

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. J. RES. 115

---

## JOINT RESOLUTION

Making further continuing appropriations for the  
fiscal year 1996, and for other purposes.

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Making further continuing appropriations for the fiscal year  
1996, 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,

1 and funds, for the several departments, agencies, corpora-  
2 tions, and other organizational units of Government for  
3 the fiscal year 1996, and for other purposes, namely:

#### 4 TITLE I

#### 5 CONTINUING APPROPRIATIONS

6 SEC. 101. (a) Such amounts as may be necessary  
7 under the authority and conditions provided in the appli-  
8 cable appropriations Act for the fiscal year 1995 for con-  
9 tinuing projects or activities including the costs of direct  
10 loans and loan guarantees (not otherwise specifically pro-  
11 vided for in this joint resolution) which were conducted  
12 in the fiscal year 1995 and for which appropriations,  
13 funds, or other authority would be available in the follow-  
14 ing appropriations Acts:

15 The Departments of Commerce, Justice, and  
16 State, the Judiciary, and Related Agencies Appro-  
17 priations Act, 1996, notwithstanding section 15 of  
18 the State Department Basic Authorities Act of  
19 1956, section 701 of the United States Information  
20 and Educational Exchange Act of 1948, and section  
21 53 of the Arms Control and Disarmament Act;

22 The Department of Defense Appropriations  
23 Act, 1996, notwithstanding section 504(a)(1) of the  
24 National Security Act of 1947;

1           The District of Columbia Appropriations Act,  
2           1996;

3           The Energy and Water Development Approp-  
4           riations Act, 1996;

5           The Foreign Operations, Export Financing, and  
6           Related Programs Appropriations Act, 1996, not-  
7           withstanding section 10 of Public Law 91-672 and  
8           section 15(a) of the State Department Basic Au-  
9           thorities Act of 1956;

10          The Department of the Interior and Related  
11          Agencies Appropriations Act, 1996;

12          The Departments of Labor, Health and Human  
13          Services, and Education, and Related Agencies Ap-  
14          propriations Act, 1996;

15          The Legislative Branch Appropriations Act,  
16          1996, H.R. 2492;

17          The Department of Transportation Appropria-  
18          tions Act, 1996;

19          The Treasury, Postal Service, and General Gov-  
20          ernment Appropriations Act, 1996;

21          The Departments of Veterans Affairs and  
22          Housing and Urban Development, and Independent  
23          Agencies Appropriations Act, 1996:

24   *Provided*, That whenever the amount which would be made  
25   available or the authority which would be granted in these

1 Acts is greater than that which would be available or  
2 granted under current operations, the pertinent project or  
3 activity shall be continued at a rate for operations not ex-  
4 ceeding the current rate.

5 (b) Whenever the amount which would be made avail-  
6 able or the authority which would be granted under an  
7 Act listed in this section as passed by the House as of  
8 the date of enactment of this joint resolution, is different  
9 from that which would be available or granted under such  
10 Act as passed by the Senate as of the date of enactment  
11 of this joint resolution, the pertinent project or activity  
12 shall be continued at a rate for operations not exceeding  
13 the current rate or the rate permitted by the action of  
14 the House or the Senate, whichever is lower, under the  
15 authority and conditions provided in the applicable appro-  
16 priations Act for the fiscal year 1995: *Provided*, That  
17 where an item is not included in either version or where  
18 an item is included in only one version of the Act as passed  
19 by both Houses as of the date of enactment of this joint  
20 resolution, the pertinent project or activity shall not be  
21 continued except as provided for in section 111 or 112  
22 under the appropriation, fund, or authority granted by the  
23 applicable appropriations Act for the fiscal year 1995 and  
24 under the authority and conditions provided in the appli-  
25 cable appropriations Act for the fiscal year 1995.

1 (c) Whenever an Act listed in this section has been  
2 passed by only the House or only the Senate as of the  
3 date of enactment of this joint resolution, the pertinent  
4 project or activity shall be continued under the appropria-  
5 tion, fund, or authority granted by the one House at a  
6 rate for operations not exceeding the current rate or the  
7 rate permitted by the action of the one House, whichever  
8 is lower, and under the authority and conditions provided  
9 in the applicable appropriations Act for the fiscal year  
10 1995: *Provided*, That where an item is funded in the appli-  
11 cable appropriations Act for the fiscal year 1995 and not  
12 included in the version passed by the one House as of the  
13 date of enactment of this joint resolution, the pertinent  
14 project or activity shall not be continued except as pro-  
15 vided for in section 111 or 112 under the appropriation,  
16 fund, or authority granted by the applicable appropria-  
17 tions Act for the fiscal year 1995 and under the authority  
18 and conditions provided in the applicable appropriations  
19 Act for the fiscal year 1995.

