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Fiscal Year 2014 Appropriations

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About New America

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Introduction

Congress completed the fiscal year 2014 appropriations process on January 17, 2014, finalizing annual funding for Department of Education programs through September 30, 2014 at \$67.3 billion, up nearly \$1.6 billion from the prior year.

The increase reflects a restoration of funding cut under last year's across-the-board reductions (i.e. sequestration). When compared to fiscal year 2012 funding, fiscal year 2014 funding is roughly \$811 million lower[1]. As in the past several years, the Budget Control Act of 2011 had a big impact on the appropriations process and education funding. An agreement to amend that law,

the Bipartisan Budget Act of 2013, was also a key development in the fiscal year 2014 appropriations process.

The Federal Education Budget Project at New America tracks and analyzes the federal budget and appropriations process throughout the year to help education advocates, state and local policymakers, the media, and other education stakeholders better understand how those developments affect federal education policy. As part of that effort, the Project produces an annual issue brief explaining the recently enacted appropriations law and the broader budgeting decisions that Congress and the President have made leading up to its enactment.

The Budget Control Act

An explanation of fiscal year 2014 appropriations funding for education programs must begin with the Budget Control Act of 2011 (BCA).

Even though Congress and the president adopted the BCA years ago, and it had nothing to do with education funding—it was an agreement to raise the limit on outstanding federal debt—the law continues to have a big impact on the annual appropriations process and, indirectly, on federal education funding.

The BCA established a bipartisan congressional “supercommittee” to negotiate a plan to reduce the budget deficit by \$1.5 trillion over 10 years, either through spending reductions, tax increases, or both. The

committee ultimately failed in that mission, triggering a fallback plan also included in the BCA that was meant to ensure that at least \$1.2 trillion in deficit reduction would occur over 10 years, even if the supercommittee failed.[2]

This fallback plan would automatically reduce future budget deficits in three parts. First, funding provided through the annual appropriations process for fiscal year 2013 would be reduced mid-year by a uniform percentage across most programs (some are exempt), called “sequestration.” Simultaneously, funding for some entitlement programs would be reduced by a uniform percentage, and those reductions would remain in place in subsequent years. Finally, future appropriations, including fiscal year 2014 and extending through fiscal year 2021, would be subject to lower limits than

Table 1. Budget Control Act Appropriations Limits
(\$ in billions, budget authority)

Fiscal Year	2012	2013	2014	2015	2016	2017	2018
Initial 2011*	1,043	1,047	1,058	1,086	1,107	1,131	1,156
Post-Supercommittee Failure*	1,043	986	967	995	1,016	1,040	1,066
Bipartisan Budget Act of 2013	--	--	1,012	1,014	1,016	1,040	1,066

Sources: New America, Congressional Budget Office[3]

* Subsequent laws adjusted the limits for fiscal years 2013 and 2014, such as the American Taxpayer Relief Act of 2012. These figures reflect those reductions.

those put in place initially under the Budget Control Act. (See Table 1 for more.) All three components of the BCA fallback deficit reduction plan affected, and continue to affect, education programs.

Because that fallback plan is written into law, Congress and the president must pass legislation if they want to change any of its provisions. They have agreed to change the BCA and its fallback deficit reduction plan a number of times, including for fiscal year 2014 appropriations, but they did not agree to fully avert the sequester for fiscal year 2013 appropriations.

Sequestration Hits Fiscal Year 2013 Education Appropriations

Before delving into the fiscal year 2014 appropriations for education programs, it is critical to review how funding for education programs was affected in the prior year at key points in the budget process, including sequestration.

At the start of fiscal year 2013 in October 2012, Congress used a continuing resolution, or CR, to fund federal education programs for six months at an annualized \$68.1 billion, effectively level funding compared to the prior year.[4] However, at the time, the sequester was scheduled to cut that funding on January 1, 2013.

As Congress approached that deadline, a bill to extend numerous tax policies and income tax rates, called the American Taxpayer Relief Act of 2012 (ATRA), became the basis for a deal to postpone sequestration from January 1 to March 1 and reduce the size of the cuts it would impose.

