



1 tinuing projects or activities including the costs of direct  
2 loans and loan guarantees (not otherwise specifically pro-  
3 vided for in this joint resolution) which were conducted  
4 in the fiscal year 1995 and for which appropriations,  
5 funds, or other authority would be available in the follow-  
6 ing appropriations Acts:

7           The Departments of Commerce, Justice, and  
8           State, the Judiciary, and Related Agencies Appro-  
9           priations Act, 1996, notwithstanding section 15 of  
10          the State Department Basic Authorities Act of  
11          1956, section 701 of the United States Information  
12          and Educational Exchange Act of 1948, and section  
13          53 of the Arms Control and Disarmament Act;

14          The Department of Defense Appropriations  
15          Act, 1996, notwithstanding section 504(a)(1) of the  
16          National Security Act of 1947;

17          The District of Columbia Appropriations Act,  
18          1996;

19          The Energy and Water Development Appro-  
20          priations Act, 1996;

21          The Foreign Operations, Export Financing, and  
22          Related Programs Appropriations Act, 1996, not-  
23          withstanding section 10 of Public Law 91-672 and  
24          section 15(a) of the State Department Basic Au-  
25          thorities Act of 1956;

1           The Department of the Interior and Related  
2           Agencies Appropriations Act, 1996;

3           The Departments of Labor, Health and Human  
4           Services, and Education, and Related Agencies Ap-  
5           propriations Act, 1996;

6           The Legislative Branch Appropriations Act,  
7           1996, H.R. 2492;

8           The Department of Transportation Appropria-  
9           tions Act, 1996;

10          The Treasury, Postal Service, and General Gov-  
11          ernment Appropriations Act, 1996;

12          The Departments of Veterans Affairs and  
13          Housing and Urban Development, and Independent  
14          Agencies Appropriations Act, 1996:

15       *Provided*, That whenever the amount which would be made  
16       available or the authority which would be granted in these  
17       Acts is greater than that which would be available or  
18       granted under current operations, the pertinent project or  
19       activity shall be continued at a rate for operations not ex-  
20       ceeding the current rate.

21       (b) Whenever the amount which would be made avail-  
22       able or the authority which would be granted under an  
23       Act listed in this section as passed by the House as of  
24       the date of enactment of this joint resolution, is different  
25       from that which would be available or granted under such

1 Act as passed by the Senate as of the date of enactment  
2 of this joint resolution, the pertinent project or activity  
3 shall be continued at a rate for operations not exceeding  
4 the current rate or the rate permitted by the action of  
5 the House or the Senate, whichever is lower, under the  
6 authority and conditions provided in the applicable appro-  
7 priations Act for the fiscal year 1995: *Provided*, That  
8 where an item is not included in either version or where  
9 an item is included in only one version of the Act as passed  
10 by both Houses as of the date of enactment of this joint  
11 resolution, the pertinent project or activity shall not be  
12 continued except as provided for in section 111 or 112  
13 under the appropriation, fund, or authority granted by the  
14 applicable appropriations Act for the fiscal year 1995 and  
15 under the authority and conditions provided in the appli-  
16 cable appropriations Act for the fiscal year 1995.

17 (c) Whenever an Act listed in this section has been  
18 passed by only the House or only the Senate as of the  
19 date of enactment of this joint resolution, the pertinent  
20 project or activity shall be continued under the appropria-  
21 tion, fund, or authority granted by the one House at a  
22 rate for operations not exceeding the current rate or the  
23 rate permitted by the action of the one House, whichever  
24 is lower, and under the authority and conditions provided  
25 in the applicable appropriations Act for the fiscal year

1 1995: *Provided*, That where an item is funded in the appli-  
2 cable appropriations Act for the fiscal year 1995 and not  
3 included in the version passed by the one House as of the  
4 date of enactment of this joint resolution, the pertinent  
5 project or activity shall not be continued except as pro-  
6 vided for in section 111 or 112 under the appropriation,  
7 fund, or authority granted by the applicable appropria-  
8 tions Act for the fiscal year 1995 and under the authority  
9 and conditions provided in the applicable appropriations  
10 Act for the fiscal year 1995.

11 SEC. 102. No appropriation or funds made available  
12 or authority granted pursuant to section 101 for the De-  
13 partment of Defense shall be used for new production of  
14 items not funded for production in fiscal year 1995 or  
15 prior years, for the increase in production rates above  
16 those sustained with fiscal year 1995 funds, or to initiate,  
17 resume, or continue any project, activity, operation, or or-  
18 ganization which are defined as any project, subproject,  
19 activity, budget activity, program element, and  
20 subprogram within a program element and for investment  
21 items are further defined as a P-1 line item in a budget  
22 activity within an appropriation account and an R-1 line  
23 item which includes a program element and subprogram  
24 element within an appropriation account, for which appro-  
25 priations, funds, or other authority were not available dur-

1 ing the fiscal year 1995: *Provided*, That no appropriation  
2 or funds made available or authority granted pursuant to  
3 section 101 for the Department of Defense shall be used  
4 to initiate multi-year procurements utilizing advance pro-  
5 curement funding for economic order quantity procure-  
6 ment unless specifically appropriated later.