20 SEC. 102. No appropriation or funds made available  
21 or authority granted pursuant to section 101 for the De-  
22 partment of Defense shall be used for new production of  
23 items not funded for production in fiscal year 1995 or  
24 prior years, for the increase in production rates above  
25 those sustained with fiscal year 1995 funds, or to initiate,

1 resume, or continue any project, activity, operation, or or-  
2 ganization which are defined as any project, subproject,  
3 activity, budget activity, program element, and  
4 subprogram within a program element and for investment  
5 items are further defined as a P-1 line item in a budget  
6 activity within an appropriation account and an R-1 line  
7 item which includes a program element and subprogram  
8 element within an appropriation account, for which appro-  
9 priations, funds, or other authority were not available dur-  
10 ing the fiscal year 1995: *Provided*, That no appropriation  
11 or funds made available or authority granted pursuant to  
12 section 101 for the Department of Defense shall be used  
13 to initiate multi-year procurements utilizing advance pro-  
14 curement funding for economic order quantity procure-  
15 ment unless specifically appropriated later.

16 SEC. 103. Appropriations made by section 101 shall  
17 be available to the extent and in the manner which would  
18 be provided by the pertinent appropriations Act.

19 SEC. 104. No appropriation or funds made available  
20 or authority granted pursuant to section 101 shall be used  
21 to initiate or resume any project or activity for which ap-  
22 propriations, funds, or other authority were not available  
23 during the fiscal year 1995.

24 SEC. 105. No provision which is included in an appro-  
25 priations Act enumerated in section 101 but which was

1 not included in the applicable appropriations Act for fiscal  
2 year 1995 and which by its terms is applicable to more  
3 than one appropriation, fund, or authority shall be appli-  
4 cable to any appropriation, fund, or authority provided in  
5 this joint resolution.

6       SEC. 106. Unless otherwise provided for in this joint  
7 resolution or in the applicable appropriations Act, appro-  
8 priations and funds made available and authority granted  
9 pursuant to this joint resolution shall be available until  
10 (a) enactment into law of an appropriation for any project  
11 or activity provided for in this joint resolution, or (b) the  
12 enactment into law of the applicable appropriations Act  
13 by both Houses without any provision for such project or  
14 activity, or (c) December 1, 1995, whichever first occurs.

15       SEC. 107. Appropriations made and authority grant-  
16 ed pursuant to this joint resolution shall cover all obliga-  
17 tions or expenditures incurred for any program, project,  
18 or activity during the period for which funds or authority  
19 for such project or activity are available under this joint  
20 resolution.

21       SEC. 108. Expenditures made pursuant to this joint  
22 resolution shall be charged to the applicable appropriation,  
23 fund, or authorization whenever a bill in which such appli-  
24 cable appropriation, fund, or authorization is contained is  
25 enacted into law.



1        SEC. 109. No provision in the appropriations Act for  
2 the fiscal year 1996 referred to in section 101 of this joint  
3 resolution that makes the availability of any appropriation  
4 provided therein dependent upon the enactment of addi-  
5 tional authorizing or other legislation shall be effective be-  
6 fore the date set forth in section 106(c) of this joint reso-  
7 lution.

8        SEC. 110. Appropriations and funds made available  
9 by or authority granted pursuant to this joint resolution  
10 may be used without regard to the time limitations for  
11 submission and approval of apportionments set forth in  
12 section 1513 of title 31, United States Code, but nothing  
13 herein shall be construed to waive any other provision of  
14 law governing the apportionment of funds.

15        SEC. 111. Notwithstanding any other provision of  
16 this joint resolution, except section 106, whenever an Act  
17 listed in section 101 as passed by both the House and  
18 Senate as of the date of enactment of this joint resolution,  
19 does not include funding for an ongoing project or activity  
20 for which there is a budget request, or whenever an Act  
21 listed in section 101 has been passed by only the House  
22 or only the Senate as of the date of enactment of this  
23 joint resolution, and an item funded in fiscal year 1995  
24 is not included in the version passed by the one House,  
25 or whenever the rate for operations for an ongoing project

1 or activity provided by section 101 for which there is a  
2 budget request would result in the project or activity being  
3 significantly reduced, the pertinent project or activity may  
4 be continued under the authority and conditions provided  
5 in the applicable appropriations Act for the fiscal year  
6 1995 by increasing the rate for operations provided by sec-  
7 tion 101 to a rate for operations not to exceed one that  
8 provides the minimal level that would enable existing ac-  
9 tivities to continue. No new contracts or grants shall be  
10 awarded in excess of an amount that bears the same ratio  
11 to the rate for operations provided by this section as the  
12 number of days covered by this resolution bears to 366.  
13 For the purposes of the Act, the minimal level means a  
14 rate for operations that is reduced from the current rate  
15 by 40 percent.

16 SEC. 112. Notwithstanding any other provision of  
17 this joint resolution, except section 106, whenever the rate  
18 for operations for any continuing project or activity pro-  
19 vided by section 101 or section 111 for which there is a  
20 budget request would result in a furlough of Government  
21 employees, that rate for operations may be increased to  
22 the minimum level that would enable the furlough to be  
23 avoided. No new contracts or grants shall be awarded in  
24 excess of an amount that bears the same ratio to the rate

1 for operations provided by this section as the number of  
2 days covered by this resolution bears to 366.

