

114TH CONGRESS  
2D SESSION

# H. J. RES. 99

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mr. KING of Iowa (for himself, Mr. GOHMERT, Mr. YOHO, Mr. LAMALFA, Mr. JODY B. HICE of Georgia, Mr. HARRIS, Mr. BROOKS of Alabama, Mr. HUELSKAMP, Mr. BABIN, Mr. GOSAR, and Mr. PITTENGER) submitted the following joint resolution; 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

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## JOINT RESOLUTION

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

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

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

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

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

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

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

1           (6) The Department of Homeland Security Ap-  
2           propriations Act, 2016 (division F of Public Law  
3           114–113).

4           (7) The Department of the Interior, Environ-  
5           ment, and Related Agencies Appropriations Act,  
6           2016 (division G of Public Law 114–113).

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

11          (9) The Legislative Branch Appropriations Act,  
12          2016 (division I of Public Law 114–113).

13          (10) The Military Construction and Veterans  
14          Affairs, and Related Agencies Appropriations Act,  
15          2016 (division J of Public Law 114–113).

16          (11) 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          (12) 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 increased by the  
2 percentage necessary to achieve a rate for operations in  
3 such category of \$536,000,000,000.

4 (2) The rate for operations provided by subsection (a)  
5 in the revised nonsecurity category (as defined in section  
6 250(c)(4)(E) of such Act) is hereby reduced by the per-  
7 centage necessary to achieve a rate for operations in such  
8 category of \$504,000,000,000.

9 SEC. 102. (a) No appropriation or funds made avail-  
10 able or authority granted pursuant to section 101 for the  
11 Department of Defense shall be used for: (1) the new pro-  
12 duction of items not funded for production in fiscal year  
13 2016 or prior years; (2) the increase in production rates  
14 above those sustained with fiscal year 2016 funds; or (3)  
15 the initiation, resumption, or continuation of any project,  
16 activity, operation, or organization (defined as any project,  
17 subproject, activity, budget activity, program element, and  
18 subprogram within a program element, and for any invest-  
19 ment items defined as a P-1 line item in a budget activity  
20 within an appropriation account and an R-1 line item that  
21 includes a program element and subprogram element with-  
22 in an appropriation account) for which appropriations,  
23 funds, or other authority were not available during fiscal  
24 year 2016.

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

7 SEC. 103. Appropriations made by section 101 shall  
8 be available to the extent and in the manner that would  
9 be provided by the pertinent appropriations Act.

10 SEC. 104. Except as otherwise provided in section  
11 102, no appropriation or funds made available or author-  
12 ity granted pursuant to section 101 shall be used to ini-  
13 tiate or resume any project or activity for which appro-  
14 priations, funds, or other authority were not available dur-  
15 ing fiscal year 2016.

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

21 SEC. 106. Unless otherwise provided for in this title  
22 or in the applicable appropriations Act for fiscal year  
23 2017, appropriations and funds made available and au-  
24 thority granted pursuant to this title shall be available  
25 until whichever of the following first occurs: (1) the enact-

1 ment into law of an appropriation for any project or activ-  
2 ity provided for in this title; (2) the enactment into law  
3 of the applicable appropriations Act for fiscal year 2017  
4 without any provision for such project or activity; or (3)  
5 February 28, 2017.

6       SEC. 107. Expenditures made pursuant to this title  
7 shall be charged to the applicable appropriation, fund, or  
8 authorization whenever a bill in which such applicable ap-  
9 propriation, fund, or authorization is contained is enacted  
10 into law.

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

18       SEC. 109. Notwithstanding any other provision of  
19 this title, except section 106, for those programs that  
20 would otherwise have high initial rates of operation or  
21 complete distribution of appropriations at the beginning  
22 of fiscal year 2017 because of distributions of funding to  
23 States, foreign countries, grantees, or others, such high  
24 initial rates of operation or complete distribution shall not  
25 be made, and no grants shall be awarded for such pro-

1 grams funded by this title that would impinge on final  
2 funding prerogatives.

