

114TH CONGRESS
2D SESSION

H. R. 6071

Making continuing appropriations for fiscal year 2017, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2016

Mr. FLORES introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committee on the Budget, 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

A BILL

Making continuing appropriations for fiscal year 2017, 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 That the following sums are hereby appropriated, out of
4 any money in the Treasury not otherwise appropriated,
5 and out of applicable corporate or other revenues, receipts,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 fiscal year 2017, and for other purposes, namely:

1 TITLE I—CONTINUING APPROPRIATIONS FOR
2 FISCAL YEAR 2017

3 SEC. 101. (a) Such amounts as may be necessary,
4 at a rate for operations as provided in the applicable ap-
5 propriations Acts for fiscal year 2016 and under the au-
6 thority and conditions provided in such Acts, for con-
7 tinuing projects or activities (including the costs of direct
8 loans and loan guarantees) that are not otherwise specifi-
9 cally provided for in this title, that were conducted in fis-
10 cal year 2016, and for which appropriations, funds, or
11 other authority were made available in the following ap-
12 propriations Acts:

13 (1) The Agriculture, Rural Development, Food
14 and Drug Administration, and Related Agencies Ap-
15 propriations Act, 2016 (division A of Public Law
16 114–113).

17 (2) The Commerce, Justice, Science, and Re-
18 lated Agencies Appropriations Act, 2016 (division B
19 of Public Law 114–113).

20 (3) The Department of Defense Appropriations
21 Act, 2016 (division C of Public Law 114–113).

22 (4) The Energy and Water Development and
23 Related Agencies Appropriations Act, 2016 (division
24 D of Public Law 114–113).

1 (5) The Financial Services and General Govern-
2 ment Appropriations Act, 2016 (division E of Public
3 Law 114–113).

4 (6) The Department of Homeland Security Ap-
5 propriations Act, 2016 (division F of Public Law
6 114–113).

7 (7) The Department of the Interior, Environ-
8 ment, and Related Agencies Appropriations Act,
9 2016 (division G of Public Law 114–113).

10 (8) The Departments of Labor, Health and
11 Human Services, and Education, and Related Agen-
12 cies Appropriations Act, 2016 (division H of Public
13 Law 114–113).

14 (9) The Legislative Branch Appropriations Act,
15 2016 (division I of Public Law 114–113).

16 (10) The Department of State, Foreign Oper-
17 ations, and Related Programs Appropriations Act,
18 2016 (division K of Public Law 114–113), except
19 title IX.

20 (11) The Transportation, Housing and Urban
21 Development, and Related Agencies Appropriations
22 Act, 2016 (division L of Public Law 114–113).

23 (b)(1) The rate for operations provided by subsection
24 (a) in the revised security category (as defined in section
25 250(c)(4)(D) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985) is hereby adjusted by the per-
2 centage necessary to achieve a rate for operations in such
3 category equal to the excess of \$548,091,000,000 over the
4 total amount made available in such category pursuant to
5 section 201.

6 (2) The rate for operations provided by subsection (a)
7 in the revised nonsecurity category (as defined in section
8 250(c)(4)(E) of the Balanced Budget and Emergency Def-
9 icit Control Act of 1985) is hereby adjusted by the per-
10 centage necessary to achieve a rate for operations in such
11 category equal to the excess of \$518,491,000,000 over the
12 total amount made available in such category pursuant to
13 section 201.

14 SEC. 102. (a) No appropriation or funds made avail-
15 able or authority granted pursuant to section 101 for the
16 Department of Defense shall be used for: (1) the new pro-
17 duction of items not funded for production in fiscal year
18 2016 or prior years; (2) the increase in production rates
19 above those sustained with fiscal year 2016 funds; or (3)
20 the initiation, resumption, or continuation of any project,
21 activity, operation, or organization (defined as any project,
22 subproject, activity, budget activity, program element, and
23 subprogram within a program element, and for any invest-
24 ment items defined as a P-1 line item in a budget activity
25 within an appropriation account and an R-1 line item that

1 includes a program element and subprogram element with-
2 in an appropriation account) for which appropriations,
3 funds, or other authority were not available during fiscal
4 year 2016.

