

## SEQUESTRATION CHEAT SHEET

(UPDATED SEPTEMBER 24, 2012)

### *What is Sequestration?*

Generally in U.S. law, sequestration is a procedure by which an automatic spending cut is triggered. It was first implemented in 1985 by the Gramm-Rudman-Hollings Balanced Budget Act and sequestration has been triggered a total of five times.

In current discussion, “sequestration” or “the sequester” are terms used to describe the automatic budget cuts passed into law under the Budget Control Act (BCA) in August 2011. The Budget Control Act contained new agreements on spending levels and the debt ceiling and created a Congressional Debt Supercommittee (formally known as the Joint Congressional Committee on Deficit Reduction). This Supercommittee, made up of members from the House and Senate on both sides of the aisle, was instructed to cut at least \$1.5 trillion from the federal budget. If the Supercommittee failed to present an agreement containing cuts of at least \$1.2 trillion over the next ten years, the BCA triggered automatic budgetary cuts. The Supercommittee met a number of times but ultimately failed to come to any agreement, citing irreconcilable differences over the issue of whether to reduce federal debt levels by increasing taxes (raising revenues) or reducing spending.

The automatic cuts were designed to make up for the total amount below \$1.2 trillion that the Supercommittee failed to cut. Since the Supercommittee recessed permanently in November of 2011 without coming to any agreement, the sequestration cuts are set at \$1.2 trillion, spread between January 2013 and October 2021.

### *How Does Sequestration Work?*

The final amount of sequestration program cuts is calculated through a number of steps:

- (1) **Calculate the total adjusted amount of deficit reduction needed.** Though the ultimate amount of the reduction will be \$1.2 trillion, this includes both cuts in spending and savings on interest on the national debt as treasury expenditures will be lower. This interest savings is estimated at 18% of the total, leaving us with a deficit reduction target of \$984 billion.
- (2) **Divide the remainder by year.** The \$984 billion is divided evenly among the years over which the cut is to take place (2013 – 2021). This leaves about \$109 billion per year.
- (3) **Take this number and divide evenly between defense (“function 050”) and non-defense (“function 500”) spending** – about \$54.5 billion each.
- (4) **Remove exempt programs (see below) from the calculation.**
  - a. Mandatory spending (entitlements and similar benefits) is exempt or limited to specific cuts (e.g. cuts to Medicare are limited to 2%)

- b. There are specific cuts to non-defense discretionary spending for implementation of the Patient Protection and Affordable Care Act (PPACA) and more.
- (5) In fiscal year (FY) 2013, apply the remaining dollar number in equal percentage cuts across the board.**
- (6) In other years, lower the discretionary spending caps** (known as 302(b) caps, these are the total amount that each account is allowed, and the total number each appropriations subcommittee is given to work with) **by the sequester amount.** The lowering of the caps allows the cuts to be distributed by appropriators on a program-by-program basis rather than across the board.
- (7) If in any future year the caps are broken** (if spending bills are passed that go above that limit), **automatic across the board cuts are once again triggered.**

### *What programs are exempt?\**

Many accounts and programs are exempt from sequestration. Most exemptions arise from pension and other entitlements or obligations (e.g. Social Security benefits, railroad retirement benefits, all Department of Veterans Affairs program, and payments to all pension and special compensation programs operated by the federal government). Some are purely fiscal in nature (no reduction of payments for interest on national debt, no reduction to refundable income tax credits).

In addition, there are a large number of “low-income assistance” programs that are exempt from cuts under Title II of the U.S. Code. These include:

- ACG/SMART Grants
- Child Care entitlement grants to States
- All Child Nutrition program (except special milk programs)
- Children’s Health Insurance Program (CHIP)
- Commodity Supplemental Food Program
- Some Pell grants
- Medicaid
- Supplemental Nutrition Assistance Program (SNAP)
- Supplemental Security Income Program (SSI)
- Temporary Assistance for Needy Families (TANF)

\*This is not a complete list. The full list of exemptions to sequestration, including account numbers, is available [at 2 U.S.C. 905](#). The President may also choose to exempt additional programs from cuts.

### *How much money does sequestration cut?*

The total amount of cuts under sequestration is defined as a dollar amount which must be applied to each year’s appropriation; in FY2013 cuts are applied regardless of how much money is actually appropriated for that fiscal year. Exempt mandatory spending, including entitlements, also varies in cost from year to year, and it is not yet clear what appropriations for these programs will be several years down the road. Reductions in funding to programs and States may also interact with funding formulas and hold harmless provisions in unanticipated ways. Because there are so many variables dependent on politics and Congressional action, it is difficult to determine the exact cut to each program in the future. In addition, decisions made by appropriators in future years (when sequestration is not realized as an across-the-board cut) may change the fate of specific programs.

For fiscal year 2013, however, the Office of Management and Budget (OMB) has crafted detailed [estimates](#) of how the cuts will affect various federal spending accounts. OMB's calculations yield an estimate of an 8.2% cut to all non-defense discretionary programs (including most education funding) and a 7.6% cut to mandatory non-defense spending (including some student loans). While this is only an estimate, it aligns closely with projections from the non-partisan Congressional Budget Office (CBO), which put the cut at 7.8%, and the Center for Budget and Policy Priorities (CBPP), which stated the cuts would be between 8 and 8.4%. At 8.2%, sequestration would mean a cut of \$4.113 billion to the Department of Education

These estimates, however, are all based on the assumption that FY 2013 funding levels will be equal to federal funding levels seen in FY 2012 – which is not in any way certain at this point. In September of 2012, the House and Senate passed a six-month spending measure which increases spending levels by 0.612% across the board through March of 2013. Funding after March 2013 will depend on who wins the election as Republicans have already voiced objections over the lack of cuts in this bill.

