Day-After Reports can be found on OMB's website: $\begin{tabular}{ll} $https://www.whitehouse.gov/omb/legislative/budgetenforcement-act-7-day-reports/. \end{tabular}$

II. DISCRETIONARY FINAL SEQUESTRATION REPORT

Discretionary programs are funded through the annual appropriations process, which is largely governed by congressional procedures delineated in the Congressional Budget and Impoundment Control Act of 1974, as amended. However, both the Congress and the President have seen fit to add statutory spending limits (or caps) in BBEDCA as a way to reach bipartisan agreement on levels of discretionary spending for different periods of time. These caps are meant to be limits on spending and do not require that the Congress appropriate the full amount available under the cap. From 2012 through 2021, discretionary limits were in place due to enactment of the Budget Control Act of 2011 (Public Law 112-25). These limits were subsequently revised through multiple, bipartisan budget agreements that adjusted the limits for two years at a time. The limits ultimately expired after 2021.3

The FRA follows a similar approach by amending BBEDCA to set new caps on the amount of new budget authority available for discretionary programs for fiscal years 2024 and 2025. When statutory caps are in place, OMB is required to provide regular reports on the status of the discretionary spending caps as the Congress works on the annual appropriations bills. Within seven working days of enactment of an appropriations bill, BBEDCA requires OMB to report its estimates of the enacted discretionary new budget authority. BBEDCA also requires OMB to issue reports three times during the year on the overall status of the discretionary caps, including this final sequestration report. Appropriations that OMB estimates would exceed the current limits would trig-

President and the Congress for fiscal years 2012 through 2021 for this Administration and the prior Administration that are posted on OMB's website (https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/). For reports published during the Obama Administration, please see the following archive site (https://obamawhitehouse.archives.gov/omb/legislative_reports/sequestration).

Table 1. DISCRETIONARY SPENDING LIMITS

(Discretionary budget authority in millions of dollars)

	2024	2025
	2024	2025
DEFENSE (OR "REVISED SECURITY") CATEGORY		
2025 Preview Report Spending Limits	849,775	895,212
Defense adjustment pursuant to section 251(d)(3) of BBEDCA	+36,574	
2024 Final Sequestration Report Spending Limits	886,349	895,212
NON-DEFENSE (OR "REVISED NONSECURITY") CATEGORY		
2025 Preview Report Spending Limits	736,428	710,688
Non-Defense adjustment pursuant to section $251(d)(3)$ of BBEDCA	-32,777	•••••
Non-Defense Adjustments Enacted in 2024 Appropriations Acts:		
Emergency Requirements	+28,500	
Social Security Dedicated Program Integrity	+1,578	
Health Care Fraud and Abuse Control	+604	
Disaster Relief	+20,404	
Reemployment Services and Eligibility Assessments	+265	
Wildfire Suppression	+2,650	
Subtotal, Enacted Non-Defense Adjustments	+54,001	•••••
2024 Final Sequestration Report Spending Limits	757,652	710,688
TOTAL DISCRETIONARY FUNDING		
2025 Preview Report, Total Discretionary Spending	1,586,203	1,605,900
2024 Final Sequestration Report, Total Discretionary Spending	1,644,001	1,605,900

³ For more information on the structure of the BBEDCA spending caps enacted in the BCA and how they changed over time, see Table 1 of any of OMB's discretionary sequestration reports to the

ger an across-the-board reduction (or sequestration) pursuant to section 251(a) of BBEDCA to eliminate the breach. As required by law, OMB's estimates are based on the economic and technical assumptions used in the President's 2024 Budget. The next sections discuss the funding levels and structure of the current limits and enacted adjustments to those limits.

Current discretionary limits.

