

114TH CONGRESS  
1ST SESSION

# H. R. 3708

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for an increase in the discretionary spending limit for fiscal year 2016, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2015

Mr. VAN HOLLEN (for himself, Mrs. LOWEY, Ms. DELAURO, Mr. YARMUTH, Mr. PASCARELL, Mr. RYAN of Ohio, Ms. MOORE, Ms. CASTOR of Florida, Mr. McDERMOTT, Ms. LEE, Mr. POCAN, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mrs. DINGELL, Mr. TED LIEU of California, Mr. NORCROSS, and Mr. MOULTON) introduced the following bill; which was referred to the Committee on the Budget, and in addition to the Committee on Rules, 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

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## A BILL

To amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for an increase in the discretionary spending limit for fiscal year 2016, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Prevent a December Government Shutdown Act”.

1 (b) FINDINGS.—Congress finds the following:

2 (1) The Budget Control Act of 2011 set tight  
3 discretionary spending caps and required additional  
4 deficit reduction to be accomplished either through  
5 bipartisan, bicameral negotiations or, as a fallback,  
6 through sequestration that would further cut discre-  
7 tionary and mandatory spending levels. The threat  
8 of such draconian and arbitrary cuts was intended  
9 to encourage lawmakers to negotiate a thoughtfully  
10 designed substitute package of revenue increases and  
11 targeted spending cuts.

12 (2) The negotiations that followed were unsuc-  
13 cessful and the initial sequester took place in fiscal  
14 year 2013.

15 (3) While the threat of a sequester had not led  
16 to an agreement, the reality of a sequester did. Law-  
17 makers negotiated a two-year agreement that set  
18 higher levels of both defense and non-defense discre-  
19 tionary (NDD) spending for fiscal years 2014 and  
20 2015.

21 (4) A similar agreement is necessary now to  
22 avoid deep budget cuts in the current fiscal year,  
23 which began on October 1, 2015.

24 (5) Senator John McCain and Representative  
25 Mac Thornberry, the Chairs of the Senate and

1 House Armed Services Committees, have criticized  
2 the level of defense spending allowed under seques-  
3 tration: “These cuts are seriously undermining the  
4 capabilities, readiness, morale and modernization of  
5 the armed forces. The senior military leaders of the  
6 Army, Navy, Air Force and Marine Corps have all  
7 testified to our committees that, with defense spend-  
8 ing at sequestration levels, they cannot execute the  
9 National Military Strategy.”.

10 (6) The impact of the cuts on NDD spending  
11 is becoming increasingly clear. NDD United—an al-  
12 liance of more than 2,500 organizations trying to  
13 protect NDD investments that benefit all Ameri-  
14 cans—made the case that “these self-imposed cuts  
15 are dragging down our economic recovery, ham-  
16 pering business growth and development, weakening  
17 public health preparedness and response, reducing  
18 resources for our nation’s schools and colleges, com-  
19 promising federal oversight and fraud recovery, hin-  
20 dering scientific discovery, eroding our infrastruc-  
21 ture, and threatening our ability to address emer-  
22 gencies around the world.”. The impact can also be  
23 seen in the bills reported by the House Committee  
24 on Appropriations for fiscal year 2016. Among other  
25 things, those bills would cut the Department of Edu-

1 cation by \$2.8 billion below the current level, take  
2 away housing vouchers from thousands of families,  
3 and provide \$1.4 billion less than the President re-  
4 quested for the Department of Veterans Affairs.

5 (7) The sequester—in addition to endangering  
6 our defense, reducing investments in our future, and  
7 risking harm to vulnerable Americans—will weaken  
8 the Nation’s ongoing economic recovery. A recent  
9 analysis by the Congressional Budget Office found  
10 that eliminating the sequester would increase Gross  
11 Domestic Product by 0.4 percent in 2016 and 0.2  
12 percent in 2017. It would also increase employment  
13 by 500,000 next year and 300,000 in 2017.

14 (8) Providing relief from the sequester will also  
15 make it possible for Congress to act on appropria-  
16 tions legislation before temporary Government fund-  
17 ing expires in December, averting a Government  
18 shutdown if funding is not in place.

19 (9) The last Government shutdown lasted for  
20 16 days in 2013. The Office of Management and  
21 Budget later found that the shutdown cost the econ-  
22 omy about 120,000 private-sector jobs and shrunk  
23 GDP growth in that quarter by 0.2 percent to 0.6  
24 percent. The country lost 6.6 million days’ worth of  
25 work through furloughs of Federal employees; na-

1 tional parks lost \$500 million in visitor spending; \$4  
2 billion in tax refunds were delayed; nearly 6,300  
3 children lost access to Head Start; and hundreds of  
4 food safety inspections were delayed.