As part of that deal, lawmakers included a provision to offset (i.e. "pay for") the reduction in sequestration. The provision cut future spending by reducing the appropriations caps set in the BCA by \$4.0 billion in fiscal year 2013 and \$8.0 billion in fiscal year 2014, split evenly between defense and non-defense categories.[5] That change meant that 2014

appropriations overall would have to drop by an additional \$18.8 billion on top of the fiscal year 2013 sequester.

As specified in the American Taxpayer Relief Act, sequestration took effect in March of 2013, cutting appropriations funding for education programs by 5.0 percent, to \$65.7 billion. Most education programs are funded through the annual appropriations process and were affected by the sequester.

Some federal education programs funded as entitlements, i.e. mandatory spending, were also subject to sequestration. The Department of Education was required to raise the origination fees on federal student loans from 1.0 percent to 1.05 percent for Stafford loans and from 4.0 percent to 4.2 percent for PLUS loans[6]. Those changes remain in place indefinitely unless Congress changes them in law. School nutrition programs and the Pell Grant program, however, which are funded as

entitlement programs (only partially in the case of Pell Grants), were exempted from spending reductions under sequestration.

Soon after federal agencies implemented sequestration, lawmakers faced yet another appropriations deadline. The CR they used to provide six months of funding for fiscal year 2013 expired at the end of March. Lawmakers had to pass a second CR to fund the government for the remainder of the year, and they opted to do so at the post-sequester funding levels. However, the deadline provided an opportunity to adjust sequestration for some education programs. In the final CR, lawmakers restored funding for the Child Care and Development Block Grant discretionary program to fiscal year 2012 levels, and returned some of the reduced funding for Head Start.[7] (The Department of Health and Human Services administers both programs.) Those developments concluded the fiscal year 2013 appropriations process.

Fiscal Year 2014 Appropriations

When the fiscal year 2014 appropriations process began in early 2013, lawmakers were deeply divided over what to set as the overall appropriations limit.

That set the stage for a government shutdown when fiscal year 2014 began. Ultimately, lawmakers adopted a bipartisan deal in late 2013 to resolve the shutdown and establish an appropriations limit for fiscal year 2014.

Budget Control Act Portends Widely Divergent 2014 Appropriations Limits

Before the annual appropriations process begins in Congress, each chamber typically adopts a budget resolution. The budget resolution is an agreement between the two chambers that establishes appropriations and

mandatory (entitlement) spending and revenue levels for the next 10 fiscal years, and that sets the rules and procedures that will govern the budget process. It is not legislation, however; it does not become law, nor is it presented to the president for his signature or veto. Instead, it serves as a set of self-imposed rules and guidelines that Congress uses to shape spending and revenue legislation considered later in the year.

By late spring of 2013, both the House and Senate had adopted their budget resolutions for fiscal year 2014, but the limits each established for total appropriations (the 302(a) allocations) were extremely different. The House limit was \$967.5 billion, while the Senate limit was \$1.058 trillion, a \$90.5-billion difference.[8] Those differences in the limits can be explained entirely by the Budget Control Act (BCA).

The BCA appropriations limits included two sets of numbers: one that would apply in the case of the supercommittee's success, and a second, lower set of numbers that would apply in the case of the supercommittee's failure. The lower caps were meant in part to ensure that future appropriations would reflect the \$1.2 trillion in deficit reduction over 10 years as a new baseline level of funding. Congress and the president further lowered those limits in early 2013, both for fiscal year 2013 and, to a greater degree, fiscal year 2014, as part of the American Taxpayer Relief Act. Table 1 on page 3 compares the evolution of the appropriations limits.

When the House adopted its fiscal year 2014 budget resolution in early 2013, it set its 302(a) appropriations limit to conform to the post-supercommittee failure, post-sequester one in place under the BCA, approximately \$967.5 billion. The Senate, on the other hand, proposed a \$1.058 trillion limit that reflected its preference to restore overall appropriations to the pre-sequester level.