3       SEC. 110. This title shall be implemented so that only  
4 the most limited funding action of that permitted in the  
5 title shall be taken in order to provide for continuation  
6 of projects and activities.

7       SEC. 111. None of the funds made available by this  
8 joint resolution under the heading “Department of Jus-  
9 tice—Office of Justice Programs—State and Local Law  
10 Enforcement Assistance” may be used in contravention of  
11 section 642(a) of the Illegal Immigration Reform and Im-  
12 migrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

13       SEC. 112. (a) None of the funds made available by  
14 this joint resolution or any other Act, including any depos-  
15 its into the “Immigration Examinations Fee Account” es-  
16 tablished under section 286(m) of the Immigration and  
17 Nationality Act (8 U.S.C. 1356(m)), to the Secretary of  
18 Homeland Security, or to any other official of a Federal  
19 agency, may be used to implement, administer, enforce,  
20 or carry out (including through the issuance of any regula-  
21 tions) any of the policy changes set forth in the following  
22 memoranda (or any substantially similar policy changes  
23 issued or taken on or after December 16, 2015, whether  
24 set forth in memorandum, Executive order, regulation, di-  
25 rective, or by other action):

1           (1) The memorandum from the Director of  
2 U.S. Immigration and Customs Enforcement enti-  
3 tled “Civil Immigration Enforcement: Priorities for  
4 the Apprehension, Detention, and Removal of  
5 Aliens” dated March 2, 2011.

6           (2) The memorandum from the Director of  
7 U.S. Immigration and Customs Enforcement enti-  
8 tled “Exercising Prosecutorial Discretion Consistent  
9 with the Civil Immigration Enforcement Priorities of  
10 the Agency for the Apprehension, Detention, and  
11 Removal of Aliens” dated June 17, 2011.

12           (3) The memorandum from the Principal Legal  
13 Advisor of U.S. Immigration and Customs Enforce-  
14 ment entitled “Case-by-Case Review of Incoming  
15 and Certain Pending Cases” dated June 17, 2011.

16           (4) The memorandum from the Secretary of  
17 Homeland Security entitled “Exercising Prosecu-  
18 torial Discretion with Respect to Individuals Who  
19 Came to the United States as Children” dated June  
20 15, 2012.

21           (5) The memorandum from the Director of  
22 U.S. Immigration and Customs Enforcement enti-  
23 tled “Civil Immigration Enforcement: Guidance on  
24 the Use of Detainers in the Federal, State, Local,



1 and Tribal Criminal Justice Systems” dated Decem-  
2 ber 21, 2012.

3 (6) The memorandum from the Secretary of  
4 Homeland Security entitled “Southern Border and  
5 Approaches Campaign” dated November 20, 2014.

6 (7) The memorandum from the Secretary of  
7 Homeland Security entitled “Policies for the Appre-  
8 hension, Detention and Removal of Undocumented  
9 Immigrants” dated November 20, 2014.

10 (8) The memorandum from the Secretary of  
11 Homeland Security entitled “Secure Communities”  
12 dated November 20, 2014.

13 (9) The memorandum from the Secretary of  
14 Homeland Security entitled “Exercising Prosecu-  
15 torial Discretion with Respect to Individuals Who  
16 Came to the United States as Children and with Re-  
17 spect to Certain Individuals Who Are the Parents of  
18 U.S. Citizens or Permanent Residents” dated No-  
19 vember 20, 2014.

20 (10) The memorandum from the Secretary of  
21 Homeland Security entitled “Expansion of the Pro-  
22 visional Waiver Program” dated November 20,  
23 2014.