Section 251 of BBEDCA specifies two categories for discretionary funding. The revised security category includes only the discretionary programs in the defense budget function 050 (the "defense" category), which mainly consists of the Department of Defense and significant portions of agency budgets for the Department of Energy (including the National Nuclear Security Administration) and the Federal Bureau of Investigation. The revised nonsecurity category consists of all discretionary programs not in the revised security category—essentially all non-defense (or non-050) budget functions (the "non-defense" category). Table 1 begins with the caps included in OMB's sequestration preview report for 2025 that was released on March 11, 2024 with the President's 2025 Budget. The 2024 caps were \$849.8 billion for defense and \$736.4 billion for non-defense and the 2025 caps were \$895.2 billion for defense and \$710.7 billion for nondefense. The 2024 caps were adjusted in the preview report pursuant to section 251(d)(2) of BBEDCA due to the incomplete status of 2024 appropriations. With enactment of the CAA of 2024 and the FCAA of 2024, the 2024 caps are adjusted in this report pursuant to section 251(d)(3) of BBEDCA, which is displayed in Table 1. The defense cap is increased by \$36.6 billion to \$886.3 billion and the non-defense cap is reduced by \$32.8 billion to \$703.7 billion. The 2025 caps remain unchanged. These adjustments bring the 2024 caps back to the original levels set forth in section 251(c)(9) of BBEDCA, as amended by section 101 of the FRA.

Adjustments to discretionary limits.

Table 1 shows how adjustments pursuant to section 251(b) of BBEDCA affect the discretionary limits for 2024. Section 251(b)(1) allows adjustments for concepts and definitions in OMB's sequestration preview report, which is transmitted with the President's Budget, and section 251(b)(2) authorizes certain ad-

justments after the enactment of appropriations Acts. With full-year appropriations for 2024 enacted, the adjustments listed below are now made to the caps and these are presented in Table 1 in millions of dollars.

Emergency Requirement and **Overseas Contingency** Operations/Global War Terrorism (OCO/GWOT) Appropriations.—These adjustments are authorized in section 251(b)(2)(A) of BBEDCA and include funding for amounts that the Congress designates in law as being either an emergency requirement or for OCO/GWOT activities on an account-by-account basis and that the President subsequently so designates. For 2024, there are no OCO/ GWOT appropriations but a net total of \$28.5 billion (including rescissions) is provided as non-defense emergency requirements. Of this funding, \$12.5 billion is for amounts considered to be "shifted base" by the Administration as the FRA agreement anticipated some amounts of emergency appropriations would be provided for a number of non-defense activities in 2024 to supplement activities normally considered part of base appropriations. The bill-by-bill breakdown of the amounts designated as being for an emergency requirement is as follows:

- \$2.0 billion is provided in the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2024 (division C of the CAA of 2024);
- \$16.0 billion is provided in the Department of Homeland Security Appropriations Act, 2024 (2024 DHS Act; division C of the FCAA of 2024);⁴
- \$2.5 billion is provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (division F of the FCAA of 2024); and
- \$8.0 billion is provided in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2024 (division F of the CAA of 2024).

The Congress designated these amounts as emergency requirements in either the CAA of 2024 or the FCAA of 2024 and the President transmitted to the Congress his separate designations of these amounts on March 9, 2024 for the CAA of 2024 and on March

⁴ The \$16.0 billion emergency requirement was provided as a standalone appropriation in section 129 of the Continuing Appropriations Act, 2024 (division A of Public Law 118-15). For budget enforcement purposes, this funding is subsumed into OMB's scoring of the 2024 DHS Act.

23, 2024 for the FCAA of 2024.⁵ These adjustments are included in Table 1 as adjustments to the non-defense category.

Social Security Dedicated Program Integrity **Activities.**— Section 251(b)(2)(B) of BBEDCA authorizes cap adjustments for Social Security Administration (SSA) appropriations primarily for Continuing Disability Reviews (CDRs) and redeterminations. CDRs are periodic reevaluations conducted to determine if recipients of Social Security Disability Insurance benefits and Supplemental Security Income (SSI) for persons with disabilities still qualify for benefits. Redeterminations are periodic reviews of non-medical factors of eligibility, such as income and resources, for the means-tested SSI program and generally result in a revision of an individual's benefit level. SSA may also use cap adjustment funds for work CDRs, cooperative disability investigation units, and special attorneys for fraud prosecutions.