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

10       SEC. 104. No appropriation or funds made available  
11 or authority granted pursuant to section 101 shall be used  
12 to initiate or resume any project or activity for which ap-  
13 propriations, funds, or other authority were not available  
14 during the fiscal year 1995.

15       SEC. 105. No provision which is included in an appro-  
16 priations Act enumerated in section 101 but which was  
17 not included in the applicable appropriations Act for fiscal  
18 year 1995 and which by its terms is applicable to more  
19 than one appropriation, fund, or authority shall be appli-  
20 cable to any appropriation, fund, or authority provided in  
21 this joint resolution.

22       SEC. 106. Unless otherwise provided for in this joint  
23 resolution or in the applicable appropriations Act, appro-  
24 priations and funds made available and authority granted  
25 pursuant to this joint resolution shall be available until

1 (a) enactment into law of an appropriation for any project  
2 or activity provided for in this joint resolution, or (b) the  
3 enactment into law of the applicable appropriations Act  
4 by both Houses without any provision for such project or  
5 activity, or (c) December 1, 1995, whichever first occurs.

6 SEC. 107. Appropriations made and authority grant-  
7 ed pursuant to this joint resolution shall cover all obliga-  
8 tions or expenditures incurred for any program, project,  
9 or activity during the period for which funds or authority  
10 for such project or activity are available under this joint  
11 resolution.

12 SEC. 108. Expenditures made pursuant to this joint  
13 resolution shall be charged to the applicable appropriation,  
14 fund, or authorization whenever a bill in which such appli-  
15 cable appropriation, fund, or authorization is contained is  
16 enacted into law.

17 SEC. 109. No provision in the appropriations Act for  
18 the fiscal year 1996 referred to in section 101 of this joint  
19 resolution that makes the availability of any appropriation  
20 provided therein dependent upon the enactment of addi-  
21 tional authorizing or other legislation shall be effective be-  
22 fore the date set forth in section 106(c) of this joint reso-  
23 lution.

24 SEC. 110. Appropriations and funds made available  
25 by or authority granted pursuant to this joint resolution

1 may be used without regard to the time limitations for  
2 submission and approval of apportionments set forth in  
3 section 1513 of title 31, United States Code, but nothing  
4 herein shall be construed to waive any other provision of  
5 law governing the apportionment of funds.

6       SEC. 111. Notwithstanding any other provision of  
7 this joint resolution, except section 106, whenever an Act  
8 listed in section 101 as passed by both the House and  
9 Senate as of the date of enactment of this joint resolution,  
10 does not include funding for an ongoing project or activity  
11 for which there is a budget request, or whenever an Act  
12 listed in section 101 has been passed by only the House  
13 or only the Senate as of the date of enactment of this  
14 joint resolution, and an item funded in fiscal year 1995  
15 is not included in the version passed by the one House,  
16 or whenever the rate for operations for an ongoing project  
17 or activity provided by section 101 for which there is a  
18 budget request would result in the project or activity being  
19 significantly reduced, the pertinent project or activity may  
20 be continued under the authority and conditions provided  
21 in the applicable appropriations Act for the fiscal year  
22 1995 by increasing the rate for operations provided by sec-  
23 tion 101 to a rate for operations not to exceed one that  
24 provides the minimal level that would enable existing ac-  
25 tivities to continue. No new contracts or grants shall be

1 awarded in excess of an amount that bears the same ratio  
2 to the rate for operations provided by this section as the  
3 number of days covered by this resolution bears to 366.  
4 For the purposes of the Act, the minimal level means a  
5 rate for operations that is reduced from the current rate  
6 by 40 percent.

7       SEC. 112. Notwithstanding any other provision of  
8 this joint resolution, except section 106, whenever the rate  
9 for operations for any continuing project or activity pro-  
10 vided by section 101 or section 111 for which there is a  
11 budget request would result in a furlough of Government  
12 employees, that rate for operations may be increased to  
13 the minimum level that would enable the furlough to be  
14 avoided. No new contracts or grants shall be awarded in  
15 excess of an amount that bears the same ratio to the rate  
16 for operations provided by this section as the number of  
17 days covered by this resolution bears to 366.

18       SEC. 113. Notwithstanding any other provision of  
19 this joint resolution, except sections 106, 111, and 112,  
20 for those programs that had high initial rates of operation  
21 or complete distribution of funding at the beginning of the  
22 fiscal year in fiscal year 1995 because of distributions of  
23 funding to States, foreign countries, grantees, or others,  
24 similar distributions of funds for fiscal year 1996 shall  
25 not be made and no grants shall be awarded for such pro-

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

3 SEC. 114. This joint resolution shall be implemented  
4 so that only the most limited funding action of that per-  
5 mitted in the resolution shall be taken in order to provide  
6 for continuation of projects and activities.

7 SEC. 115. The provisions of section 132 of the Dis-  
8 trict of Columbia Appropriations Act, 1988, Public Law  
9 100-202, shall not apply for this joint resolution.

