

## S 365

Budget Control Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Education

**Introduced:** Feb 16, 2011

**Current Status:** Became Public Law No: 112-25.

**Latest Action:** Became Public Law No: 112-25. (Aug 2, 2011)

**Law:** 112-25 (Enacted Aug 2, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/365>

### Sponsor

**Name:** Sen. Harkin, Tom [D-IA]

**Party:** Democratic • **State:** IA • **Chamber:** Senate

### Cosponsors

*No cosponsors are listed for this bill.*

### Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Feb 19, 2011
Health, Education, Labor, and Pensions Committee	Senate	Reported Original Measure	Feb 16, 2011

### Subjects & Policy Tags

**Policy Area:**

Education

### Related Bills

Bill	Relationship	Last Action
112 S 1713	Related bill	<b>Oct 13, 2011:</b> Read twice and referred to the Committee on Finance.
112 HR 2855	Related bill	<b>Sep 7, 2011:</b> Referred to the Committee on Rules, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
112 S 1522	Related bill	<b>Sep 7, 2011:</b> Read twice and referred to the Committee on Rules and Administration.
112 HR 2835	Related bill	<b>Sep 6, 2011:</b> Referred to the House Committee on Rules.
112 HCONRES 70	Related bill	<b>Aug 2, 2011:</b> Message on Senate action sent to the House.
112 HRES 384	Procedurally related	<b>Aug 1, 2011:</b> Motion to reconsider laid on the table Agreed to without objection.
112 S 627	Related bill	<b>Aug 1, 2011:</b> Considered by Senate. (consideration: CR S5156-5158, S5158-5162, S5164-5170, S5171-5178, S5183-5184)

**(This measure has not been amended since it was passed by the House on August 1, 2011. The summary of that version is repeated here.)**

Budget Control Act of 2011 - **Title I: Ten-Year Discretionary Caps with Sequester** - (Sec. 101) Amends the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act) to revise sequestration requirements for enforcement of discretionary spending limits (spending caps).

Requires the Office of Management and Budget (OMB) to conduct such a sequestration to eliminate a budget year breach, if any.

Eliminates specific formula requirements for adjustments to discretionary spending limits for: (1) highways, (2) allowances for the International Monetary Fund (IMF), (3) specified allowances for international arrearages, (4) the earned income tax credit (EITC) compliance initiative, (5) Department of Health and Human Services (HHS) adoption incentive payments, and (6) conservation.

Requires the OMB sequestration report and the President's budget to include adjustments to discretionary spending limits for the fiscal year and each succeeding year for: (1) emergency appropriations or Overseas Contingency Operations/Global War on Terrorism, (2) health care fraud and abuse control, and (3) disaster relief.

Establishes discretionary spending limits for security and nonsecurity categories for FY2012-FY2021.

Defines "security category" as discretionary appropriations associated with agency budgets for the Department of Defense (DOD), the Department of Homeland Security (DHS), the Department of Veterans Affairs (VA), the National Nuclear Security Administration (NNSA), the intelligence community management account (95-0401-0-1-054), and all budget accounts in budget function 150 (international affairs).

(Sec. 103) Requires discretionary preview and final sequestration reports to specify estimates for the current year and each subsequent year through 2021 of the applicable discretionary spending limits for each category and an explanation of any adjustments in such limits. Requires: (1) sequestration update reports to include a preview estimate of the adjustment for disaster funding for the upcoming fiscal year, and (2) final sequestration reports for the current year and each subsequent year through 2021 to include a final estimate of the adjustment for disaster funding.

(Sec. 104) Repeals the expiration of (thus making permanent) the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings Act).

(Sec. 105) Amends the Congressional Budget and Impoundment Control Act of 1974 to allow the chairman of the Budget Committee of the House of Representatives or of the Senate to make appropriate budgetary adjustments of new budget authority and outlays in the same amount required by the Gramm-Rudman-Hollings Act.

Prohibits in the House the chair of the Committee on the Budget from counting the budgetary effects of a reported bill or joint resolution, amendment, or conference report that contains a provision (designated as an emergency requirement) providing new budget authority and outlays or reducing revenue, for purposes of the Congressional Budget Act of 1974 (CBA), this Act, and the Rules of the House of Representatives.