The maximum cap adjustment in each year is limited to the levels of budget authority specified in BBEDCA, provided that a base level of \$273 million is provided for these purposes in the underlying appropriations bill before the adjustment. The intent of this adjustment is to ensure sufficient resources for the Social Security Administration to maintain and improve program stewardship and achieve significant deficit savings in future years. Appropriations in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2024 (2024 LHHS Act; division D of the FCAA of 2024) provided the base level of \$273 million and \$1,578 million as a cap adjustment for these purposes—the maximum allowable adjustment specified for 2024 in BBEDCA. This adjustment is allocated entirely to the non-defense category in Table 1.

Health Care Fraud and Abuse Control (HCFAC).— Section 251(b)(2)(C) of BBEDCA authorizes an adjustment to the caps by amounts appropriated for HCFAC activities, which include efforts to reduce the Medicare improper payment rate, support the Health Care Fraud Prevention and Enforcement Action Team initiative, and reduce the Medicaid improper payment rate. The maximum HCFAC cap ad-

justment in each year is limited to the levels of budget authority specified in BBEDCA, provided that a base level of \$311 million for these purposes is provided in the underlying appropriations bill before the adjustment. Appropriations in the 2024 LHHS Act provided the base level of \$311 million and \$604 million as a cap adjustment for these purposes—the maximum allowable adjustment specified for 2024 in BBEDCA. This adjustment is allocated entirely to the non-defense category in Table 1.

Disaster Relief Funding.— Section 251(b)(2)(D) of BBEDCA authorizes an adjustment to the caps for appropriations that are designated by the Congress as being for "disaster relief," which is defined as activities carried out pursuant to a determination under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)). BBEDCA sets a limit for the adjustment that is determined annually by adding three pieces: (1) the total average funding provided for disaster relief over the previous 10 years (excluding the highest and lowest years); (2) five percent of the total discretionary amounts appropriated over the last ten years to address Stafford Act disasters that were designated as emergency requirements, net of any rescissions; and (3) the cumulative net unused carryover⁶ from any prior fiscal year since 2018.

Section 254(e) of the BBEDCA requires OMB to include in its August update report a preview estimate of the adjustment for disaster funding for the upcoming fiscal year and OMB calculated a preview estimate of \$20.4 billion for the ceiling in 2024. The calculation in OMB's update report⁷ that was released on August 18, 2023 was based on the following three components: the 10-year average (\$11.9 billion); 5 percent of Stafford Act emergencies (\$8.5 billion); and carryover from the previous year (\$0). The Congress provided disaster relief appropriations totaling the \$20.4 billion ceiling, with \$143 million provided for the Disaster Loans Program Account in the Small Business Administration in the Financial Services

⁵ Presidential designations of emergency requirements and OCO/GWOT amounts can be found on OMB's website: https://www.whitehouse.gov/omb/supplementals-amendments-and-releases/.

 $^{^6}$ Per section 251(b)(2)(D)(III), unused carryover for a fiscal year is the sum of the amounts calculated for (1) and (2) above, less any enacted appropriations for that fiscal year that are designated as being for disaster relief.

⁷ OMB's Sequestration Update Report for 2024 can be found on OMB's website: https://www.whitehouse.gov/omb/legislative/sequestration-reports-orders/.

and General Government Appropriations Act, 2024 (the 2024 FSGG Act; division B of the FCAA of 2024) and \$20.3 billion provided for the Disaster Relief Fund in the Federal Emergency Management Agency in the 2024 DHS Act. The adjustment is allocated to the non-defense category in Table 1.

Reemployment Services Eligibility and **Assessments** (**RESEA**).— Section 251(b)(2)(E) to BBEDCA authorizes an adjustment for program integrity efforts for RESEA. Similar to the SSA dedicated program integrity and HCFAC cap adjustments, an adjustment is permitted up to a maximum amount specified in BBEDCA if the underlying appropriations bill provides a base level of \$117 million for these activities. The 2024 LHHS Act provided the base level of \$117 million and \$265 million as a cap adjustment for these purposes—the maximum allowable adjustment specified for 2024 in BBEDCA. This adjustment is allocated entirely to the non-defense category in Table 1.