3       SEC. 113. Notwithstanding any other provision of  
4 this joint resolution, except sections 106, 111, and 112,  
5 for those programs that had high initial rates of operation  
6 or complete distribution of funding at the beginning of the  
7 fiscal year in fiscal year 1995 because of distributions of  
8 funding to States, foreign countries, grantees, or others,  
9 similar distributions of funds for fiscal year 1996 shall  
10 not be made and no grants shall be awarded for such pro-  
11 grams funded by this resolution that would impinge on  
12 final funding prerogatives.

13       SEC. 114. This joint resolution shall be implemented  
14 so that only the most limited funding action of that per-  
15 mitted in the resolution shall be taken in order to provide  
16 for continuation of projects and activities.

17       SEC. 115. The provisions of section 132 of the Dis-  
18 trict of Columbia Appropriations Act, 1988, Public Law  
19 100-202, shall not apply for this joint resolution.

20       SEC. 116. Notwithstanding any other provision of  
21 this joint resolution, except section 106, the authority and  
22 conditions for the application of appropriations for the Of-  
23 fice of Technology Assessment as contained in the Con-  
24 ference Report on the Legislative Branch Appropriations  
25 Act, 1996, House Report 104-212, shall be followed when

1 applying the funding made available by this joint resolu-  
2 tion.

3       SEC. 117. Notwithstanding any other provision of  
4 this joint resolution, except section 106, any distribution  
5 of funding under the Rehabilitation Services and Disabil-  
6 ity Research account in the Department of Education may  
7 be made up to an amount that bears the same ratio to  
8 the rate for operation for this account provided by this  
9 joint resolution as the number of days covered by this res-  
10 olution bears to 366.

11       SEC. 118. Notwithstanding any other provision of  
12 this joint resolution, except section 106, the authorities  
13 provided under subsection (a) of section 140 of the For-  
14 eign Relations Authorization Act, Fiscal Years 1994 and  
15 1995 (Public Law 103-236) shall remain in effect during  
16 the period of this joint resolution, notwithstanding para-  
17 graph (3) of said subsection.

18       SEC. 119. Notwithstanding any other provision of  
19 this joint resolution, except section 106, the amount made  
20 available to the Securities and Exchange Commission,  
21 under the heading Salaries and Expenses, shall include,  
22 in addition to direct appropriations, the amount it collects  
23 under the fee rate and offsetting collection authority con-  
24 tained in Public Law 103-352, which fee rate and offset-

1 ting collection authority shall remain in effect during the  
2 period of this joint resolution.

3 SEC. 120. Until enactment of legislation providing  
4 funding for the entire fiscal year ending September 30,  
5 1996, for the Department of the Interior and Related  
6 Agencies, funds available for necessary expenses of the  
7 Bureau of Mines are for continuing limited health and  
8 safety and related research, materials partnerships, and  
9 minerals information activities; for mineral assessments in  
10 Alaska; and for terminating all other activities of the Bu-  
11 reau of Mines.

12 SEC. 121. Notwithstanding any other provision of  
13 this joint resolution, except section 106, funds for the En-  
14 vironmental Protection Agency shall be made available in  
15 the appropriation accounts which are provided in H.R.  
16 2099 as reported on September 13, 1995.

17 SEC. 122. Notwithstanding any other provision of  
18 this joint resolution, except section 106, the rate for oper-  
19 ations for projects and activities that would be funded  
20 under the heading "International Organizations and Con-  
21 ferences, Contributions to International Organizations" in  
22 the Departments of Commerce, Justice, and State, the Ju-  
23 diciary, and Related Agencies Appropriations Act, 1996,  
24 shall be the amount provided by the provisions of sections  
25 101, 111, and 112 multiplied by the ratio of the number

1 of days covered by this resolution to 366 and multiplied  
2 further by 1.27.

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

7 Administrative Conference of the United States;

8 Advisory Commission on Intergovernmental Re-  
9 lations (except that activities to carry out the provi-  
10 sions of Public Law 104-4 may continue);

11 Interstate Commerce Commission;

12 Pennsylvania Avenue Development Corporation;

13 Land and Water Conservation Fund, State As-  
14 sistance; and

15 Office of Surface Mining Reclamation and En-  
16 forcement, Rural Abandoned Mine Program.

17 TITLE II

18 **SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT**  
19 **PRINTING.**

20 (a) WAIVER.—The provisions of sections 106 and  
21 107 of title 1, United States Code, are waived with respect  
22 to the printing (on parchment or otherwise) of the enroll-  
23 ment of any of the following measures of the first session  
24 of the One Hundred Fourth Congress presented to the  
25 President after the enactment of this joint resolution:

1 (1) A continuing resolution.

2 (2) A debt limit extension measure.