5 (b) No appropriation or funds made available or au-
6 thority granted pursuant to section 101 for the Depart-
7 ment of Defense shall be used to initiate multi-year pro-
8 curements utilizing advance procurement funding for eco-
9 nomic order quantity procurement unless specifically ap-
10 propriated later.

11 SEC. 103. Appropriations made by section 101 shall
12 be available to the extent and in the manner that would
13 be provided by the pertinent appropriations Act.

14 SEC. 104. Except as otherwise provided in section
15 102, no appropriation or funds made available or author-
16 ity granted pursuant to section 101 shall be used to ini-
17 tiate or resume any project or activity for which appro-
18 priations, funds, or other authority were not available dur-
19 ing fiscal year 2016.

20 SEC. 105. Appropriations made and authority grant-
21 ed pursuant to this title shall cover all obligations or ex-
22 penditures incurred for any project or activity during the
23 period for which funds or authority for such project or
24 activity are available under this title.

1 SEC. 106. Unless otherwise provided for in this title
2 or in the applicable appropriations Act for fiscal year
3 2017, appropriations and funds made available and au-
4 thority granted pursuant to this title shall be available
5 until whichever of the following first occurs: (1) the enact-
6 ment into law of an appropriation for any project or activ-
7 ity provided for in this title; (2) the enactment into law
8 of the applicable appropriations Act for fiscal year 2017
9 without any provision for such project or activity; or (3)
10 December 9, 2016.

11 SEC. 107. Expenditures made pursuant to this title
12 shall be charged to the applicable appropriation, fund, or
13 authorization whenever a bill in which such applicable ap-
14 propriation, fund, or authorization is contained is enacted
15 into law.

16 SEC. 108. Appropriations made and funds made
17 available by or authority granted pursuant to this title
18 may be used without regard to the time limitations for
19 submission and approval of apportionments set forth in
20 section 1513 of title 31, United States Code, but nothing
21 in this title may be construed to waive any other provision
22 of law governing the apportionment of funds.

23 SEC. 109. Notwithstanding any other provision of
24 this title, except section 106, for those programs that
25 would otherwise have high initial rates of operation or

1 complete distribution of appropriations at the beginning
2 of fiscal year 2017 because of distributions of funding to
3 States, foreign countries, grantees, or others, such high
4 initial rates of operation or complete distribution shall not
5 be made, and no grants shall be awarded for such pro-
6 grams funded by this title that would impinge on final
7 funding prerogatives.

8 SEC. 110. This title shall be implemented so that only
9 the most limited funding action of that permitted in the
10 title shall be taken in order to provide for continuation
11 of projects and activities.

12 **TITLE II—MILITARY CONSTRU-**
13 **CTION, VETERANS AFFAIRS,**
14 **AND RELATED AGENCIES AP-**
15 **PROPRIATIONS ACT, 2017 AND**
16 **ZIKA RESPONSE AND PRE-**
17 **PAREDNESS ACT**

18 **SEC. 201. ENACTMENT BY REFERENCE.**

19 (a) IN GENERAL.—The provisions of the Military
20 Construction, Veterans Affairs, and Related Agencies Ap-
21 propriations Act, 2017 and Zika Response and Prepared-
22 ness Act, as printed in the Conference Report accom-
23 panying H.R. 2577 (H. Rept. 114–640), are hereby en-
24 acted into law.

1 (b) PUBLICATION.—In publishing the Act in slip
2 form and in the United States Statutes at Large pursuant
3 to section 112, of title 1, United States Code, the Archivist
4 of the United States shall include after the date of ap-
5 proval at the end appendixes setting forth the texts of the
6 bill referred to in subsection (a) of this section.

7 **TITLE III—ENSURING VETTING**
8 **OF REFUGEES TO KEEP**
9 **AMERICANS SAFE**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “American Security
12 Against Foreign Enemies Act of 2015” or as the “Amer-
13 ican SAFE Act of 2015”.