10 SEC. 116. Notwithstanding any other provision of  
11 this joint resolution, except section 106, the authority and  
12 conditions for the application of appropriations for the Of-  
13 fice of Technology Assessment as contained in the Con-  
14 ference Report on the Legislative Branch Appropriations  
15 Act, 1996, House Report 104-212, shall be followed when  
16 applying the funding made available by this joint resolu-  
17 tion.

18 SEC. 117. Notwithstanding any other provision of  
19 this joint resolution, except section 106, any distribution  
20 of funding under the Rehabilitation Services and Disabil-  
21 ity Research account in the Department of Education may  
22 be made up to an amount that bears the same ratio to  
23 the rate for operation for this account provided by this  
24 joint resolution as the number of days covered by this res-  
25 olution bears to 366.

1       SEC. 118. Notwithstanding any other provision of  
2 this joint resolution, except section 106, the authorities  
3 provided under subsection (a) of section 140 of the For-  
4 eign Relations Authorization Act, Fiscal Years 1994 and  
5 1995 (Public Law 103-236) shall remain in effect during  
6 the period of this joint resolution, notwithstanding para-  
7 graph (3) of said subsection.

8       SEC. 119. Notwithstanding any other provision of  
9 this joint resolution, except section 106, the amount made  
10 available to the Securities and Exchange Commission,  
11 under the heading Salaries and Expenses, shall include,  
12 in addition to direct appropriations, the amount it collects  
13 under the fee rate and offsetting collection authority con-  
14 tained in Public Law 103-352, which fee rate and offset-  
15 ting collection authority shall remain in effect during the  
16 period of this joint resolution.

17       SEC. 120. Until enactment of legislation providing  
18 funding for the entire fiscal year ending September 30,  
19 1996, for the Department of the Interior and Related  
20 Agencies, funds available for necessary expenses of the  
21 Bureau of Mines are for continuing limited health and  
22 safety and related research, materials partnerships, and  
23 minerals information activities; for mineral assessments in  
24 Alaska; and for terminating all other activities of the Bu-  
25reau of Mines.

1       SEC. 121. Notwithstanding any other provision of  
2 this joint resolution, except section 106, funds for the En-  
3 vironmental Protection Agency shall be made available in  
4 the appropriation accounts which are provided in H.R.  
5 2099 as reported on September 13, 1995.

6       SEC. 122. Notwithstanding any other provision of  
7 this joint resolution, except section 106, the rate for oper-  
8 ations for projects and activities that would be funded  
9 under the heading “International Organizations and Con-  
10 ferences, Contributions to International Organizations” in  
11 the Departments of Commerce, Justice, and State, the Ju-  
12 diciary, and Related Agencies Appropriations Act, 1996,  
13 shall be the amount provided by the provisions of sections  
14 101, 111, and 112 multiplied by the ratio of the number  
15 of days covered by this resolution to 366 and multiplied  
16 further by 1.27.

17       SEC. 123. Notwithstanding any other provision of  
18 this joint resolution, except section 106, the rate for oper-  
19 ations of the following projects or activities shall be only  
20 the minimum necessary to accomplish orderly termination:

21             Administrative Conference of the United States;

22             Advisory Commission on Intergovernmental Re-  
23 lations (except that activities to carry out the provi-  
24 sions of Public Law 104–4 may continue);

25             Interstate Commerce Commission;

1 Pennsylvania Avenue Development Corporation;  
2 Land and Water Conservation Fund, State As-  
3 sistance; and

4 Office of Surface Mining Reclamation and En-  
5 forcement, Rural Abandoned Mine Program.

6 TITLE II

7 **SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT**  
8 **PRINTING.**

9 (a) WAIVER.—The provisions of sections 106 and  
10 107 of title 1, United States Code, are waived with respect  
11 to the printing (on parchment or otherwise) of the enroll-  
12 ment of any of the following measures of the first session  
13 of the One Hundred Fourth Congress presented to the  
14 President after the enactment of this joint resolution:

15 (1) A continuing resolution.

16 (2) A debt limit extension measure.

17 (3) A reconciliation bill.

18 (b) CERTIFICATION BY COMMITTEE ON HOUSE  
19 OVERSIGHT.—The enrollment of a measure to which sub-  
20 section (a) applies shall be in such form as the Committee  
21 on House Oversight of the House of Representatives cer-  
22 tifies to be a true enrollment.

23 **SEC. 202. DEFINITIONS.**

24 As used in this joint resolution:



1           (1) No taxpayer subsidized grantee may use  
2 funds from any taxpayer subsidized grant to engage  
3 in political advocacy.

4           (2) No person or organization may transfer  
5 funds from any taxpayer subsidized grant, in whole  
6 or in part, in the form of a taxpayer subsidized  
7 grant, to any person or organization that under this  
8 subsection would not be eligible to receive such  
9 funds directly from the Federal Government.

10          (3) No taxpayer subsidized grantee may use  
11 funds from any taxpayer subsidized grant for any  
12 purpose (including but not limited to extending sub-  
13 sequent taxpayer subsidized grants to any other in-  
14 dividual or organization) other than to purchase or  
15 secure goods or services, except as permitted by  
16 Congress in the law authorizing the taxpayer sub-  
17 sidized grant.