3 (3) A reconciliation bill.

4 (b) CERTIFICATION BY COMMITTEE ON HOUSE  
5 OVERSIGHT.—The enrollment of a measure to which sub-  
6 section (a) applies shall be in such form as the Committee  
7 on House Oversight of the House of Representatives cer-  
8 tifies to be a true enrollment.

9 **SEC. 202. DEFINITIONS.**

10 As used in this joint resolution:

11 (1) CONTINUING RESOLUTION.—The term  
12 “continuing resolution” means a bill or joint resolu-  
13 tion that includes provisions making further continu-  
14 ing appropriations for fiscal year 1996.

15 (2) DEBT LIMIT EXTENSION MEASURE.—The  
16 term “debt limit extension measure” means a bill or  
17 joint resolution that includes provisions increasing or  
18 waiving (for a temporary period or otherwise) the  
19 public debt limit under section 3101(b) of title 31,  
20 United States Code.

21 (3) RECONCILIATION BILL.—The term “rec-  
22 onciliation bill” means a bill that is a reconciliation  
23 bill within the meaning of section 310 of the Con-  
24 gressional Budget Act of 1974.

1 TITLE III  
2 TAXPAYER SUBSIDIZED POLITICAL ADVOCACY  
3 PROHIBITION ON SUBSIDIZING POLITICAL ADVOCACY  
4 WITH TAXPAYER FUNDS

5 SEC. 301. (a) LIMITATIONS.—Notwithstanding any  
6 other provision of law, the following limitations shall apply  
7 to any taxpayer subsidized grant that is made from funds  
8 appropriated under this or any other Act or controlled  
9 under any congressional authorization, until the enact-  
10 ment of specific exceptions in subsequent Acts:

11 (1) No taxpayer subsidized grantee may use  
12 funds from any taxpayer subsidized grant to engage  
13 in political advocacy.

14 (2) No person or organization may transfer  
15 funds from any taxpayer subsidized grant, in whole  
16 or in part, in the form of a taxpayer subsidized  
17 grant, to any person or organization that under this  
18 subsection would not be eligible to receive such  
19 funds directly from the Federal Government.

20 (3) No taxpayer subsidized grantee may use  
21 funds from any taxpayer subsidized grant for any  
22 purpose (including but not limited to extending sub-  
23 sequent taxpayer subsidized grants to any other in-  
24 dividual or organization) other than to purchase or  
25 secure goods or services, except as permitted by



1 Congress in the law authorizing the taxpayer sub-  
2 sidized grant.

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

5 (5) An organization described in section  
6 501(c)(4) of the Internal Revenue Code of 1986 that  
7 engaged in lobbying activities during the organiza-  
8 tion's previous taxable year shall not be eligible for  
9 the receipt of Federal funds constituting a taxpayer  
10 subsidized grant. This paragraph shall not apply to  
11 organizations described in such section 501(c)(4)  
12 with gross annual revenues of less than \$3,000,000  
13 in such previous taxable year, including the amounts  
14 of Federal funds received as a taxpayer subsidized  
15 grant.

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

20 (A) received more than one-third of its an-  
21 nual revenue in the form of taxpayer subsidized  
22 grants; and

23 (B) expended on lobbying activities an  
24 amount equal to or exceeding whichever of the  
25 following amounts is less:

- 1 (i) \$100,000; or  
2 (ii) the amount determined by the for-  
3 mula set forth in paragraph (7)(B).

4 (7) No taxpayer subsidized grant applicant or  
5 taxpayer subsidized grantee, except an individual  
6 person, may receive any taxpayer subsidized grant if  
7 its expenditures for political advocacy for any one of  
8 the previous five Federal fiscal years exceeded its  
9 substantial political advocacy threshold. For pur-  
10 poses of the application of this paragraph in the  
11 five-year period following the date of the enactment  
12 of this Act, only the previous Federal fiscal years be-  
13 ginning after September 30, 1995, shall be consid-  
14 ered. For purposes of this title, the substantial polit-  
15 ical advocacy threshold for a given Federal fiscal  
16 year shall be whichever of the following amounts is  
17 less:

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

19 (B) The amount determined by the follow-  
20 ing formula:

21 (i) Calculate the difference between  
22 the taxpayer subsidized grant applicant's  
23 total expenditures made in a given Federal  
24 fiscal year and the total taxpayer sub-

1 subsidized grants it received in that Federal  
2 fiscal year.

3 (ii) For the first \$500,000 of the  
4 amount calculated under clause (i), mul-  
5 tiple by 0.20.

6 (iii) For the portion of the amount  
7 calculated under clause (i) that is more  
8 than \$500,000, but not more than  
9 \$1,000,000, multiply by 0.15.

10 (iv) For the portion of the amount  
11 calculated under clause (i) that is more  
12 than \$1,000,000, but not more than  
13 \$1,500,000, multiply by 0.10.