24 (11) The memorandum from the Secretary of  
25 Homeland Security entitled “Policies Supporting

1 U.S. High-Skilled Businesses and Workers” dated  
2 November 20, 2014.

3 (12) The memorandum from the Secretary of  
4 Homeland Security entitled “Families of U.S.  
5 Armed Forces Members and Enlistees” dated No-  
6 vember 20, 2014.

7 (13) The memorandum from the Secretary of  
8 Homeland Security entitled “Directive to Provide  
9 Consistency Regarding Advance Parole” dated No-  
10 vember 20, 2014.

11 (14) The memorandum from the Secretary of  
12 Homeland Security entitled “Policies to Promote  
13 and Increase Access to U.S. Citizenship” dated No-  
14 vember 20, 2014.

15 (15) The memorandum from the President enti-  
16 tled “Modernizing and Streamlining the U.S. Immi-  
17 grant Visa System for the 21st Century” dated No-  
18 vember 21, 2014.

19 (16) The memorandum from the President enti-  
20 tled “Creating Welcoming Communities and Fully  
21 Integrating Immigrants and Refugees” dated No-  
22 vember 21, 2014.

23 (b) The memoranda referred to in subsection (a) (or  
24 any substantially similar policy changes issued or taken  
25 on or after December 16, 2015, whether set forth in

1 memorandum, Executive order, regulation, directive, or by  
2 other action) have no statutory or constitutional basis and  
3 therefore have no legal effect.

4 (c) No funds or fees made available to the Secretary  
5 of Homeland Security, or to any other official of a Federal  
6 agency, by this joint resolution or any other Act, including  
7 any deposits into the “Immigration Examinations Fee Ac-  
8 count” established under section 286(m) of the Immigra-  
9 tion and Nationality Act (8 U.S.C. 1356(m)), may be used  
10 to grant any Federal benefit to any alien pursuant to any  
11 of the policy changes set forth in the memoranda referred  
12 to in subsection (a) (or any substantially similar policy  
13 changes issued or taken on or after December 16, 2015,  
14 whether set forth in memorandum, Executive order, regu-  
15 lation, directive, or by other action).

16 (d) The budgetary effects of this section shall not be  
17 entered on either PAYGO scorecard maintained pursuant  
18 to section 4(d) of the Statutory Pay-As-You-Go Act of  
19 2010.

20 (e) Notwithstanding Rule 3 of the Budget  
21 Scorekeeping Guidelines set forth in the joint explanatory  
22 statement of the committee of conference accompanying  
23 Conference Report 105–217 and section 250(c)(8) of the  
24 Balanced Budget and Emergency Deficit Control Act of

1 1985, the budgetary effects of this section shall not be  
2 estimated—

3 (1) for purposes of section 251 of the such Act;  
4 and

5 (2) for purposes of paragraph (4)(C) of section  
6 3 of the Statutory Pay-As-You-Go Act of 2010 as  
7 being included in an appropriation Act.

8 SEC. 113. None of the funds made available by this  
9 joint resolution may be used to carry out the provisions  
10 of the Patient Protection and Affordable Care Act (Public  
11 Law 111–148) or title I or subtitle B of title II of the  
12 Health Care and Education Reconciliation Act of 2010  
13 (Public Law 111–152), or any amendment made by the  
14 Patient Protection and Affordable Care Act or by such  
15 title I or subtitle B of title II of the Health Care and  
16 Education Reconciliation Act of 2010.

17 SEC. 114. None of the funds made available by this  
18 joint resolution may be—

19 (1) used to provide a Federal public benefit (as  
20 such term is defined in section 401(c) of the Per-  
21 sonal Responsibility and Work Opportunity Rec-  
22 onciliation Act of 1996 (8 U.S.C. 1611(c))) to an  
23 alien admitted as a refugee under section 207 of the  
24 Immigration and Nationality Act (8 U.S.C. 1157);  
25 or

1           (2) made available to the Office of Refugee Re-  
2           settlement or to the United Nations High Commis-  
3           sioner for Refugees.