18          (4) No restrictions are placed upon the use of  
19 an individual's non-Federal funds by this title.

20          (5) An organization described in section  
21 501(c)(4) of the Internal Revenue Code of 1986 that  
22 engaged in lobbying activities during the organiza-  
23 tion's previous taxable year shall not be eligible for  
24 the receipt of Federal funds constituting a taxpayer  
25 subsidized grant. This paragraph shall not apply to

1 organizations described in such section 501(c)(4)  
2 with gross annual revenues of less than \$3,000,000  
3 in such previous taxable year, including the amounts  
4 of Federal funds received as a taxpayer subsidized  
5 grant.

6 (6) An organization shall not be eligible for the  
7 receipt of Federal funds constituting a taxpayer sub-  
8 sidized grant if, in the previous Federal fiscal year,  
9 such organization—

10 (A) received more than one-third of its an-  
11 nual revenue in the form of taxpayer subsidized  
12 grants; and

13 (B) expended on lobbying activities an  
14 amount equal to or exceeding whichever of the  
15 following amounts is less:

16 (i) \$100,000; or

17 (ii) the amount determined by the for-  
18 mula set forth in paragraph (7)(B).

19 (7) No taxpayer subsidized grant applicant or  
20 taxpayer subsidized grantee, except an individual  
21 person, may receive any taxpayer subsidized grant if  
22 its expenditures for political advocacy for any one of  
23 the previous five Federal fiscal years exceeded its  
24 substantial political advocacy threshold. For pur-  
25 poses of the application of this paragraph in the

1 five-year period following the date of the enactment  
2 of this Act, only the previous Federal fiscal years be-  
3 ginning after September 30, 1995, shall be consid-  
4 ered. For purposes of this title, the substantial polit-  
5 ical advocacy threshold for a given Federal fiscal  
6 year shall be whichever of the following amounts is  
7 less:

8 (A) \$1,000,000.

9 (B) The amount determined by the follow-  
10 ing formula:

11 (i) Calculate the difference between  
12 the taxpayer subsidized grant applicant's  
13 total expenditures made in a given Federal  
14 fiscal year and the total taxpayer sub-  
15 sidized grants it received in that Federal  
16 fiscal year.

17 (ii) For the first \$500,000 of the  
18 amount calculated under clause (i), mul-  
19 tiple by 0.20.

20 (iii) For the portion of the amount  
21 calculated under clause (i) that is more  
22 than \$500,000, but not more than  
23 \$1,000,000, multiply by 0.15.

24 (iv) For the portion of the amount  
25 calculated under clause (i) that is more

1           than \$1,000,000, but not more than  
2           \$1,500,000, multiply by 0.10.

3           (v) For the portion of the amount cal-  
4           culated under clause (i) that is more than  
5           \$1,500,000, but not more than  
6           \$17,000,000, multiply by 0.05.

7           (vi) Calculate the sum of the products  
8           described in clauses (ii) through (v).

9           (8) During any one Federal fiscal year in which  
10          a taxpayer subsidized grantee, except an individual  
11          person, has possession, custody or control of tax-  
12          payer subsidized grant funds, such taxpayer sub-  
13          sidized grantee shall not use any funds (whether de-  
14          rived from taxpayer subsidized grants or otherwise)  
15          to engage in political advocacy in excess of its sub-  
16          stantial political advocacy threshold for the prior  
17          Federal fiscal year.

18          (9) No taxpayer subsidized grantee may use  
19          funds from any taxpayer subsidized grant to pur-  
20          chase or secure any goods or services (including dues  
21          and membership fees) from any other organization  
22          whose expenditures for political advocacy for the  
23          previous Federal fiscal year exceeded whichever of  
24          the following amounts is greater:

25                 (A) \$25,000.

1 (B) 15 percent of such other organization's  
2 total expenditures for such previous Federal fis-  
3 cal year.

4 (10) The limitations imposed by paragraphs  
5 (5), (7), and (8) shall not apply to any taxpayer sub-  
6 sidized grant applicant or taxpayer subsidized grant-  
7 ee for any Federal fiscal year if, during the preced-  
8 ing Federal fiscal year, its total expenditures for po-  
9 litical advocacy were less than \$25,000.

10 (11) For purposes of applying the limitations  
11 imposed by this subsection (other than paragraph  
12 (4)), the members of an affiliated group of organiza-  
13 tions (other than any member that does not receive  
14 a taxpayer subsidized grant) shall be treated as one  
15 organization.

16 (b) ENFORCEMENT OF TAXPAYER PROTECTIONS.—  
17 The following enforcement provisions apply with respect  
18 to the limitations imposed under subsection (a):

19 (1) Each taxpayer subsidized grantee shall be  
20 subject to audit from time to time as follows:

21 (A) Audits may be requested and con-  
22 ducted by the General Accounting Office or  
23 other auditing entity authorized by Congress,  
24 including the Inspector General of the Federal

1           entity awarding or administering the taxpayer  
2           subsidized grant.