14 (v) For the portion of the amount cal-  
15 culated under clause (i) that is more than  
16 \$1,500,000, but not more than  
17 \$17,000,000, multiply by 0.05.

18 (vi) Calculate the sum of the products  
19 described in clauses (ii) through (v).

20 (8) During any one Federal fiscal year in which  
21 a taxpayer subsidized grantee, except an individual  
22 person, has possession, custody or control of tax-  
23 payer subsidized grant funds, such taxpayer sub-  
24 sidized grantee shall not use any funds (whether de-  
25 rived from taxpayer subsidized grants or otherwise)

1 to engage in political advocacy in excess of its sub-  
2 stantial political advocacy threshold for the prior  
3 Federal fiscal year.

4 (9) No taxpayer subsidized grantee may use  
5 funds from any taxpayer subsidized grant to pur-  
6 chase or secure any goods or services (including dues  
7 and membership fees) from any other organization  
8 whose expenditures for political advocacy for the  
9 previous Federal fiscal year exceeded whichever of  
10 the following amounts is greater:

11 (A) \$25,000.

12 (B) 15 percent of such other organization's  
13 total expenditures for such previous Federal fis-  
14 cal year.

15 (10) The limitations imposed by paragraphs  
16 (5), (7), and (8) shall not apply to any taxpayer sub-  
17 sidized grant applicant or taxpayer subsidized grant-  
18 ee for any Federal fiscal year if, during the preced-  
19 ing Federal fiscal year, its total expenditures for po-  
20 litical advocacy were less than \$25,000.

21 (11) For purposes of applying the limitations  
22 imposed by this subsection (other than paragraph  
23 (4)), the members of an affiliated group of organiza-  
24 tions (other than any member that does not receive

1 a taxpayer subsidized grant) shall be treated as one  
2 organization.

3 (b) ENFORCEMENT OF TAXPAYER PROTECTIONS.—

4 The following enforcement provisions apply with respect  
5 to the limitations imposed under subsection (a):

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

8 (A) Audits may be requested and con-  
9 ducted by the General Accounting Office or  
10 other auditing entity authorized by Congress,  
11 including the Inspector General of the Federal  
12 entity awarding or administering the taxpayer  
13 subsidized grant.

14 (B) Taxpayer subsidized grantees shall fol-  
15 low generally accepted accounting principles in  
16 keeping books and records relating to each tax-  
17 payer subsidized grant and no Federal entity  
18 may impose more burdensome accounting re-  
19 quirements for purposes of enforcing this title.

20 (C) A taxpayer subsidized grantee that en-  
21 gages in political advocacy shall have the bur-  
22 den of proving, by clear and convincing evi-  
23 dence, that it is in compliance with the limita-  
24 tions of this title.

1           (D) Audits pursuant to this subsection  
2 shall be limited to the utilization, transfer, and  
3 expenditure of Federal funds and the utiliza-  
4 tion, transfer, and expenditure of any funds for  
5 political advocacy.

6           (2) Violations by a taxpayer subsidized grantee  
7 of the limitations contained in subsection (a) may be  
8 enforced and the taxpayer subsidized grant may be  
9 recovered in the same manner and to the same ex-  
10 tent as a false or fraudulent claim for payment or  
11 approval made to the Federal Government pursuant  
12 to sections 3729 through 3812 of title 31, United  
13 States Code.

14           (3) Any officer or employee of the Federal Gov-  
15 ernment who awards or administers funds from any  
16 taxpayer subsidized grant to a taxpayer subsidized  
17 grantee who is not in compliance with this section  
18 shall—

19           (A) for knowing or negligent noncompli-  
20 ance with this section, be subjected to appro-  
21 priate administrative discipline, including, when  
22 circumstances warrant, suspension from duty  
23 without pay or removal from office; and

24           (B) for knowing noncompliance with this  
25 section, pay a civil penalty of not more than

1           \$5,000 for each improper disbursement of  
2           funds.

3           (c) DUTIES OF TAXPAYER SUBSIDIZED GRANT-  
4 EES.—Any individual or organization that awards or ad-  
5 ministers a taxpayer subsidized grant shall take reason-  
6 able steps to ensure that the taxpayer subsidized grantee  
7 complies with the requirements of this title. Reasonable  
8 steps to ensure compliance shall include written notice to  
9 a taxpayer subsidized grantee that it is receiving a tax-  
10 payer subsidized grant, and that the provisions of this title  
11 apply to the taxpayer subsidized grantee.

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

13           (1) AFFILIATED ORGANIZATIONS.—Any two or-  
14 ganizations shall be considered to be members of an  
15 affiliated group of organizations if the organizations  
16 meet any one or more of the following criteria:

17           (A) The governing instrument of one such  
18 organization requires it to be bound by deci-  
19 sions of the other organization on legislative is-  
20 sues.

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

23           (i) are specifically designated rep-  
24 resentatives of the other such organization  
25 or are members of the governing board, of-

1            ficers, or paid executive staff members of  
2            such other organization; and

3            (ii) by aggregating their votes, have  
4            sufficient voting power to cause or prevent  
5            action on political advocacy issues by the  
6            other such organization.