Wildfire Suppression Operations.— Section 251(b)(2)(F) to BBEDCA authorizes an adjustment for wildfire suppression activities to introduce greater funding certainty in times of wildfire disasters. BBEDCA permits this adjustment up to a maximum amount specified in the law if the underlying appropriations bill funds a base level for these activities. The base level is defined as the average costs over ten years for wildfire suppression operations that was requested in the President's 2015 Budget for the Department of Agriculture (USDA) Forest Service and the Department of the Interior (DOI). These amounts have been determined to be \$1,011 million for the USDA Forest Service and \$384 million for DOI. The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2024 (division E of the CAA of 2024) provided for the base activities and the total \$2,650 million as a cap adjustment for wildfire suppression purposes—the maximum allowable adjustment specified for 2024 in BBEDCA. The adjustment is split with USDA receiving \$2,300 million and DOI receiving \$350 million. The adjustment is allocated entirely to the non-defense category in Table 1.

Technical Allowance for Estimating Differences.—This allowance, which historically has been enacted with the annual FSGG appropriations bill (currently section 753 in the 2024 FSGG Act), requires OMB to adjust the spending limit for either

category in a given year when new budget authority provided in an appropriations Act exceeds the discretionary spending limit due to estimating differences with CBO. The adjustment is equal to the amount of the excess in a category, but the total of all such adjustments for any category cannot exceed 0.2 percent of the sum of the adjusted discretionary caps for all categories for that fiscal year. For 2024, OMB finds there is no breach of either the defense or non-defense caps due to estimating differences with CBO and no adjustment pursuant to this provision is made to the caps at this time.

Summary of enacted budget year (Fiscal Year 2024) discretionary appropriations.

Section 254(f)(2) of BBEDCA requires the final sequestration report to summarize the status of enacted "budget year" discretionary appropriations, relative to the discretionary caps. Table 2 summarizes OMB scoring of the fiscal year 2024 appropriations Acts as measured against the 2024 caps. OMB estimates that discretionary appropriations are at the defense cap and \$97 million below the non-defense cap. As a result, OMB estimates that sequestration will not be required for either of the discretionary categories. However, it should be noted that a breach could still occur if additional appropriations for 2024 are enacted in excess of the caps before the end of September 2024 without the offsets necessary to eliminate the breach or without modifying the existing caps.

Note on exempted funds.—While most discretionary funding is either counted under the base BBEDCA caps or is an adjustment to the caps pursuant to section 251(b)(2) of BBEDCA, there exist a number of discretionary appropriations that are neither counted towards the discretionary caps nor require adjustments to the caps, due to statutory language enacted in authorizing Acts. That language explicitly exempts these specific funds from being counted for purposes of budget enforcement. The exempted amounts include appropriations provided in the Infrastructure Investments and Jobs Appropriations Act (division J of Public Law 117-58), the Bipartisan Safer Communities Supplemental Appropriations Act, 2022 (division B of Public Law 117-159), and certain revenues made available for the Hazardous Substance Superfund by section 443(b) of the Department of the Interior, Environment, and Related Agencies Appropriations

Table 2. SUMMARY OF 2024 ENACTED APPROPRIATIONS¹

(Budget authority in millions of dollars)

	Budget Authority
DEFENSE CATEGORY	
Defense Appropriations:	
Commerce, Justice, Science, and Related Agencies	6,355
Defense	,
Energy and Water Development	
Financial Services and General Government	*
Homeland Security	3,326
Military Construction and Veterans Affairs	18,674
Transportation and Housing and Urban Development	362
Total, Defense Appropriations	. 886,349
Final Sequestration Report Defense Category Limit	. 886,349
CONGRESSIONAL ACTION OVER(+)/UNDER(-) LIMIT	
NON-DEFENSE CATEGORY	
Non-Defense Appropriations:	
Agriculture and Rural Development	26,036
Commerce, Justice, Science, and Related Agencies	
Defense	
Energy and Water Development	,
Financial Services and General Government	· · · · · · · · · · · · · · · · · · ·
Homeland Security	,
Interior and Environment	,
Labor, HHS, and Education	,
Legislative Branch	,
State and Foreign Operations	
Transportation and Housing and Urban Development	,
Total, Non-Defense Appropriations	
Final Sequestration Report Non-Defense Category Limit	
CONGRESSIONAL ACTION OVER(+)/UNDER(-) LIMIT	. —97
TOTAL DISCRETIONARY SPENDING	
Total, Discretionary	. 1,643,904
Final Sequestration Report Total Category Limits	
CONGRESSIONAL ACTION OVER(+)/UNDER(-) LIMITS	. –97
Memorandum: Appropriations Counted Outside of Statutory Discretionary Budget Enforcement ²	
21st Century Cures Appropriations	457
Harbor Maintenance Trust Fund Appropriations	2,829
Hazardous Substance Superfund Appropriations	2,544
Bipartisan Safer Communities Act Appropriations	695
Infrastructure Investment and Job Act Appropriations	66,931