3           (B) Taxpayer subsidized grantees shall fol-  
4           low generally accepted accounting principles in  
5           keeping books and records relating to each tax-  
6           payer subsidized grant and no Federal entity  
7           may impose more burdensome accounting re-  
8           quirements for purposes of enforcing this title.

9           (C) A taxpayer subsidized grantee that en-  
10          gages in political advocacy shall have the bur-  
11          den of proving, by clear and convincing evi-  
12          dence, that it is in compliance with the limita-  
13          tions of this title.

14          (D) Audits pursuant to this subsection  
15          shall be limited to the utilization, transfer, and  
16          expenditure of Federal funds and the utiliza-  
17          tion, transfer, and expenditure of any funds for  
18          political advocacy.

19          (2) Violations by a taxpayer subsidized grantee  
20          of the limitations contained in subsection (a) may be  
21          enforced and the taxpayer subsidized grant may be  
22          recovered in the same manner and to the same ex-  
23          tent as a false or fraudulent claim for payment or  
24          approval made to the Federal Government pursuant

1 to sections 3729 through 3812 of title 31, United  
2 States Code.

3 (3) Any officer or employee of the Federal Gov-  
4 ernment who awards or administers funds from any  
5 taxpayer subsidized grant to a taxpayer subsidized  
6 grantee who is not in compliance with this section  
7 shall—

8 (A) for knowing or negligent noncompli-  
9 ance with this section, be subjected to appro-  
10 priate administrative discipline, including, when  
11 circumstances warrant, suspension from duty  
12 without pay or removal from office; and

13 (B) for knowing noncompliance with this  
14 section, pay a civil penalty of not more than  
15 \$5,000 for each improper disbursement of  
16 funds.

17 (c) DUTIES OF TAXPAYER SUBSIDIZED GRANT-  
18 EES.—Any individual or organization that awards or ad-  
19 ministers a taxpayer subsidized grant shall take reason-  
20 able steps to ensure that the taxpayer subsidized grantee  
21 complies with the requirements of this title. Reasonable  
22 steps to ensure compliance shall include written notice to  
23 a taxpayer subsidized grantee that it is receiving a tax-  
24 payer subsidized grant, and that the provisions of this title  
25 apply to the taxpayer subsidized grantee.

1 (d) DEFINITIONS.—For purposes of this title:

2 (1) AFFILIATED ORGANIZATIONS.—Any two or-  
3 ganizations shall be considered to be members of an  
4 affiliated group of organizations if the organizations  
5 meet any one or more of the following criteria:

6 (A) The governing instrument of one such  
7 organization requires it to be bound by deci-  
8 sions of the other organization on legislative is-  
9 sues.

10 (B) The governing board of one such orga-  
11 nization includes persons who—

12 (i) are specifically designated rep-  
13 resentatives of the other such organization  
14 or are members of the governing board, of-  
15 ficers, or paid executive staff members of  
16 such other organization; and

17 (ii) by aggregating their votes, have  
18 sufficient voting power to cause or prevent  
19 action on political advocacy issues by the  
20 other such organization.

21 (C) The organizations—

22 (i) either use the same name or trade-  
23 mark, or represent themselves as being af-  
24 filiated; and

1 (ii) coordinate their lobbying activities  
2 or political advocacy.

3 (2) AGENCY ACTION.—The term “agency ac-  
4 tion” includes the definition contained in section 551  
5 of title 5, United States Code, and includes action  
6 by State, local, or tribal government agencies. Such  
7 term does not include any agency’s action that  
8 grants an approval, license, permit, registration, or  
9 similar authority, or that grants or recognizes an ex-  
10 emption or relieves a restriction, on a case-by-case  
11 basis.

12 (3) AGENCY PROCEEDING.—The term “agency  
13 proceeding” includes the definition contained in sec-  
14 tion 551 of title 5, United States Code, and includes  
15 proceedings by State, local, or tribal government  
16 agencies.

17 (4) INFLUENCE LEGISLATION OR AGENCY AC-  
18 TION.—

19 (A) GENERAL RULE.—Except as otherwise  
20 provided in subparagraph (B), the term “influ-  
21 ence legislation or agency action” includes—

22 (i) any attempt to influence any legis-  
23 lation or agency action through an attempt  
24 to affect the opinions of the general public  
25 or any segment thereof; and

1           (ii) any attempt to influence any legis-  
2           lation or agency action through commu-  
3           nication with any member or employee of  
4           a legislative body or agency, or with any  
5           government official or employee who may  
6           participate in the formulation of the legis-  
7           lation or agency action.