Separately, the president proposed in his fiscal year 2014 budget request a \$1.057 trillion limit, virtually identical to the pre-sequester level that the Senate adopted.

2014 Education Appropriation Bills Flounder

Given the extreme difference in the House and Senate fiscal year 2014 appropriations limits, neither chamber put much effort into adopting the 12 different bills that detail funding for individual programs within that limit. Lawmakers particularly avoided the bill that funds nearly all education programs, the Labor, Health and Human Services, and Education appropriations bill.

In July, the Senate Appropriations Committee released a draft version of the Labor, Health and Human Services, and Education appropriations bill and voted it out of committee, but the full Senate took no action

on it. The House did not get even that far. Although the House adopted the overall appropriations limit in the BCA, it also planned to restore defense programs to pre-sequester funding. That meant the House appropriations bills would have to cut deeply into domestic programs to make the numbers add up.

As a result, the House intended to draft a fiscal year 2014 Labor, Health and Human Services, and Education appropriations bill totaling \$121.8 billion, effectively the same size as in fiscal year 2002 (without adjusting for inflation). That proved unworkable for the House majority and they abandoned the bill altogether, without ever releasing a draft.[9]

A 16-Day Government Shutdown

As the start of fiscal year 2014 on October 1, 2013 approached, Congress and the president remained locked into their positions on overall appropriations spending, and no appropriations bill had yet cleared both chambers. Unable to agree on a temporary spending bill to bridge the gap, lawmakers let fiscal year 2014 begin without any appropriations, and the government shut down.[10]

After 16 days, negotiations between Senate Budget Committee Chair Patty Murray (D-WA) and House Budget Committee Chair Paul Ryan (R-WI) finally resulted in an agreement to amend the BCA's overall appropriations limits for fiscal years 2014 and 2015.[11] But given that they needed time to draft spending levels for individual programs within that limit, lawmakers set a deadline of January 15, 2014 to pass an appropriations bill, and agreed to fund the government with a stop-gap continuing resolution in the meantime.

Bipartisan Budget Act of 2013 and Fiscal Year 2014 Omnibus Appropriations Bill

The president signed the Murray-Ryan budget deal into law on December 26, 2013 as the Bipartisan Budget Act of 2013. Specifically, it

Table 2. Comparing Appropriations Limits, FY 2013 and FY 2014
(\$ in billions)

Fiscal Year	2013	2014
President's Budget Requests	1,047	1,057
House Budget Resolutions	1,028	967
Senate Budget Resolutions	1,047*	1,058
Budget Control Act Pre-Sequester	1,047	1,058
Budget Control Act Post-Sequester	986	967
Enacted	986	1,012**

Sources: New America, White House Office of Management & Budget, Budget Control Act, Congressional Budget Resolutions

*The Senate used the Budget Control Act limit in lieu of a budget resolution for fiscal year 2013.

**The 2014 figure was established in the Bipartisan Budget Act of 2013 and the final omnibus appropriations bill.
Note: All figures exclude supplemental funding for some military operations, disaster response, and emergencies.

sets the fiscal year 2014 appropriation limit at \$1.012 trillion, an increase of \$25.7 billion compared to last year's post-sequester total and \$44.5 billion higher than the 2014 limit established by the BCA, as modified by the ATRA. Table 2 compares the limits.

The increases in the 2014 appropriations limit, as compared to the post-sequester limits set by the BCA, are split evenly between defense and non-defense programs. As part of the deal, the law cuts spending on some programs funded outside the appropriations process, including education programs, and includes several provisions that increase revenue, all of which are meant to offset the effect that the increase in appropriations has on the budget deficit.[12] On net, the law is expected to reduce the budget deficit in the longer term by about \$22.6 billion, but increase it in the immediate

years due to the increase in appropriations limits.[13]

The changes to education programs in the law affect the administration of the student loan program, but terms and benefits provided to borrowers are unchanged.[14] The first reduces the fees that guaranty agencies in the now defunct Federal Family Education Loan can charge borrowers and the government for servicing defaulted loans, and the second eliminates a mandatory funding stream that the government provides to non-profit student loan servicers. The changes reduce mandatory (non-appropriations) spending by \$5.1 billion over 10 years, although one of them is largely a funding shift that will require the Department of Education to use a slightly larger share of its annual appropriation to administer student loans than it has in the past.[15]

Education Funding Highlights in Fiscal Year 2014 Appropriation

With the disagreement on an appropriations limit settled by the Bipartisan Budget Act of 2013, Congress rapidly began to work out the details of an omnibus appropriations bill providing funding for nearly every federal agency, including the Department of Education.