### ***When will sequestration go into effect?***

The President is required to issue a sequestration order, which will have immediate effect, no later than January 2, 2013. Originally, advocates assumed that a sequestration order would apply not only to funds appropriated for FY 2013, but also to advance-funded programs where FY 2012 advance funds remain unobligated as of January 2. This would affect funding for the five major education programs which receive FY 2012 advance funding: ESEA Title I and II, Impact Aid, IDEA Part B, and CTE State Grants.

However, in a July 20, 2012 memorandum to Chief State School Officers, Deputy Secretary of Education Anthony Miller stated that advance funds – with the exception of Impact Aid – would not be subject to sequestration when allocated. Instead, Miller writes, "... the Department will take the sequester from funds that would become available in July 2013 for school year 2013-14, not from the 2012 advance appropriations available in October 2012. The amount of the reduction will be calculated by applying the sequester percentage... to the fiscal year 2013 budgetary resources from both the 2012 advance appropriations and the 2013 regular appropriations that are available .... The calculated sequester amount will then get subtracted from the July 2013 funding." As a result, States and districts would not feel the impact of sequestration during the 2012-13 school year – Miller asserts that "there is no reason to believe that a sequestration would affect funding for the 2012-2013 school year – though the effect of the cuts may be amplified in July 2013 as cuts from both the 2012 advance funds and 2013 regular appropriations would be applied to that pool of funds.

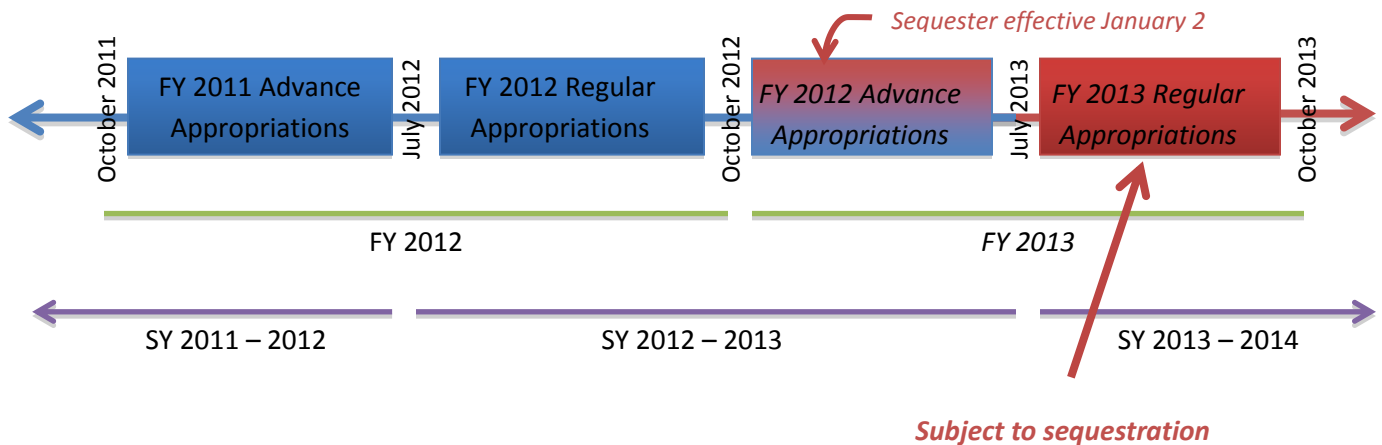
### ***How can sequestration be avoided?***

Because sequestration was put into place by an act of Congress, another act of Congress is required to undo the trigger. This can be an independent item of legislation or a budget bill which explicitly replaces sequestration. Just passing another budget bill, however, will not erase sequestration as the cuts are meant to be applied to funding levels set during regular appropriations in FY 2013, or incorporated into the appropriations process from FY 2014 – 2021.

Sequestration was originally intended to be a threat – a worst-case scenario that would force the parties to negotiate realistically. President Obama and Speaker of the House John Boehner (R-OH) have said

that they will not allow Congress to circumvent this measure of accountability, but growing pressure from advocates and industry – especially the defense industry – may force them to change their minds. Most members of Congress are in agreement that the sequester must be repealed and replaced with a more carefully considered system of cuts. But how those cuts are distributed and how deep they go is still a matter of debate.

### Appropriations Years Subject to Sequestration (by date of availability of funds)



FY 2011 Advance Appropriations became available at the beginning of FY 2012 (October 1, 2011)

FY 2012 Regular Appropriations will become available during FY 2012 (July 1, 2012)

FY 2012 Advance Appropriations will become available at the beginning of FY 2013 (October 1, 2012)

→ Per a July 20 memorandum from the Department of Education, these funds will not be subject to sequestration when allocated

*FY 2013 Regular Appropriations will become available during FY 2013 (July 1, 2013)*

*→ All funds will be subject to sequestration. These funds will also be reduced by the amount the sequester would have reduced FY 2012 advance appropriations in October of 2012.*

### Program Years Subject to Sequestration for Certain Programs (in billions of dollars)

Program	2011 Advance	2012 Regular	2012 Advance	2013 Regular	2013 Advance
Title I	10.8	3.7	10.8	?	?
IDEA	8.6	2.3	9.3	?	?
Perkins/CTE	.8	.3	.8	?	?
Title II	1.7	.8	1.7	?	?

Advance funding represent 75% of the year's federal appropriation for these programs, with 25% coming from regular year appropriations. Per the July 20 memorandum, FY 2012 Advance Appropriations will not be subject to sequestration when allocated. *However, cuts to FY 2012 advance appropriations will be applied to the July 2013 funds. FY 2013 Regular appropriations and all subsequent appropriations are subject to sequestration regardless of the date of obligation.*