Makes it out of order in both chambers to consider any legislation or motion that would cause the discretionary spending limits to be exceeded.

(Sec. 106) Provides that, for purposes of enforcing the CBA through April 15, 2012, and enforcing budgetary points of order in prior concurrent budget resolutions, the allocations, aggregates, and levels established in this Act shall apply in the Senate in the same manner as for a concurrent budget resolution for FY2012 with appropriate budgetary levels for FY2011, and FY2013-FY2021.

Applies after April 15, 2012, and for the same purposes, such allocations, aggregates, and levels in the Senate in the same manner for a concurrent budget resolution for FY2013 with appropriate budgetary levels for FY2012, and FY2014-FY2022.

Prescribes administrative procedures for committee allocations, aggregates, and levels.

Requires the chairman of the Senate Committee on the Budget: (1) effective on the enactment of this Act, to reduce any balances of direct spending and revenues for any fiscal year to 0 (zero); (2) by April 15, 2012, to do the same; and (3) upon resetting the Senate paygo scorescard, to publish notice of such action in the Congressional Record.

Authorizes the chairman to revise any allocations, aggregates, or levels specified in this Act to account for any subsequent adjustments to discretionary spending limits made.

Eliminates the applicable requirements of this section if a concurrent budget resolution for FY2012 or for FY2013 is agreed to by both chambers.

**Title II: Vote on the Balanced Budget Amendment** - (Sec. 201) Requires the House and the Senate, after September 30, 2011, and by December 31, 2011, to vote on passage of a joint resolution proposing a balanced budget amendment to the Constitution.

(Sec. 202) Prescribes legislative procedures for consideration of such a joint resolution in both chambers.

**Title III: Debt Ceiling Disapproval Process** - (Sec. 301) Authorizes the President, by December 31, 2011, to certify to Congress that the public debt is within \$100 billion of the \$14.294 trillion public debt limit and that further borrowing is required to meet existing commitments. Authorizes the Secretary of the Treasury to borrow an additional \$900 billion, subject to the enactment of a joint resolution of disapproval.

Increases the public debt limit by \$400 billion after such certification.

Increases such limit by an additional \$500 billion if the time for disapproval has lapsed without enactment by Congress of such a joint resolution.

Prescribes similar procedures for the Secretary to borrow an additional \$1.2 trillion, or \$1.5 trillion if the Archivist of the United States has submitted to the states for their ratification a balanced budget amendment resolution, or if a joint committee bill to achieve an amount greater than \$1.2 trillion in deficit reduction is enacted, the amount of such deficit reduction, but not greater than \$1.5 trillion, unless such resolution has been submitted to the states for ratification.

Increases the public debt limit by such additional amounts if the time for disapproval has lapsed without Congress enacting the joint resolution.

Prohibits the debt limit from being raised (except for the \$400 billion increase) if, within 50 calendar days after Congress receives a presidential certification or within 15 calendar days after Congress receives such additional certification (regardless of whether Congress is in session), there is enacted into law a joint resolution disapproving the President's

exercise of authority with respect to such additional amount.

Prescribes legislative procedures for expedited consideration of the joint resolution in both chambers.

Requires OMB, if the President signs the joint resolution or allows it to become law without his signature, or Congress overrides a veto of it, to implement a sequestration to reduce spending by \$400 billion.

(Sec. 302) Amends the Gramm-Rudman-Hollings Act to revise the discretionary spending limits and to reduce the discretionary appropriations and direct spending specified in this Act unless a joint committee bill achieving an amount greater than \$1.2 trillion in deficit reduction is enacted by January 15, 2012.

**Title IV: Joint Select Committee on Deficit Reduction** - (Sec. 401) Establishes the Joint Select Committee on Deficit Reduction, whose goal shall be to reduce the deficit by at least \$1.5 trillion or more over FY2012-FY2021.

Requires the committee to provide recommendations and legislative language that will significantly improve the short-term and long-term fiscal imbalance of the federal government.