Lawmakers adopted the bill in mid-January 2014, and the president signed it into law on January 17. In total, the omnibus provides \$67.3 billion in fiscal year 2014 appropriations for the Department of Education, an increase of nearly \$1.6 billion from the prior year but a decline of almost \$811 million from fiscal year 2012.^[16] The increase in 2014 reflects a restoration of much of the funding that was cut by sequestration. In fact, the omnibus restores most major education programs to funding that nearly matches those prior to the sequester, though a handful of programs remain at post-sequester levels.

The remainder of this report discusses 2014 funding for key education programs included in the fiscal year 2014 omnibus appropriations bill.

PreK-12 Education Programs

Pre-K Programs Expanded

Perhaps the most significant change to education funding in the 2014 omnibus is included in the Department of Health and Human Services portion of the bill: a \$1.0 billion increase (nearly 14 percent compared to post-sequester funding of \$7.6 billion) for Head Start, a federal pre-K program for low-income children. The funding increase comes after the president proposed an expansion of

state-funded pre-K programs for low-income 4-year-olds in his 2013 State of the Union address, and House and Senate lawmakers drafted a bill late last year that would codify some of those proposed new pre-K programs and funding. The boost in Head Start funding, while different from the pending legislative proposals, is closely aligned with their goals and demonstrates that lawmakers see pre-K as a high priority.

Moreover, the 2014 omnibus includes a small boost (\$154 million) relative to post-sequester funding for the Child Care and Development Block Grant program and directs 100 percent of funds under the Race to the Top competition (\$250 million) to state-run pre-K programs, specifically for states to expand access for more children.

Title I and IDEA Funding Restored

The 2014 omnibus appropriations bill mostly restored funding to pre-sequester levels for the two largest formula-funded PreK-12 programs, Title I grants to local educational agencies for disadvantaged students and special education grants to states. While supporters of those programs will welcome the restored funding, lawmakers have provided little to no increase in appropriations for the programs since the late 2000s (notwithstanding one-time supplemental funding under the American Recovery and Reinvestment Act of 2009). This trend, combined with inflation and population growth, means that the two programs have shrunk in real terms over the past five years.

Impact Aid

Sequestration may have affected the Impact Aid program more than any other federal education program. Impact Aid provides replacement funding to schools where the

property tax base is relatively small due to federal activities in the area. Those schools are far more dependent on federal funds than other schools, and as a result, sequestration had an outsized effect on their budgets. In the 2014 omnibus appropriations bill, Congress restored nearly all of the funding that was cut under sequestration, thereby restoring funding for the program to \$1.3 billion, approximately fiscal year 2012 levels.

School Improvement Grants

The 2014 omnibus funds the School Improvement Grants (SIG) program at \$506 million, the same as fiscal year 2013 post-sequester levels. The SIG program, which received a controversial makeover under the Obama administration, is designed to support intensive school turnaround efforts in some of the nation's lowest-performing schools. Schools are required to adopt one of four tightly defined strategies for improving their outcomes. However, in addition to the funding restoration in the omnibus bill, lawmakers also made significant changes to the program as a rider – changes that Congress would normally make through an authorizing law. The omnibus spells out two new models that school districts may use to reform poorly performing schools using SIG funds, one of which allows school districts to use virtually any model approved by the Secretary of Education. The change also extended the length of the grants from three years to five, addressing one frequent critique that the program expected results too quickly.

Other PreK-12 Programs

The 2014 omnibus appropriations increased funding for the Striving Readers program from \$151 million in fiscal year 2013 to \$158 million. The program provides funds to states and school districts for research and practice around literacy interventions and instruction.