7            (C) The organizations—

8            (i) either use the same name or trade-  
9            mark, or represent themselves as being af-  
10           affiliated; and

11           (ii) coordinate their lobbying activities  
12           or political advocacy.

13           (2) AGENCY ACTION.—The term “agency ac-  
14           tion” includes the definition contained in section 551  
15           of title 5, United States Code, and includes action  
16           by State, local, or tribal government agencies. Such  
17           term does not include any agency’s action that  
18           grants an approval, license, permit, registration, or  
19           similar authority, or that grants or recognizes an ex-  
20           emption or relieves a restriction, on a case-by-case  
21           basis.

22           (3) AGENCY PROCEEDING.—The term “agency  
23           proceeding” includes the definition contained in sec-  
24           tion 551 of title 5, United States Code, and includes



1 proceedings by State, local, or tribal government  
2 agencies.

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

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

8 (i) any attempt to influence any legis-  
9 lation or agency action through an attempt  
10 to affect the opinions of the general public  
11 or any segment thereof; and

12 (ii) any attempt to influence any legis-  
13 lation or agency action through commu-  
14 nication with any member or employee of  
15 a legislative body or agency, or with any  
16 government official or employee who may  
17 participate in the formulation of the legis-  
18 lation or agency action.

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

21 (i) making available the results of  
22 nonpartisan analysis, study, research, or  
23 debate;

24 (ii) providing technical advice or as-  
25 sistance (where such advice would other-

1 wise constitute the influencing of legisla-  
2 tion or agency action) to a governmental  
3 body or to a committee or other subdivi-  
4 sion thereof in response to a request by  
5 such body or subdivision, as the case may  
6 be;

7 (iii) communications between the tax-  
8 payer subsidized grantee and its bona fide  
9 members with respect to legislation, pro-  
10 posed legislation, agency action, or pro-  
11 posed agency action of direct interest to  
12 the taxpayer subsidized grantee and such  
13 members, other than communications de-  
14 scribed in subparagraph (C);

15 (iv) any communication with a govern-  
16 mental official or employee, including any  
17 such communication required to apply for,  
18 administer, or execute a taxpayer sub-  
19 sidized grant; other than—

20 (I) a communication with a mem-  
21 ber or employee of a legislative body  
22 or agency (where such communication  
23 would otherwise constitute the influ-  
24 encing of legislation or agency action);  
25 or

1 (II) a communication the prin-  
2 cipal purpose of which is to influence  
3 legislation or agency action;

4 (v) official communications by employ-  
5 ees of State, local, or tribal governments,  
6 or by organizations whose membership  
7 consists exclusively of State, local, or tribal  
8 governments; and

9 (vi) participating in a particular activ-  
10 ity that is specifically and explicitly di-  
11 rected and sanctioned by an Act of Con-  
12 gress, and is specifically and explicitly ap-  
13 proved in the contract or other agreement  
14 under which the taxpayer subsidized grant  
15 is made, except that such exception shall  
16 not apply to any such contract or other  
17 agreement that is first entered into after  
18 the date of the enactment of this Act, is  
19 renewed after such date, or is terminable  
20 or amendable after such date at the option  
21 of the government entity awarding or ad-  
22 ministering such grant, unless such activity  
23 is specifically and explicitly directed and  
24 sanctioned by an Act of Congress enacted  
25 after January 1, 1995.

1 (C) COMMUNICATIONS WITH MEMBERS.—

2 (i) A communication between a tax-  
3 payer subsidized grantee and any bona fide  
4 member of such organization to directly  
5 encourage such member to communicate as  
6 provided in subparagraph (A)(ii) shall be  
7 treated as a subparagraph (A)(ii) commu-  
8 nication by the taxpayer subsidized grantee  
9 itself.

10 (ii) A communication between a tax-  
11 payer subsidized grantee and any bona fide  
12 member of such organization to directly  
13 encourage such member to urge persons  
14 other than members to communicate as  
15 provided in either clause (i) or (ii) of sub-  
16 paragraph (A) shall be treated as a com-  
17 munication described in subparagraph  
18 (A)(i).

19 (5) LEGISLATION.—The term “legislation” in-  
20 cludes the introduction, amendment, enactment, pas-  
21 sage, defeat, ratification, or repeal of Acts, bills, res-  
22 olutions, treaties, declarations, confirmations, arti-  
23 cles of impeachment, or similar items by the Con-  
24 gress, any State legislature, any local or tribal coun-  
25 cil or similar governing body, or by the public in a

1 referendum, initiative, constitutional amendment, re-  
2 call, confirmation, or similar procedure.

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

8 (7) ORGANIZATION.—The term “organization”  
9 means a legal entity, other than a government, es-  
10 tablished or organized for any purpose, and includes  
11 a corporation, company, association, firm, partner-  
12 ship, joint stock company, foundation, institution,  
13 society, union, or any other association of persons  
14 that operates in or the activities of which affect  
15 interstate or foreign commerce.