(Sec. 402) Prescribes legislative procedures for consideration in both chambers of the Joint Committee's recommendations.

Makes such legislative procedures inapplicable to the Joint Committee's bill if: (1) the Committee fails to vote on the report or proposed legislative language by November 23, 2011; or (2) the bill does not pass both chambers by December 23, 2011.

(Sec. 403) Derives funding for the Joint Committee in equal portions from: (1) the applicable accounts of the House, and (2) the contingent fund of the Senate.

**Title V: Pell Grant and Student Loan Program Changes** - (Sec. 501) Amends the Higher Education Act of 1965 to increase appropriations for federal Pell Grants for FY2012-FY2013.

(Sec. 502) Makes certain graduate or professional students ineligible to receive a Federal Direct Stafford loan after July 1, 2012.

Limits the maximum annual amount of Federal Direct Unsubsidized Stafford loans such a student may borrow in any academic year or its equivalent.

(Sec. 503) Prohibits the Secretary of Education from authorizing or providing any repayment incentive not otherwise authorized to encourage on-time repayment of a loan for which the first disbursement of principal is made on or after July 1, 2012, including any reduction in the interest or origination fee rate paid by the borrower. Authorizes the Secretary to provide for an interest rate reduction for a borrower who agrees to have payments on such a loan automatically electronically debited from a bank account.

(Sec. 504) Makes inapplicable to these amendments certain requirements for delay in specified circumstances of the effective date of regulatory changes, as well as for regional meetings and negotiated rulemaking with regard to such changes.

## Actions Timeline

---

- **Aug 2, 2011:** Measure laid before Senate by unanimous consent. (consideration: CR S5201-5223)
- **Aug 2, 2011:** Motion by Senator Reid to agree to House amendment to the bill (S. 365) made in Senate.
- **Aug 2, 2011:** Resolving differences -- Senate actions: Senate agreed in the House amendment to the bill by Yea-Nay Vote. 74 - 26. Record Vote Number: 123.
- **Aug 2, 2011:** Senate agreed in the House amendment to the bill by Yea-Nay Vote. 74 - 26. Record Vote Number: 123.
- **Aug 2, 2011:** Message on Senate action sent to the House.
- **Aug 2, 2011:** Presented to President.
- **Aug 2, 2011:** Signed by President.
- **Aug 2, 2011:** Became Public Law No: 112-25.
- **Aug 1, 2011:** Rules Committee Resolution H. Res. 384 Reported to House. Rule provides for consideration of S. 365 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions in the bill, as amended, are waived.
- **Aug 1, 2011:** Rule H. Res. 384 passed House.
- **Aug 1, 2011:** Considered under the provisions of rule H. Res. 384. (consideration: CR H5840-5866; text of amendment in the nature of a substitute: CR H5840-5847)
- **Aug 1, 2011:** Rule provides for consideration of S. 365 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against provisions in the bill, as amended, are waived.
- **Aug 1, 2011:** DEBATE - The House proceeded with one hour of debate on S. 365.
- **Aug 1, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H5865)
- **Aug 1, 2011:** Passed/agreed to in House: On passage Passed with amendment by recorded vote: 269 - 161 (Roll no. 690).
- **Aug 1, 2011:** On passage Passed with amendment by recorded vote: 269 - 161 (Roll no. 690).
- **Aug 1, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Aug 1, 2011:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Feb 18, 2011:** Received in the House.
- **Feb 18, 2011:** Message on Senate action sent to the House.
- **Feb 18, 2011:** Referred to the House Committee on Education and the Workforce.
- **Feb 17, 2011:** Passed/agreed to in Senate: Passed Senate without amendment by Unanimous Consent.(consideration: CR S924; text as passed Senate: CR S924)
- **Feb 17, 2011:** Passed Senate without amendment by Unanimous Consent. (consideration: CR S924; text as passed Senate: CR S924)
- **Feb 16, 2011:** Introduced in Senate
- **Feb 16, 2011:** Committee on Health, Education, Labor, and Pensions. Original measure reported to Senate by Senator Harkin. Without written report.
- **Feb 16, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 12.