Fiscal year 2014 funding for the Javits Gifted and Talented Students Education program, which lawmakers had not funded since 2010,

totals \$5 million in the omnibus. Additionally, the Department of Education is required to use a portion of the funds to create a National Research Center on the Gifted and Talented. Funds are administered through the Fund for the Improvement of Education.

Lawmakers also increased funds for the Safe and Drug-Free Schools program in the omnibus, from \$61 million post-sequester in fiscal year 2013 to \$90 million in 2014. The funds include an \$8-million set-aside for Project SERV, which assists school districts and colleges that have experienced violence.

Postsecondary Education Programs

Pell Grants

Over the past several years, Congressional Budget Office (CBO) cost projections for the Pell Grant program revealed that the program was spending more per year than Congress had budgeted. That forced lawmakers to make a series of budget decisions, on numerous occasions, to allocate more funding on a temporary basis.[17]

Last year, the CBO projected that for fiscal year 2014, lawmakers would not need to allocate additional funding to the program, because it had operated at lower costs than expected and accumulated a \$9.8-billion surplus.

Congress then used half of that surplus as supplemental funding for the program in fiscal year 2014 rather than allocate a new round of supplemental funding to support the program at its current level of benefits. Therefore, the omnibus provides the same levels of funding for Pell Grants as in fiscal years 2012 and 2013 (the program is exempt from sequestration). That still leaves half of the surplus for Congress to use the following year as more supplemental funding. Longer term, however, lawmakers will need to find \$5.8 billion in additional annual funding for the program, beginning in fiscal year 2016.

Table 3. Pell Grant Program

Funding (\$ in billions)

Fiscal Year	2012	2013	2014
Appropriation	22.8	22.8	22.8
Prior years' surpluses	-	-	4.9
Budget Control Act	9.8	7.0	-
2012 Pell/loan savings	-	-	0.6
Mandatory formula	5.0	5.1	5.9
TOTAL*	37.6	34.9	34.2

Maximum Grant (\$)

Fiscal Year	2012	2013	2014
Appropriation	\$4,860	\$4,860	\$4,860
Mandatory formula	\$690	\$785	\$870
TOTAL	\$5,550	\$5,645	\$5,730

Source: New America; U.S. Department of Education; Congressional Budget Office

Note: Maximum grant for AY 2014-15 aligns with fiscal year 2014 funding and therefore totals \$5,730

*Total reflects funding lawmakers made available for the program, not the cost of the program, which is lower, particularly in 2012, which contributed to the large surplus available in 2014.

The appropriation provided in the fiscal year 2014 omnibus, when combined with a portion of the program's surplus funding and a separate mandatory funding source, will result in a maximum Pell Grant for the 2014-15 school year of an estimated \$5,730, an increase of \$85 over the current year. That increase is funded on the mandatory side, not on the appropriations side, under a 2010 law.

'First in the World' Competition

The 2014 omnibus creates and funds an entirely new higher education program, the First in the World Competition. Proposed by President Obama in his fiscal year 2013 budget request, the omnibus includes \$75 million for the program's first competition, which will offer grants to colleges and universities that

offer new strategies for lowering the costs of college while improving students' outcomes. A \$20-million set-aside in the program will provide grants explicitly to minority-serving institutions, as per the president's fiscal year 2014 budget request. The new program will operate under the auspices of the Fund for the Improvement of Postsecondary Education (FIPSE) at the Department of Education.

Campus-Based Aid Programs

Both the Federal Work-Study and Supplemental Educational Opportunity Grant programs provide funds to colleges and universities by formula, and schools then distribute the aid to students from low-income families. The 2014 omnibus appropriations bill funds Work-Study at \$975 million, and SEOG at \$733 million, levels that nearly restore the programs to pre-sequester funding.