14 **SEC. 302. REVIEW OF REFUGEES TO IDENTIFY SECURITY**
15 **THREATS TO THE UNITED STATES.**

16 (a) BACKGROUND INVESTIGATION.—In addition to
17 the screening conducted by the Secretary of Homeland Se-
18 curity, the Director of the Federal Bureau of Investigation
19 shall take all actions necessary to ensure that each covered
20 alien receives a thorough background investigation prior
21 to admission as a refugee. A covered alien may not be ad-
22 mitted as a refugee until the Director of the Federal Bu-
23 reau of Investigation certifies to the Secretary of Home-
24 land Security and the Director of National Intelligence
25 that each covered alien has received a background inves-

1 tigation that is sufficient to determine whether the covered
2 alien is a threat to the security of the United States.

3 (b) CERTIFICATION BY UNANIMOUS CONCUR-
4 RENCE.—A covered alien may only be admitted to the
5 United States after the Secretary of Homeland Security,
6 with the unanimous concurrence of the Director of the
7 Federal Bureau of Investigation and the Director of Na-
8 tional Intelligence, certifies to the appropriate Congres-
9 sional Committees that the covered alien is not a threat
10 to the security of the United States.

11 (c) INSPECTOR GENERAL REVIEW OF CERTIFI-
12 CATIONS.—The Inspector General of the Department of
13 Homeland Security shall conduct a risk-based review of
14 all certifications made under subsection (b) each year and
15 shall provide an annual report detailing the findings to
16 the appropriate Congressional Committees.

17 (d) MONTHLY REPORT.—The Secretary of Homeland
18 Security shall submit to the appropriate Congressional
19 Committees a monthly report on the total number of appli-
20 cations for admission with regard to which a certification
21 under subsection (b) was made and the number of covered
22 aliens with regard to whom such a certification was not
23 made for the month preceding the date of the report. The
24 report shall include, for each covered alien with regard to
25 whom a certification was not made, the concurrence or

1 nonconcurrence of each person whose concurrence was re-
2 quired by subsection (b).

3 (e) DEFINITIONS.—In this Act:

4 (1) COVERED ALIEN.—The term “covered
5 alien” means any alien applying for admission to the
6 United States as a refugee who—

7 (A) is a national or resident of Iraq or
8 Syria;

9 (B) has no nationality and whose last ha-
10 bitual residence was in Iraq or Syria; or

11 (C) has been present in Iraq or Syria at
12 any time on or after March 1, 2011.

13 (2) APPROPRIATE CONGRESSIONAL COM-
14 MITTEE.—The term “appropriate Congressional
15 Committees” means—

16 (A) the Committee on Armed Services of
17 the Senate;

18 (B) the Select Committee on Intelligence
19 of the Senate;

20 (C) the Committee on the Judiciary of the
21 Senate;

22 (D) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (E) the Committee on Foreign Relations of
25 the Senate;

1 (F) the Committee on Appropriations of
2 the Senate;

3 (G) the Committee on Armed Services of
4 the House of Representatives;

5 (H) the Permanent Select Committee on
6 Intelligence of the House of Representatives;

7 (I) the Committee on the Judiciary of the
8 House of Representatives;

9 (J) the Committee on Homeland Security
10 of the House of Representatives;

11 (K) the Committee on Appropriations of
12 the House of Representatives; and

13 (L) the Committee on Foreign Affairs of
14 the House of Representatives.

15 **TITLE IV—STOPPING THE**
16 **INTERNET GIVEAWAY**

17 **SEC. 401. SHORT TITLE.**

18 This title may be cited as the “Protecting Internet
19 Freedom Act”.

20 **SEC. 402. FINDINGS.**

21 Congress finds the following:

22 (1) The Department of Commerce and the Na-
23 tional Telecommunications and Information Admin-
24 istration (in this section referred to as the “NTIA”)
25 should be responsible for maintaining the continuity

1 and stability of services related to certain inter-
2 dependent Internet technical management functions,
3 known collectively as the Internet Assigned Numbers
4 Authority (in this section referred to as the
5 “IANA”), which includes—

6 (A) the coordination of the assignment of
7 technical Internet protocol parameters;

8 (B) the administration of certain respon-
9 sibilities associated with the Internet domain
10 name system root zone management;

11 (C) the allocation of Internet numbering
12 resources; and

13 (D) other services related to the manage-
14 ment of the Advanced Research Project Agency
15 and INT top-level domains.

