

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 tiply 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