4           SEC. 115. None of the funds made available by this  
5           joint resolution may be used to implement, administer, or  
6           enforce the letter entitled “Dear Colleague Letter on  
7           Transgender Students”, dated May 13, 2016, issued joint-  
8           ly by the Department of Justice and the Department of  
9           Education, relating to title IX of the Education Amend-  
10          ments of 1972 (20 U.S.C. 1681 et seq.).

11          SEC. 116. None of the funds made available by this  
12          joint resolution may be used to implement, administer, or  
13          enforce the rule submitted by the Department of Labor  
14          relating to defining and delimiting the exemptions regard-  
15          ing the rates of pay for executive, administrative, profes-  
16          sional, outside sales, and computer employees (81 Fed.  
17          Reg. 32552 (May 23, 2016)).

18          SEC. 117. None of the funds made available by this  
19          joint resolution may be used to develop, adopt, implement,  
20          administer, or enforce any change to the regulations and  
21          guidance in effect on October 1, 2012, pertaining to the  
22          definition of waters under the jurisdiction of the Federal  
23          Water Pollution Control Act (33 U.S.C. 1251, et seq.),  
24          including the provisions of the rules dated November 13,  
25          1986, and August 25, 1993, relating to said jurisdiction,

1 and the guidance documents dated January 15, 2003, and  
2 December 2, 2008, relating to said jurisdiction.

3 SEC. 118. None of the funds made available by this  
4 joint resolution may be used to implement, administer, or  
5 enforce the rule submitted by the Department of Labor  
6 relating to “Definition of the Term ‘Fiduciary’; Conflict  
7 of Interest Rule—Retirement Investment Advice” (pub-  
8 lished at 81 Fed. Reg. 20946 (April 8, 2016)).

9 SEC. 119. None of the funds made available by this  
10 joint resolution may be used to implement, administer, or  
11 enforce the rule submitted by the Environmental Protec-  
12 tion Agency relating to “Carbon Pollution Emission  
13 Guidelines for Existing Stationary Sources: Electric Util-  
14 ity Generating Units” (published at 80 Fed. Reg. 64662  
15 (October 23, 2015)).

16 SEC. 120. None of the funds made available by this  
17 joint resolution may be made available to Planned Parent-  
18 hood Federation of America, or to any of its affiliates,  
19 subsidiaries, successors, or clinics.

20 SEC. 121. None of the funds made available by this  
21 joint resolution may be used to fund the implementation  
22 of the Joint Comprehensive Plan of Action regarding Iran  
23 and submitted to the Congress on July 19, 2015, or any  
24 side deals to the nuclear agreement (including all related

1 materials and annexes) between the International Atomic  
2 Energy Agency (IAEA) and Iran.

3 SEC. 122. None of the funds made available by this  
4 joint resolution may be used to enforce, or implement in  
5 any fashion, any rule or regulation that enforces any as-  
6 pect of any agreement, including the agreements entitled  
7 “Framework on Convention on Climate Change” and  
8 “Draft Decision/CP.21”, reached by the “COP21” con-  
9 ference, held in Paris, France in December of 2015.

10 SEC. 123. None of the funds made available by this  
11 joint resolution may be used to enforce the decision of the  
12 Supreme Court of the United States in *Obergefell v.*  
13 *Hodges*, 135 S.Ct. 2584; (2015).

14 SEC. 124. During fiscal year 2017, no Federal de-  
15 partment or agency may implement, administer, or en-  
16 force, and no Federal funds may be used to implement,  
17 administer, or enforce, any provision of the Dodd-Frank  
18 Wall Street Reform and Consumer Protection Act (Public  
19 Law 111–203) or any provision contained in an amend-  
20 ment made by such Act.

21 SEC. 125. Subsection (a) of section 539 of division  
22 B of Public Law 114–113 shall apply to funds made avail-  
23 able by such Public Law and by this joint resolution not-  
24 withstanding subsection (b) of that section.

○