5 (10) Therefore, to prevent another Government  
6 shutdown and allow appropriations bills for fiscal  
7 year 2016 to fund vital services at necessary levels,  
8 immediate negotiations on a budget agreement are  
9 needed. An essential component of those negotia-  
10 tions should be to raise the discretionary spending  
11 caps for defense and non-defense, eliminating the  
12 non-defense sequester and reducing the defense se-  
13 quester by the same amount.

14 (11) It is preferable that Congress agree to off-  
15 set the cost of the sequester relief with deficit reduc-  
16 tion from closing special interest tax loopholes. How-  
17 ever, it is imperative that the sequester relief occur  
18 regardless of whether the agreement for offsetting  
19 deficit reduction is reached.

20 **SEC. 2. BIPARTISAN, BICAMERAL AGREEMENT ON SEQUES-**  
21 **TER RELIEF.**

22 (a) IN GENERAL.—A bipartisan measure shall be ne-  
23 gotiated, by the individuals appointed under subsection  
24 (b), that—

1           (1) increases the discretionary spending limit  
2 for fiscal year 2016 in section 251(c) of the Bal-  
3 anced Budget and Emergency Deficit Control Act of  
4 1985 (2 U.S.C. 901(c)), with the increases equally  
5 applied to the revised security category and the re-  
6 vised nonsecurity category for such fiscal year; and

7           (2) includes provisions that reduce the deficit  
8 by an amount deemed appropriate.

9           (b) APPOINTMENT OF MEMBERS.—Not later than 1  
10 day after the date of enactment of this Act—

11           (1) the Speaker of the House of Representa-  
12 tives shall determine the total number of individuals  
13 that shall negotiate the measure described under  
14 subsection (a); and

15           (2) the Speaker, the Minority Leader of the  
16 House of Representatives, the Majority Leader of  
17 the Senate, and the Minority Leader of the Senate  
18 shall each appoint one quarter of the total number  
19 of individuals determined under paragraph (1).

20           (c) APPROVAL AND CONSIDERATION OF MEASURE.—

21           (1) APPROVAL.—The measure described in sub-  
22 section (a) shall require the approval of a majority  
23 of the individuals appointed under subsection (b)(2).

24           (2) CONSIDERATION.—If approved under para-  
25 graph (1), the measure shall be considered under the

1 procedures set forth in section 402 of the Budget  
2 Control Act of 2011 (Public Law 112–25), other  
3 than subsection (g), and except that in applying  
4 such section, “October 30, 2015” shall be sub-  
5 stituted for “December 9, 2011” and “November  
6 16, 2015” shall be substituted for “December 23,  
7 2011” in each place it appears.

8 **SEC. 3. ALTERNATIVE ADJUSTMENT TO DISCRETIONARY**  
9 **SPENDING LIMIT FOR FISCAL YEAR 2016.**

10 (a) SECURITY AND NONSECURITY DISCRETIONARY  
11 SPENDING LIMIT ADJUSTMENTS.—If the measure de-  
12 scribed under section 2(a) is not enacted into law before  
13 November 17, 2015, effective upon November 17, 2015,  
14 the Balanced Budget and Emergency Deficit Control Act  
15 of 1985 (2 U.S.C. 901 et seq.) is amended as follows:

16 (1) In section 251(c), in paragraph (3)(A), by  
17 striking the dollar amount and inserting  
18 “\$559,600,000,000”.

19 (2) In section 251A—

20 (A) in paragraph (10)(A), by striking the  
21 period at the end and inserting “and for fiscal  
22 year 2016 by the Prevent a December Govern-  
23 ment Shutdown Act.”; and

24 (B) in paragraph (10)(B), by striking  
25 “and 2015” and inserting “2015, and 2016”.

1       (b) APPLICATION.—Any adjustment made to the dis-  
2 cretionary spending limit for fiscal year 2016 in section  
3 251(e) of the Balanced Budget and Emergency Deficit  
4 Control Act of 1985 (2 U.S.C. 901(e)) by the Office of  
5 Management and Budget before the date of enactment of  
6 this Act shall have no force or effect. The preceding sen-  
7 tence shall only apply if the measure described under sec-  
8 tion 2(a) is not enacted into law before November 17,  
9 2015.

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