

104TH CONGRESS
1ST SESSION

H. J. RES. 115

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1995

Mr. LIVINGSTON introduced the following joint resolution; which was referred to the Committee on Appropriations, and in addition to the Committees on House Oversight, Government Reform and Oversight, Ways and Means, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JOINT RESOLUTION

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,
6 and funds, for the several departments, agencies, corpora-
7 tions, and other organizational units of Government for
8 the fiscal year 1996, and for other purposes, namely:

TITLE I

CONTINUING APPROPRIATIONS

1
2
3 SEC. 101. (a) Such amounts as may be necessary
4 under the authority and conditions provided in the appli-
5 cable appropriations Act for the fiscal year 1995 for con-
6 tinuing projects or activities including the costs of direct
7 loans and loan guarantees (not otherwise specifically pro-
8 vided for in this joint resolution) which were conducted
9 in the fiscal year 1995 and for which appropriations,
10 funds, or other authority would be available in the follow-
11 ing appropriations Acts:

12 The Departments of Commerce, Justice, and
13 State, the Judiciary, and Related Agencies Approp-
14 riations Act, 1996, notwithstanding section 15 of
15 the State Department Basic Authorities Act of
16 1956, section 701 of the United States Information
17 and Educational Exchange Act of 1948, and section
18 53 of the Arms Control and Disarmament Act;

19 The Department of Defense Appropriations
20 Act, 1996, notwithstanding section 504(a)(1) of the
21 National Security Act of 1947;

22 The District of Columbia Appropriations Act,
23 1996;

24 The Energy and Water Development Approp-
25 riations Act, 1996;

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

6 The Department of the Interior and Related
7 Agencies Appropriations Act, 1996;

8 The Departments of Labor, Health and Human
9 Services, and Education, and Related Agencies Ap-
10 propriations Act, 1996;

11 The Legislative Branch Appropriations Act,
12 1996, H.R. 2492;

13 The Department of Transportation Appropria-
14 tions Act, 1996;

15 The Treasury, Postal Service, and General Gov-
16 ernment Appropriations Act, 1996;

17 The Departments of Veterans Affairs and
18 Housing and Urban Development, and Independent
19 Agencies Appropriations Act, 1996:

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

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

22 (c) Whenever an Act listed in this section has been
23 passed by only the House or only the Senate as of the
24 date of enactment of this joint resolution, the pertinent
25 project or activity shall be continued under the appropria-

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

16 SEC. 102. No appropriation or funds made available
17 or authority granted pursuant to section 101 for the De-
18 partment of Defense shall be used for new production of
19 items not funded for production in fiscal year 1995 or
20 prior years, for the increase in production rates above
21 those sustained with fiscal year 1995 funds, or to initiate,
22 resume, or continue any project, activity, operation, or or-
23 ganization which are defined as any project, subproject,
24 activity, budget activity, program element, and
25 subprogram within a program element and for investment

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

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

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

20 SEC. 105. No provision which is included in an appro-
21 priations Act enumerated in section 101 but which was
22 not included in the applicable appropriations Act for fiscal
23 year 1995 and which by its terms is applicable to more
24 than one appropriation, fund, or authority shall be appli-

1 cable to any appropriation, fund, or authority provided in
2 this joint resolution.

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

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

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

23 SEC. 109. No provision in the appropriations Act for
24 the fiscal year 1996 referred to in section 101 of this joint
25 resolution that makes the availability of any appropriation

1 provided therein dependent upon the enactment of addi-
2 tional authorizing or other legislation shall be effective be-
3 fore the date set forth in section 106(c) of this joint reso-
4 lution.

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

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

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

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

24 SEC. 113. Notwithstanding any other provision of
25 this joint resolution, except sections 106, 111, and 112,

1 for those programs that had high initial rates of operation
2 or complete distribution of funding at the beginning of the
3 fiscal year in fiscal year 1995 because of distributions of
4 funding to States, foreign countries, grantees, or others,
5 similar distributions of funds for fiscal year 1996 shall
6 not be made and no grants shall be awarded for such pro-
7 grams funded by this resolution that would impinge on
8 final funding prerogatives.

9 SEC. 114. This joint resolution shall be implemented
10 so that only the most limited funding action of that per-
11 mitted in the resolution shall be taken in order to provide
12 for continuation of projects and activities.

13 SEC. 115. The provisions of section 132 of the Dis-
14 trict of Columbia Appropriations Act, 1988, Public Law
15 100-202, shall not apply for this joint resolution.

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

24 SEC. 117. Notwithstanding any other provision of
25 this joint resolution, except section 106, any distribution

1 of funding under the Rehabilitation Services and Disabil-
2 ity Research account in the Department of Education may
3 be made up to an amount that bears the same ratio to
4 the rate for operation for this account provided by this
5 joint resolution as the number of days covered by this res-
6 olution bears to 366.

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

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

23 SEC. 120. Until enactment of legislation providing
24 funding for the entire fiscal year ending September 30,
25 1996, for the Department of the Interior and Related

1 Agencies, funds available for necessary expenses of the
2 Bureau of Mines are for continuing limited health and
3 safety and related research, materials partnerships, and
4 minerals information activities; for mineral assessments in
5 Alaska; and for terminating all other activities of the Bu-
6 reau of Mines.

7 SEC. 121. Notwithstanding any other provision of
8 this joint resolution, except section 106, funds for the En-
9 vironmental Protection Agency shall be made available in
10 the appropriation accounts which are provided in H.R.
11 2099 as reported on September 13, 1995.

12 SEC. 122. Notwithstanding any other provision of
13 this joint resolution, except section 106, the rate for oper-
14 ations for projects and activities that would be funded
15 under the heading “International Organizations and Con-
16 ferences, Contributions to International Organizations” in
17 the Departments of Commerce, Justice, and State, the Ju-
18 diciary, and Related Agencies Appropriations Act, 1996,
19 shall be the amount provided by the provisions of sections
20 101, 111, and 112 multiplied by the ratio of the number
21 of days covered by this resolution to 366 and multiplied
22 further by 1.27.

23 SEC. 123. Notwithstanding any other provision of
24 this joint resolution, except section 106, the rate for oper-

1 ations of the following projects or activities shall be only
 2 the minimum necessary to accomplish orderly termination:

3 Administrative Conference of the United States;

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

7 Interstate Commerce Commission;

8 Pennsylvania Avenue Development Corporation;

9 Land and Water Conservation Fund, State As-
 10 sistance; and

11 Office of Surface Mining Reclamation and En-
 12 forcement, Rural Abandoned Mine Program.

13 TITLE II

14 **SEC. 201. WAIVER OF REQUIREMENT FOR PARCHMENT** 15 **PRINTING.**

16 (a) WAIVER.—The provisions of sections 106 and
 17 107 of title 1, United States Code, are waived with respect
 18 to the printing (on parchment or otherwise) of the enroll-
 19 ment of any of the following measures of the first session
 20 of the One Hundred Fourth Congress presented to the
 21 President after the enactment of this joint resolution:

22 (1) A continuing resolution.

23 (2) A debt limit extension measure.

24 (3) A reconciliation bill.

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

6 **SEC. 202. DEFINITIONS.**

7 As used in this joint resolution:

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

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

18 (3) RECONCILIATION BILL.—The term “rec-
19 onciliation bill” means a bill that is a reconciliation
20 bill within the meaning of section 310 of the Con-
21 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 filiated; 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.

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HJ 115 IH1S—3

HJ 115 IH1S—4

HJ 115 IH1S—5