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

19 (A) carrying on propaganda, or otherwise  
20 attempting to influence legislation or agency ac-  
21 tion, including, but not limited to, monetary or  
22 in-kind contributions, preparation and planning  
23 activities, research and other background work,  
24 endorsements, publicity, coordination with such  
25 activities of others, and similar activities;

1 (B) participating or intervening in (includ-  
2 ing the publishing or distributing of statements)  
3 any political campaign on behalf of (or in oppo-  
4 sition to) any candidate for public office, includ-  
5 ing, but not limited to, monetary or in-kind  
6 contributions, preparation and planning activi-  
7 ties, research and other background work, en-  
8 dorsements, publicity, coordination with such  
9 activities of others, and similar activities;

10 (C) participating in any judicial litigation  
11 or agency proceeding (including as an amicus  
12 curiae) in which agents or instrumentalities of  
13 Federal, State, local, or tribal governments are  
14 parties, other than litigation in which the tax-  
15 payer subsidized grantee or taxpayer subsidized  
16 grant applicant is a defendant appearing in its  
17 own behalf; is defending its tax-exempt status;  
18 or is challenging a government decision or ac-  
19 tion directed specifically at the powers, rights,  
20 or duties of that taxpayer subsidized grantee or  
21 taxpayer subsidized grant applicant; and

22 (D) allocating, disbursing, or contributing  
23 any monetary or in-kind support to any organi-  
24 zation whose expenditures for political advocacy  
25 for the previous Federal fiscal year exceeded 15

1           percent of its total expenditures for that Fed-  
2           eral fiscal year.

3           (9) TAXPAYER SUBSIDIZED GRANT.—The term  
4           “taxpayer subsidized grant” includes the provision  
5           of any Federal funds, appropriated under this or  
6           any other Act, or other thing of value to carry out  
7           a public purpose of the United States, except the fol-  
8           lowing: the provision of funds for acquisition (by  
9           purchase, lease or barter) of property or services for  
10          the direct benefit or use of the United States; the  
11          payments of loans, debts, or entitlements; the provi-  
12          sion of funds to or distribution of funds by an Arti-  
13          cle I or III court; nonmonetary assistance provided  
14          by the Department of Veterans Affairs to organiza-  
15          tions approved or recognized under section 5902 of  
16          title 38, United States Code; and the provision of  
17          grant and scholarship funds to students for edu-  
18          cational purposes.

19          (10) TAXPAYER SUBSIDIZED GRANTEE.—The  
20          term “taxpayer subsidized grantee” includes any re-  
21          cipient of any taxpayer subsidized grant. The term  
22          shall not include any State, local, or tribal govern-  
23          ment, but shall include any recipient receiving a tax-  
24          payer subsidized grant from a State, local, or tribal  
25          government.

## 1 DISCLOSURE REQUIREMENTS

2 SEC. 302. (a) IN GENERAL.—Not later than Decem-  
3 ber 31 of each year, each taxpayer subsidized grantee, ex-  
4 cept an individual person, shall provide (via either elec-  
5 tronic or paper medium) to each Federal entity that  
6 awarded or administered its taxpayer subsidized grant an  
7 annual report for the prior Federal fiscal year, certified  
8 by the taxpayer subsidized grantee’s chief executive officer  
9 or equivalent person of authority, and setting forth—

10 (1) the taxpayer subsidized grantee’s name and  
11 grantee identification number;

12 (2) a statement that the taxpayer subsidized  
13 grantee agrees that it is, and shall continue to be,  
14 contractually bound by the terms of this title as a  
15 condition of the continued receipt and use of Federal  
16 funds; and

17 (3) either—

18 (A) a statement that the taxpayer sub-  
19 sidized grantee did not engage in political advo-  
20 cacy; or

21 (B) a statement that the taxpayer sub-  
22 sidized grantee did engage in political advocacy,  
23 and setting forth for each taxpayer subsidized  
24 grant—



1 (i) the taxpayer subsidized grant iden-  
2 tification number;

3 (ii) the amount or value of the tax-  
4 payer subsidized grant (including all ad-  
5 ministrative and overhead costs awarded);

6 (iii) a brief description of the purpose  
7 or purposes for which the taxpayer sub-  
8 sidized grant was awarded;

9 (iv) the identity of each Federal,  
10 State, local, and tribal government entity  
11 awarding or administering the taxpayer  
12 subsidized grant, and program thereunder;

13 (v) the name and taxpayer subsidized  
14 grantee identification number of each indi-  
15 vidual or organization to which the tax-  
16 payer subsidized grantee made a taxpayer  
17 subsidized grant;

18 (vi) a brief description of the taxpayer  
19 subsidized grantee's political advocacy, and  
20 a good faith estimate of the taxpayer sub-  
21 sidized grantee's expenditures on political  
22 advocacy; and

23 (vii) a good faith estimate of the tax-  
24 payer subsidized grantee's substantial po-  
25 litical advocacy threshold.