Middle- and High-School Intervention Programs

The 2014 omnibus bill restores both the TRIO and GEAR UP programs close to their fiscal

year 2013 funding pre-sequester. It provides \$838 million in funding for TRIO and \$302 million for GEAR UP. Both programs seek to provide interventions and student supports to low-income middle and high school students. Grants are awarded to public and private organizations, as well as colleges. The omnibus also includes a provision stating that up to 1.5 percent of the GEAR UP funds may be set aside for the evaluation of data practices and the improvement of data collection for those programs.

Other Programs and Policies

The omnibus renames the Office of Vocational and Adult Education in the U.S. Department of Education as the Office of Career, Technical, and Adult Education, bringing it in line with the terminology that office typically uses to describe its work. Additionally, the bill increases funding for the office's national activities fund from \$11 million to \$14 million, with \$3 million set aside for prisoner re-entry education. Funding for the office as a whole is set approximately mid-way between pre- and post-sequester funding levels.

Look Ahead to 2015 Budget Process

Since 2011, much of the appropriations process and its effects on education programs has been influenced by the Budget Control Act, and by Congress and the president's negotiations regarding changes to the law's spending limits.

However, the Bipartisan Budget Agreement of 2013, spurred in part by the consequences of the federal government's October shutdown, may have finally ended those high-stakes negotiations, at least for two years. The agreement set discretionary spending limits for fiscal years 2014 and 2015.

Perhaps the most significant part of the agreement, however, is that it will hold overall appropriations limits at virtually the same level between fiscal years 2014 and 2016. And because the overall limit generally dictates appropriations for individual agencies, it appears that Congress and the president effectively agreed to hold education funding flat for three years.

Because of the challenges of budgeting within the same limit year after year, lawmakers on both sides of the aisle may find that the Bipartisan Budget Agreement of 2013 will be a difficult one to honor.[18]

Table 4. Federal Education Appropriations by Fiscal Year
(\$ in billions, budget authority)

Program	2013 Funding Pre-Sequester	2013 Funding Post-Sequester	2014 Omnibus Appropriations Bill
Pell Grants – Appropriations Funding	22.82	22.78	22.78
Title I grants to local education agencies	14.52	13.76	14.38
IDEA special education state grants	11.58	11.00	11.47
Impact aid basic support payments	1.15	1.10	1.15
Work-Study grants	0.98	0.93	0.97
TRIO Programs	0.84	0.80	0.84
Supplemental Educational Opportunity Grants	0.73	0.70	0.73
Title I School Improvement Grants	0.53	0.51	0.51
Teacher Incentive Fund	0.30	0.28	0.29
Race to the Top	0.55	0.52	0.25
Striving Readers	0.16	0.15	0.16
Investing in Innovation	0.15	0.14	0.14
Safe and Drug-Free Schools, national programs	0.06	0.06	0.09
Promise Neighborhoods	0.06	0.06	0.06
Fund for the Improvement of Education	0.04	0.04	0.04
Statewide data systems	0.04	0.04	0.04
Fund for the Improvement of Postsecondary Education	0.02	0.02	0.03
Other education programs	13.86	13.03	13.37
Total Education Appropriations	68.39	65.98	67.30
Head Start	7.97	7.57	8.60
Child Care and Dev. Block Grant	2.27	2.20	2.36

Sources: New America, U.S. Departments of Education & Health and Human Services

Notes

[1] New America calculation based on Department of Education tables. "Department of Education Budget Tables." U.S. Department of Education 01/2014" <http://www2.ed.gov/about/overview/budget/tables.html?src=ct>.

[2] Budget Control Act of 2011, P.L. 112-25, 112th Cong., 1st sess. <http://www.gpo.gov/fdsys/pkg/PLAW-112publ25/pdf/PLAW-112publ25.pdf>.

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[12] Bipartisan Budget Act of 2013, P.L. 113-67, 113th Cong., 1st sess. <http://www.gpo.gov/fdsys/pkg/BILLS-113hjres59enr/pdf/BILLS-113hjres59enr.pdf>.

[13] "Congressional Budget Office Cost Estimate: Bipartisan Budget Act of 2013." Congressional Budget Office: December 2013. <http://www.cbo.gov/sites/default/files/cbofiles/attachments/Bipartisan%20Budget%20Act%20of%202013.pdf>.

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