16 (2) The interdependent technical functions de-
17 scribed in paragraph (1) were performed on behalf
18 of the Federal Government under a contract between
19 the Defense Advanced Research Projects Agency and
20 the University of Southern California as part of a
21 research project known as the Tera-node Network
22 Technology project. As the Tera-node Network
23 Technology project neared completion and the con-
24 tract neared expiration in 1999, the Federal Govern-
25 ment recognized the need for the continued perform-

1 ance of the IANA functions as vital to the stability
2 and correct functioning of the Internet.

3 (3) The NTIA may use its contract authority to
4 maintain the continuity and stability of services re-
5 lated to the IANA functions.

6 (4) If the NTIA uses its contract authority, the
7 contractor, in the performance of its duties, must
8 have or develop a close constructive working rela-
9 tionship with all interested and affected parties to
10 ensure quality and satisfactory performance of the
11 IANA functions. The interested and affected parties
12 include—

13 (A) the multistakeholder, private sector-
14 led, bottom-up policy development model for the
15 domain name system that the Internet Corpora-
16 tion for Assigned Names and Numbers rep-
17 resents;

18 (B) the Internet Engineering Task Force
19 and the Internet Architecture Board;

20 (C) Regional Internet Registries;

21 (D) top-level domain operators and man-
22 agers, such as country codes and generic;

23 (E) governments; and

24 (F) the Internet user community.

1 (5) The IANA functions contract of the Depart-
2 ment of Commerce explicitly declares that “[a]ll
3 deliverables provided under this contract become the
4 property of the U.S. Government.”. One of the
5 deliverables is the automated root zone.

6 (6) Former President Bill Clinton’s Internet
7 czar Ira Magaziner stated that “[t]he United States
8 paid for the Internet, the Net was created under its
9 auspices, and most importantly everything [research-
10 ers] did was pursuant to government contracts.”.

11 (7) Under section 3 of article IV of the Con-
12 stitution of the United States, Congress has the ex-
13 clusive power to “dispose of and make all needful
14 Rules and Regulations respecting the Territory or
15 other Property belonging to the United States”.

16 (8) The .gov and .mil top-level domains are the
17 property of the United States Government, and as
18 property, the United States Government should have
19 the exclusive control and use of those domains in
20 perpetuity.

21 **SEC. 403. MAINTAINING THE IANA FUNCTIONS CONTRACT.**

22 The Assistant Secretary of Commerce for Commu-
23 nications and Information may not allow the responsibility
24 of the National Telecommunications and Information Ad-
25 ministration with respect to the Internet domain name

1 system functions, including responsibility with respect to
2 the authoritative root zone file and the performance of the
3 Internet Assigned Numbers Authority functions, to termi-
4 nate, lapse, expire, be canceled, or otherwise cease to be
5 in effect unless a Federal statute enacted after the date
6 of enactment of this title expressly grants the Assistant
7 Secretary such authority.

8 **SEC. 404. EXCLUSIVE UNITED STATES GOVERNMENT OWN-**
9 **ERSHIP AND CONTROL OF .GOV AND .MIL DO-**
10 **MAINS.**

11 Not later than 60 days after the date of enactment
12 of this title, the Assistant Secretary of Commerce for
13 Communications and Information shall provide to Con-
14 gress a written certification that the United States Gov-
15 ernment has—

16 (1) secured sole ownership of the .gov and .mil
17 top-level domains; and

18 (2) entered into a contract with the Internet
19 Corporation for Assigned Names and Numbers that
20 provides that the United States Government has ex-
21 clusive control and use of those domains in per-
22 petuity.

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