¹ OMB scoring includes funds provided in each Act that have been designated as being for Emergency Requirements, Program Integrity, Disaster Relief, and Wildfire Suppression.

² The appropriations summarized here are exempted from counting for purposes of statutory budget enforcement due to legislative language enacted in authorizing Acts that explicitly exempts these funds from being counted as such. Therefore, they are presented separately and are not included in the totals displayed above.

Act, 2023 (division G of Public Law 117-328). These funds are exempted from counting for purposes of statutory budget enforcement pursuant to section 103 of the FRA. In addition, section 101 of the Water Resources Development Act of 2020 (division AA of Public Law 116-260) exempts from budget enforcement certain levels of appropriations for the Corps of Engineers from the Harbor Maintenance Trust Fund and in the Operation and Maintenance account designated in statute to carry out section 2106(c) of Public Law 113-121. Finally, the 21st Century Cures Act (Public Law 114-255) directed that funds appropriated for certain activities cannot be counted for purposes of budget enforcement so long as the appropriations were specifically provided for certain authorized purposes and within the authorized amounts. As a result of these statutory exemptions, each of these amounts are displayed outside of the discretionary totals in Table 2 in the memorandum section.

Comparison of OMB and CBO discretionary limits.

Section 254(f)(4) of BBEDCA requires this report to include an explanation of the differences between OMB and CBO estimates for the discretionary caps. Table 3 compares OMB and CBO limits for fiscal years 2024 and 2025 based on OMB's estimates in this report and estimates provided by CBO in their final se-

questration report for 2024 that was released on April 5, 2024.8 Both OMB and CBO restore the 2024 caps to the original levels set forth in section 251(c)(9) of BBEDCA, as required by section 251(d)(3) of BBEDCA (the caps set in section 101 of the FRA) and make adjustments to the 2024 caps pursuant to section 251(b) (2) of BBEDCA based on their respective scoring estimates of enacted 2024 appropriations. After accounting for these adjustments, there exists no differences at this time between OMB and CBO estimates of the current 2024 and 2025 caps.

Although OMB and CBO have no differences in estimates of the 2024 caps, there are many differences between OMB's and CBO's respective account-by-account scoring of enacted 2024 discretionary budget authority that is counted against the caps. Detailed explanations of the differences in enacted, full-year discretionary budget authority are available in the separate seven-day-after reports that were issued subsequent to enactment of each discretionary appropriations Act (see these "Seven-Day-After Reports" on OMB's website: https://www.whitehouse.gov/omb/legislative/budget-enforcement-act-7-day-reports/).

Table 3. COMPARISON OF OMB AND CBO DISCRETIONARY SPENDING LIMITS

(Budget authority in millions of dollars)

	2024	2025
DEFENSE CATEGORY		
CBO Final Report Limit	886,349	895,212
OMB Final Report Limit	886,349	895,212
Difference +/-		
NON-DEFENSE CATEGORY		
CBO Final Report Limit	757,652	710,688
OMB Final Report Limit	757,652	710,688
Difference +/-		•••••
TOTAL DISCRETIONARY		
CBO Final Report, Total Discretionary	1,644,001	1,605,900
OMB Final Report, Total Discretionary	1,644,001	1,605,900
Difference +/-		

⁸ CBO's Final Sequestration Report for 2024 is available on CBO's website in the following location: Final Sequestration Report for Fiscal Year 2024 | Congressional Budget Office (cbo.gov)