8           (B) EXCEPTIONS.—The term “influence  
9           legislation or agency action” does not include—

10           (i) making available the results of  
11           nonpartisan analysis, study, research, or  
12           debate;

13           (ii) providing technical advice or as-  
14           sistance (where such advice would other-  
15           wise constitute the influencing of legisla-  
16           tion or agency action) to a governmental  
17           body or to a committee or other subdivi-  
18           sion thereof in response to a request by  
19           such body or subdivision, as the case may  
20           be;

21           (iii) communications between the tax-  
22           payer subsidized grantee and its bona fide  
23           members with respect to legislation, pro-  
24           posed legislation, agency action, or pro-  
25           posed agency action of direct interest to

1 the taxpayer subsidized grantee and such  
2 members, other than communications de-  
3 scribed in subparagraph (C);

4 (iv) any communication with a govern-  
5 mental official or employee, including any  
6 such communication required to apply for,  
7 administer, or execute a taxpayer sub-  
8 sidized grant; other than—

9 (I) a communication with a mem-  
10 ber or employee of a legislative body  
11 or agency (where such communication  
12 would otherwise constitute the influ-  
13 encing of legislation or agency action);  
14 or

15 (II) a communication the prin-  
16 cipal purpose of which is to influence  
17 legislation or agency action;

18 (v) official communications by employ-  
19 ees of State, local, or tribal governments,  
20 or by organizations whose membership  
21 consists exclusively of State, local, or tribal  
22 governments; and

23 (vi) participating in a particular activ-  
24 ity that is specifically and explicitly di-  
25 rected and sanctioned by an Act of Con-

1           gress, and is specifically and explicitly ap-  
2           proved in the contract or other agreement  
3           under which the taxpayer subsidized grant  
4           is made, except that such exception shall  
5           not apply to any such contract or other  
6           agreement that is first entered into after  
7           the date of the enactment of this Act, is  
8           renewed after such date, or is terminable  
9           or amendable after such date at the option  
10          of the government entity awarding or ad-  
11          ministering such grant, unless such activity  
12          is specifically and explicitly directed and  
13          sanctioned by an Act of Congress enacted  
14          after January 1, 1995.

15          (C) COMMUNICATIONS WITH MEMBERS.—

16                 (i) A communication between a tax-  
17                 payer subsidized grantee and any bona fide  
18                 member of such organization to directly  
19                 encourage such member to communicate as  
20                 provided in subparagraph (A)(ii) shall be  
21                 treated as a subparagraph (A)(ii) commu-  
22                 nication by the taxpayer subsidized grantee  
23                 itself.

24                 (ii) A communication between a tax-  
25                 payer subsidized grantee and any bona fide

1 member of such organization to directly  
2 encourage such member to urge persons  
3 other than members to communicate as  
4 provided in either clause (i) or (ii) of sub-  
5 paragraph (A) shall be treated as a com-  
6 munication described in subparagraph  
7 (A)(i).

8 (5) LEGISLATION.—The term “legislation” in-  
9 cludes the introduction, amendment, enactment, pas-  
10 sage, defeat, ratification, or repeal of Acts, bills, res-  
11 olutions, treaties, declarations, confirmations, arti-  
12 cles of impeachment, or similar items by the Con-  
13 gress, any State legislature, any local or tribal coun-  
14 cil or similar governing body, or by the public in a  
15 referendum, initiative, constitutional amendment, re-  
16 call, confirmation, or similar procedure.

17 (6) LOBBYING ACTIVITIES.—The term “lobby-  
18 ing activities” means political advocacy (as defined  
19 in paragraph (8)), other than political advocacy re-  
20 lating to any judicial litigation or agency proceeding  
21 described in subparagraph (C) of such paragraph.

22 (7) ORGANIZATION.—The term “organization”  
23 means a legal entity, other than a government, es-  
24 tablished or organized for any purpose, and includes  
25 a corporation, company, association, firm, partner-

1 ship, joint stock company, foundation, institution,  
2 society, union, or any other association of persons  
3 that operates in or the activities of which affect  
4 interstate or foreign commerce.

5 (8) POLITICAL ADVOCACY.—Except as other-  
6 wise provided in paragraph (4)(B), the term “politi-  
7 cal advocacy” includes—

8 (A) carrying on propaganda, or otherwise  
9 attempting to influence legislation or agency ac-  
10 tion, including, but not limited to, monetary or  
11 in-kind contributions, preparation and planning  
12 activities, research and other background work,  
13 endorsements, publicity, coordination with such  
14 activities of others, and similar activities;

15 (B) participating or intervening in (includ-  
16 ing the publishing or distributing of statements)  
17 any political campaign on behalf of (or in oppo-  
18 sition to) any candidate for public office, includ-  
19 ing, but not limited to, monetary or in-kind  
20 contributions, preparation and planning activi-  
21 ties, research and other background work, en-  
22 dorsements, publicity, coordination with such  
23 activities of others, and similar activities;

24 (C) participating in any judicial litigation  
25 or agency proceeding (including as an amicus

1 curiae) in which agents or instrumentalities of  
2 Federal, State, local, or tribal governments are  
3 parties, other than litigation in which the tax-  
4 payer subsidized grantee or taxpayer subsidized  
5 grant applicant is a defendant appearing in its  
6 own behalf; is defending its tax-exempt status;  
7 or is challenging a government decision or ac-  
8 tion directed specifically at the powers, rights,  
9 or duties of that taxpayer subsidized grantee or  
10 taxpayer subsidized grant applicant; and

11 (D) allocating, disbursing, or contributing  
12 any monetary or in-kind support to any organi-  
13 zation whose expenditures for political advocacy  
14 for the previous Federal fiscal year exceeded 15  
15 percent of its total expenditures for that Fed-  
16 eral fiscal year.

