

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO THE RULES COMMITTEE PRINT FOR H.R. 3762  
OFFERED BY MR. VAN HOLLEN OF MARYLAND**

Strike all after the enacting clause and insert the following:

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

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

4 (b) **FINDINGS.**—Congress finds the following:

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

15 (2) The negotiations that followed were unsuc-  
16 cessful and the initial sequester took place in fiscal  
17 year 2013.

1           (3) While the threat of a sequester had not led  
2           to an agreement, the reality of a sequester did. Law-  
3           makers negotiated a two-year agreement that set  
4           higher levels of both defense and non-defense discre-  
5           tionary (NDD) spending for fiscal years 2014 and  
6           2015.

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

10          (5) Senator John McCain and Representative  
11          Mac Thornberry, the Chairs of the Senate and  
12          House Armed Services Committees, have criticized  
13          the level of defense spending allowed under seques-  
14          tration: “These cuts are seriously undermining the  
15          capabilities, readiness, morale and modernization of  
16          the armed forces. The senior military leaders of the  
17          Army, Navy, Air Force and Marine Corps have all  
18          testified to our committees that, with defense spend-  
19          ing at sequestration levels, they cannot execute the  
20          National Military Strategy.”

21          (6) The impact of the cuts on NDD spending  
22          is becoming increasingly clear. NDD United—an al-  
23          liance of more than 2,500 organizations trying to  
24          protect NDD investments that benefit all Ameri-  
25          cans—made the case that “these self-imposed cuts

1 are dragging down our economic recovery, ham-  
2 pering business growth and development, weakening  
3 public health preparedness and response, reducing  
4 resources for our nation's schools and colleges, com-  
5 promising federal oversight and fraud recovery, hin-  
6 dering scientific discovery, eroding our infrastruc-  
7 ture, and threatening our ability to address emer-  
8 gencies around the world." The impact can also be  
9 seen in the bills reported by the House Committee  
10 on Appropriations for fiscal year 2016. Among other  
11 things, those bills would cut the Department of Edu-  
12 cation by \$2.8 billion below the current level, take  
13 away housing vouchers from thousands of families,  
14 and provide \$1.4 billion less than the President re-  
15 quested for the Department of Veterans Affairs.

16 (7) The sequester—in addition to endangering  
17 our defense, reducing investments in our future, and  
18 risking harm to vulnerable Americans—will weaken  
19 the nation's ongoing economic recovery. A recent  
20 analysis by the Congressional Budget Office found  
21 that eliminating the sequester would increase Gross  
22 Domestic Product by 0.4 percent in 2016 and 0.2  
23 percent in 2017. It would also increase employment  
24 by 500,000 next year and 300,000 in 2017.

1           (8) Providing relief from the sequester will also  
2           make it possible for Congress to act on appropria-  
3           tions legislation before temporary government fund-  
4           ing expires in December, averting a government  
5           shutdown if funding is not in place.

6           (9) The last Government shutdown lasted for  
7           16 days in 2013. The Office of Management and  
8           Budget later found that the shutdown cost the econ-  
9           omy about 120,000 private-sector jobs and shrunk  
10          GDP growth in that quarter by 0.2 percent to 0.6  
11          percent. The country lost 6.6 million days' worth of  
12          work through furloughs of Federal employees; na-  
13          tional parks lost \$500 million in visitor spending; \$4  
14          billion in tax refunds were delayed; nearly 6,300  
15          children lost access to Head Start; and hundreds of  
16          food safety inspections were delayed.

17          (10) Therefore, to prevent another Government  
18          shutdown and allow appropriations bills for fiscal  
19          year 2016 to fund vital services at necessary levels,  
20          immediate negotiations on a budget agreement are  
21          needed. An essential component of those negotia-  
22          tions should be to raise the discretionary spending  
23          caps for defense and non-defense, eliminating the  
24          non-defense sequester and reducing the defense se-  
25          quester by the same amount.

1           (11) It is preferable that Congress agree to off-  
2           set the cost of the sequester relief with deficit reduc-  
3           tion from closing special interest tax loopholes. How-  
4           ever, it is imperative that the sequester relief occur  
5           regardless of whether the agreement for offsetting  
6           deficit reduction is reached.

7   **SEC. 2. BIPARTISAN, BICAMERAL AGREEMENT ON SEQUES-**  
8                           **TER RELIEF.**

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

12                 (1) increases the discretionary spending limit  
13                 for fiscal year 2016 in section 251(c) of the Bal-  
14                 anced Budget and Emergency Deficit Control Act of  
15                 1985 (2 U.S.C. 901(c)), with the increases equally  
16                 applied to the revised security category and the re-  
17                 vised nonsecurity category for such fiscal year; and

18                 (2) includes provisions that reduce the deficit  
19                 by an amount deemed appropriate.

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

22                 (1) the Speaker of the House of Representa-  
23                 tives shall determine the total number of individuals  
24                 that shall negotiate the measure described under  
25                 subsection (a); and

1           (2) the Speaker, the Minority Leader of the  
2 House of Representatives, the Majority Leader of  
3 the Senate, and the Minority Leader of the Senate  
4 shall each appoint one quarter of the total number  
5 of individuals determined under paragraph (1).

6           (c) APPROVAL AND CONSIDERATION OF MEASURE.—

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

10           (2) CONSIDERATION.—If approved under para-  
11 graph (1), the measure shall be considered under the  
12 procedures set forth in section 402 of the Budget  
13 Control Act of 2011 (Public Law 112–25), other  
14 than subsection (g), and except that in applying  
15 such section, “October 30, 2015” shall be sub-  
16 stituted for “December 9, 2011” and “November  
17 16, 2015” shall be substituted for “December 23,  
18 2011” in each place it appears.

19 **SEC. 3. ALTERNATIVE ADJUSTMENT TO DISCRETIONARY**  
20 **SPENDING LIMIT FOR FISCAL YEAR 2016.**

21           (a) SECURITY AND NONSECURITY DISCRETIONARY  
22 SPENDING LIMIT ADJUSTMENTS.—If the measure de-  
23 scribed under section 2(a) is not enacted into law before  
24 November 17, 2015, effective upon November 17, 2015,

1 the Balanced Budget and Emergency Deficit Control Act  
2 of 1985 (2 U.S.C. 901 et seq.) is amended as follows:

3 (1) In section 251(c), in paragraph (3)(A), by  
4 striking the dollar amount and inserting  
5 “\$559,600,000,000”.

6 (2) In section 251A—

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

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

13 (b) APPLICATION.—Any adjustment made to the dis-  
14 cretionary spending limit for fiscal year 2016 in section  
15 251(c) of the Balanced Budget and Emergency Deficit  
16 Control Act of 1985 (2 U.S.C. 901(c)) by the Office of  
17 Management and Budget before the date of enactment of  
18 this Act shall have no force or effect. The preceding sen-  
19 tence shall only apply if the measure described under sec-  
20 tion 2(a) is not enacted into law before November 17,  
21 2015.