1 (b) OMB COORDINATION.—The Office of Manage-  
2 ment and Budget shall develop by regulation one stand-  
3 ardized form for the annual report that shall be accepted  
4 by every Federal entity, and a uniform procedure by which  
5 each taxpayer subsidized grantee is assigned one perma-  
6 nent and unique taxpayer subsidized grantee identification  
7 number.

8 FEDERAL ENTITY REPORT

9 SEC. 303. Not later than May 1 of each calendar  
10 year, each Federal entity awarding or administering a tax-  
11 payer subsidized grant shall submit to the Bureau of the  
12 Census a report (standardized by the Office of Manage-  
13 ment and Budget) setting forth the information provided  
14 to such Federal entity by each taxpayer subsidized grantee  
15 during the preceding Federal fiscal year, and the name  
16 and taxpayer subsidized grantee identification number of  
17 each taxpayer subsidized grantee to which it provided writ-  
18 ten notice under section 301(c). The Bureau of the Census  
19 shall make this database available to the public through  
20 the Internet.

21 PUBLIC ACCOUNTABILITY

22 SEC. 304. (a) PUBLIC AVAILABILITY OF TAXPAYER  
23 SUBSIDIZED GRANT DOCUMENTS.—Any Federal entity  
24 awarding a taxpayer subsidized grant shall make publicly  
25 available any taxpayer subsidized grant application, audit  
26 of a taxpayer subsidized grantee, list of taxpayer sub-

1 subsidized grantees to which notice was provided under sec-  
2 tion 301(c), annual report of a taxpayer subsidized grant-  
3 ee, and that Federal entity's annual report to the Bureau  
4 of the Census.

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

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

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

19 SEVERABILITY

20 SEC. 305. If any provision of this title or the applica-  
21 tion thereof to any person or circumstance is held invalid,  
22 the remainder of this title and the application of such pro-  
23 vision to other persons and circumstances shall not be af-  
24 fected thereby.

## 1 FIRST AMENDMENT RIGHTS PRESERVED

2 SEC. 306. Nothing in this title shall be deemed to  
3 abridge any rights guaranteed under the First Amend-  
4 ment of the United States Constitution, including freedom  
5 of speech, or of the press; or the right of the people peace-  
6 ably to assemble, and to petition the Government for a  
7 redress of grievances.

8 EXPEDITED CONSIDERATION AND APPEAL OF CERTAIN  
9 ACTIONS

10 SEC. 307. (a) DISTRICT COURT CONSIDERATION.—  
11 Any action challenging the constitutionality of this title  
12 shall be heard and determined by a panel of three judges  
13 in accordance with section 2284 of title 28, United States  
14 Code. The United States District Court for the District  
15 of Columbia shall have exclusive jurisdiction over such ac-  
16 tion, without regard to the sum or value of the matter  
17 in controversy. It shall be the duty of the district court  
18 to advance on the docket, and to expedite the disposition  
19 of, any action brought under this subsection.

20 (b) APPEAL TO SUPREME COURT.—An appeal may  
21 be taken directly to the Supreme Court of the United  
22 States from any interlocutory or final judgment, decree,  
23 or order entered in any action brought under subsection  
24 (a). Any such appeal shall be taken by a notice of appeal  
25 filed within 20 days after such judgment, decree, or order  
26 is entered. The Supreme Court shall, if it has not pre-

1 viously ruled on the question presented by such appeal,  
 2 accept jurisdiction over the appeal, advance the appeal on  
 3 the docket, and expedite the appeal.

4 CONSTRUCTION AND EFFECT

5 SEC. 308. Nothing in this title shall be construed to  
 6 affect the application of the internal revenue laws of the  
 7 United States.

8 TITLE IV—MEDICARE

9 **SEC. 401. DETERMINATION OF MEDICARE PART B PRE-**  
 10 **MIUM.**

11 (a) Any percentage reference in subsection (e)(1)(A)  
 12 of section 1839 of the Social Security Act for months in  
 13 1996 is deemed a reference to the amount described in  
 14 subsection (e)(1)(B)(v) of such section, expressed as a per-  
 15 centage of the monthly actuarial rate under subsection  
 16 (a)(1) of such section for months in 1995.

17 **SEC. 402. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER**  
 18 **DRUG TREATMENTS.**

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

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

24 and

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

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

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

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

11 (c) CONFORMING AMENDMENT.—Section 1834  
12 (j)(5)(F)(iv) of such Act (42 U.S.C. 1395m(j)(5)(F)(iv))  
13 is amended by striking “prescribed for use” and all that  
14 follows through “1861 (s)(2)(Q))” and inserting “de-  
15 scribed in section 1861(s)(2)(Q)”.

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

Passed the House of Representatives November 8,  
1995.

Attest:

*Clerk.*