17 (9) TAXPAYER SUBSIDIZED GRANT.—The term  
18 “taxpayer subsidized grant” includes the provision  
19 of any Federal funds, appropriated under this or  
20 any other Act, or other thing of value to carry out  
21 a public purpose of the United States, except the fol-  
22 lowing: the provision of funds for acquisition (by  
23 purchase, lease or barter) of property or services for  
24 the direct benefit or use of the United States; the  
25 payments of loans, debts, or entitlements; the provi-

1 sion of funds to or distribution of funds by an Arti-  
2 cle I or III court; nonmonetary assistance provided  
3 by the Department of Veterans Affairs to organiza-  
4 tions approved or recognized under section 5902 of  
5 title 38, United States Code; and the provision of  
6 grant and scholarship funds to students for edu-  
7 cational purposes.

8 (10) TAXPAYER SUBSIDIZED GRANTEE.—The  
9 term “taxpayer subsidized grantee” includes any re-  
10 cipient of any taxpayer subsidized grant. The term  
11 shall not include any State, local, or tribal govern-  
12 ment, but shall include any recipient receiving a tax-  
13 payer subsidized grant from a State, local, or tribal  
14 government.

15 DISCLOSURE REQUIREMENTS

16 SEC. 302. (a) IN GENERAL.—Not later than Decem-  
17 ber 31 of each year, each taxpayer subsidized grantee, ex-  
18 cept an individual person, shall provide (via either elec-  
19 tronic or paper medium) to each Federal entity that  
20 awarded or administered its taxpayer subsidized grant an  
21 annual report for the prior Federal fiscal year, certified  
22 by the taxpayer subsidized grantee’s chief executive officer  
23 or equivalent person of authority, and setting forth—

24 (1) the taxpayer subsidized grantee’s name and  
25 grantee identification number;

1           (2) a statement that the taxpayer subsidized  
2           grantee agrees that it is, and shall continue to be,  
3           contractually bound by the terms of this title as a  
4           condition of the continued receipt and use of Federal  
5           funds; and

6           (3) either—

7           (A) a statement that the taxpayer sub-  
8           sidized grantee did not engage in political advo-  
9           cacy; or

10          (B) a statement that the taxpayer sub-  
11          sidized grantee did engage in political advocacy,  
12          and setting forth for each taxpayer subsidized  
13          grant—

14               (i) the taxpayer subsidized grant iden-  
15               tification number;

16               (ii) the amount or value of the tax-  
17               payer subsidized grant (including all ad-  
18               ministrative and overhead costs awarded);

19               (iii) a brief description of the purpose  
20               or purposes for which the taxpayer sub-  
21               sidized grant was awarded;

22               (iv) the identity of each Federal,  
23               State, local, and tribal government entity  
24               awarding or administering the taxpayer  
25               subsidized grant, and program thereunder;

1 (v) the name and taxpayer subsidized  
2 grantee identification number of each indi-  
3 vidual or organization to which the tax-  
4 payer subsidized grantee made a taxpayer  
5 subsidized grant;

6 (vi) a brief description of the taxpayer  
7 subsidized grantee's political advocacy, and  
8 a good faith estimate of the taxpayer sub-  
9 sidized grantee's expenditures on political  
10 advocacy; and

11 (vii) a good faith estimate of the tax-  
12 payer subsidized grantee's substantial po-  
13 litical advocacy threshold.

14 (b) OMB COORDINATION.—The Office of Manage-  
15 ment and Budget shall develop by regulation one stand-  
16 ardized form for the annual report that shall be accepted  
17 by every Federal entity, and a uniform procedure by which  
18 each taxpayer subsidized grantee is assigned one perma-  
19 nent and unique taxpayer subsidized grantee identification  
20 number.

21 FEDERAL ENTITY REPORT

22 SEC. 303. Not later than May 1 of each calendar  
23 year, each Federal entity awarding or administering a tax-  
24 payer subsidized grant shall submit to the Bureau of the  
25 Census a report (standardized by the Office of Manage-  
26 ment and Budget) setting forth the information provided

1 to such Federal entity by each taxpayer subsidized grantee  
2 during the preceding Federal fiscal year, and the name  
3 and taxpayer subsidized grantee identification number of  
4 each taxpayer subsidized grantee to which it provided writ-  
5 ten notice under section 301(c). The Bureau of the Census  
6 shall make this database available to the public through  
7 the Internet.

8 PUBLIC ACCOUNTABILITY

9 SEC. 304. (a) PUBLIC AVAILABILITY OF TAXPAYER  
10 SUBSIDIZED GRANT DOCUMENTS.—Any Federal entity  
11 awarding a taxpayer subsidized grant shall make publicly  
12 available any taxpayer subsidized grant application, audit  
13 of a taxpayer subsidized grantee, list of taxpayer sub-  
14 sidized grantees to which notice was provided under sec-  
15 tion 301(c), annual report of a taxpayer subsidized grant-  
16 ee, and that Federal entity's annual report to the Bureau  
17 of the Census.

18 (b) ACCESSIBILITY TO PUBLIC.—The public's access  
19 to the documents identified in subsection (a) shall be fa-  
20 cilitated by placement of such documents in the Federal  
21 entity's public document reading room and also by expe-  
22 diting any requests under section 552 of title 5, United  
23 States Code, the Freedom of Information Act as amended,  
24 ahead of any requests for other information pending at  
25 such Federal entity.

1 (c) WITHHOLDING PROHIBITED.—Records described  
2 in subsection (a) shall not be subject to withholding, ex-  
3 cept under the exemption set forth in subsection (b)(7)(A)  
4 of section 552 of title 5, United States Code.

5 (d) FEES PROHIBITED.—No fees for searching for or  
6 copying such documents shall be charged to the public.

7 SEVERABILITY

8 SEC. 305. If any provision of this title or the applica-  
9 tion thereof to any person or circumstance is held invalid,  
10 the remainder of this title and the application of such pro-  
11 vision to other persons and circumstances shall not be af-  
12 fected thereby.

13 FIRST AMENDMENT RIGHTS PRESERVED

14 SEC. 306. Nothing in this title shall be deemed to  
15 abridge any rights guaranteed under the First Amend-  
16 ment of the United States Constitution, including freedom  
17 of speech, or of the press; or the right of the people peace-  
18 ably to assemble, and to petition the Government for a  
19 redress of grievances.

20 EXPEDITED CONSIDERATION AND APPEAL OF CERTAIN

21 ACTIONS

22 SEC. 307. (a) DISTRICT COURT CONSIDERATION.—  
23 Any action challenging the constitutionality of this title  
24 shall be heard and determined by a panel of three judges  
25 in accordance with section 2284 of title 28, United States  
26 Code. The United States District Court for the District

1 of Columbia shall have exclusive jurisdiction over such ac-  
 2 tion, without regard to the sum or value of the matter  
 3 in controversy. It shall be the duty of the district court  
 4 to advance on the docket, and to expedite the disposition  
 5 of, any action brought under this subsection.

6 (b) APPEAL TO SUPREME COURT.—An appeal may  
 7 be taken directly to the Supreme Court of the United  
 8 States from any interlocutory or final judgment, decree,  
 9 or order entered in any action brought under subsection  
 10 (a). Any such appeal shall be taken by a notice of appeal  
 11 filed within 20 days after such judgment, decree, or order  
 12 is entered. The Supreme Court shall, if it has not pre-  
 13 viously ruled on the question presented by such appeal,  
 14 accept jurisdiction over the appeal, advance the appeal on  
 15 the docket, and expedite the appeal.

16 CONSTRUCTION AND EFFECT

17 SEC. 308. Nothing in this title shall be construed to  
 18 affect the application of the internal revenue laws of the  
 19 United States.

20 TITLE IV—MEDICARE

21 **SEC. 401. DETERMINATION OF MEDICARE PART B PRE-**  
 22 **MIUM.**

23 (a) Any percentage reference in subsection (e)(1)(A)  
 24 of section 1839 of the Social Security Act for months in  
 25 1996 is deemed a reference to the amount described in  
 26 subsection (e)(1)(B)(v) of such section, expressed as a per-

1 centage of the monthly actuarial rate under subsection  
2 (a)(1) of such section for months in 1995.

3 **SEC. 402. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER**  
4 **DRUG TREATMENTS.**

5 (a) COVERAGE OF CERTAIN SELF-ADMINISTERED  
6 ANTICANCER DRUGS.—Section 1861(s)(2)(Q) of the So-  
7 cial Security Act (42 U.S.C. 1395x(s)(2)(Q)) is amend-  
8 ed—

9 (1) by striking “(Q)” and inserting “(Q)(i)”;  
10 and

11 (2) by striking the semicolon at the end and in-  
12 serting “, and”; and

13 (3) by adding at the end the following:

14 “(ii) an oral drug (which is approved by the Federal  
15 Food and Drug Administration) prescribed for use as an  
16 anticancer nonsteroidal antiestrogen or nonsteroidal  
17 antiandrogen agent for a given indication;”.

18 (b) UNIFORM COVERAGE OF ANTICANCER DRUGS IN  
19 ALL SETTINGS.—Section 1861(t)(2)(A) of such Act (42  
20 U.S.C. 1395x(t)(2)(A)) is amended by adding (including  
21 a nonsteroidal antiestrogen or nonsteroidal antiandrogen  
22 regimen)” after “regimen”.

23 (c) CONFORMING AMENDMENT.—Section 1834  
24 (j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv))  
25 is amended by striking “prescribed for use” and all that

1 follows through “1861 (s)(2)(Q))” and inserting “de-  
2 scribed in section 1861(s)(2)(Q)”.

3 (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to drugs furnished on or after the  
5 date of the enactment of this Act.

Passed the House of Representatives November 8,  
1995.

Attest:

ROBIN H. CARLE,

*Clerk.*

HJ 115 RDS—2

HJ 115 RDS—3

HJ 115 RDS—4