

104TH CONGRESS
1ST SESSION

H. J. RES. 115

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1995

Ordered to be printed with the amendments of the Senate numbered

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:

9 TITLE I

10 CONTINUING APPROPRIATIONS

11 SEC. 101. (a) Such amounts as may be necessary
12 under the authority and conditions provided in the appli-
13 cable appropriations Act for the fiscal year 1995 for con-

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, ~~(1)~~*section*
13 *313 of the Foreign Relations Authorization Act, Fis-*
14 *cal Years 1994 and 1995 (Public Law 103-236)*, and
15 section 53 of the Arms Control and Disarmament
16 Act;

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

20 The District of Columbia Appropriations Act,
21 1996;

22 The Energy and Water Development Appro-
23 priations Act, 1996;

24 The Foreign Operations, Export Financing, and
25 Related Programs Appropriations Act, 1996, not-

1 withstanding section 10 of Public Law 91-672 and
2 section 15(a) of the State Department Basic Au-
3 thorities Act of 1956;

4 The Department of the Interior and Related
5 Agencies Appropriations Act, 1996;

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

9 The Legislative Branch Appropriations Act,
10 1996, H.R. 2492;

11 The Department of Transportation Appropria-
12 tions Act, 1996;

13 The Treasury, Postal Service, and General Gov-
14 ernment Appropriations Act, 1996;

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

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

24 (b) Whenever the amount which would be made avail-
25 able or the authority which would be granted under an

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

20 (c) Whenever an Act listed in this section has been
21 passed by only the House or only the Senate as of the
22 date of enactment of this joint resolution, the pertinent
23 project or activity shall be continued under the appropria-
24 tion, fund, or authority granted by the one House at a
25 rate for operations not exceeding the current rate or the

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

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

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

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

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

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

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

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

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

21 SEC. 109. No provision in the appropriations Act for
22 the fiscal year 1996 referred to in section 101 of this joint
23 resolution that makes the availability of any appropriation
24 provided therein dependent upon the enactment of addi-
25 tional authorizing or other legislation shall be effective be-

1 fore the date set forth in section 106(c) of this joint reso-
2 lution.

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

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

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

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

22 SEC. 113. Notwithstanding any other provision of
23 this joint resolution, except sections 106, 111, and 112,
24 for those programs that had high initial rates of operation
25 or complete distribution of funding at the beginning of the

1 fiscal year in fiscal year 1995 because of distributions of
2 funding to States, foreign countries, grantees, or others,
3 similar distributions of funds for fiscal year 1996 shall
4 not be made and no grants shall be awarded for such pro-
5 grams funded by this resolution that would impinge on
6 final funding prerogatives.

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

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

14 **(2)** *Included in the apportionment for the Federal Payment*
15 *to the District of Columbia shall be an additional*
16 *\$15,000,000 above the amount otherwise made available by*
17 *this joint resolution, for purposes of certain capital con-*
18 *struction loan repayments pursuant to Public Law 85-451,*
19 *as amended.*

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 **(3) 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 tiply 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 III

9 PROHIBITION ON SUBSIDIZING POLITICAL ORGANIZATIONS

10 WITH TAXPAYER FUNDS

11 SEC. 301. (a) LIMITATIONS.—(1) Notwithstanding any
12 other provision of law, any organization receiving Federal
13 grants in an amount that, in the aggregate, is greater than
14 \$125,000 in the most recent Federal fiscal year, shall be
15 subject to the limitations on lobbying activity expenditures
16 under section 4911(c)(2)(B) of the Internal Revenue Code
17 of 1986, except that, if exempt purpose expenditures are
18 over \$17,000,000 then the organization shall also be subject
19 to a limitation on lobbying of 1 percent of the excess of
20 the exempt purpose expenditures over \$17,000,000 unless
21 otherwise subject to section 4911(c)(2)(A) based on an elec-
22 tion made under section 501(h) of the Internal Revenue
23 Code of 1986.

24 (2) An organization described in section 501(c)(4) of
25 the Internal Revenue Code of 1986 that engaged in lobbying
26 activities during the organization's previous taxable year

1 *shall not be eligible to receive Federal funds constituting*
2 *a taxpayer subsidized grant. This paragraph shall not*
3 *apply to organizations described in section 501(c)(4) with*
4 *gross annual revenues of less than \$3,000,000 in such pre-*
5 *vious taxable year, including Federal funds received as a*
6 *taxpayer subsidized grant.*

7 (b) *DEFINITIONS.—For the purposes of this title:*

8 (1) *AGENCY.—The term “agency” has the mean-*
9 *ing given that term in section 551(1) of title 5, Unit-*
10 *ed States Code.*

11 (2) *CLIENT.—The term “client” means any per-*
12 *son or entity that employs or retains another person*
13 *for financial or other compensation to conduct lobby-*
14 *ing activities on behalf of that person or entity. A*
15 *person or entity whose employees act as lobbyists on*
16 *its own behalf is both a client and an employer of*
17 *such employees. In the case of a coalition or associa-*
18 *tion that employs or retains other persons to conduct*
19 *lobbying activities, the client is the coalition or asso-*
20 *ciation and not its individual members.*

21 (3) *COVERED EXECUTIVE BRANCH OFFICIAL.—*
22 *The term “covered executive branch official” means—*

23 (A) *the President;*

24 (B) *the Vice President;*

1 (C) any officer or employee, or any other
2 individual functioning in the capacity of such
3 an officer or employee, in the Executive Office of
4 the President;

5 (D) any officer or employee serving in a po-
6 sition in level I, II, III, IV, or V of the Executive
7 Schedule, as designated by statute or Executive
8 order;

9 (E) any member of the uniformed services
10 whose pay grade is at or above O-7 under sec-
11 tion 201 of title 37, United States Code; and

12 (F) any officer or employee serving in a po-
13 sition of a confidential, policy-determining, pol-
14 icy-making, or policy-advocating character de-
15 scribed in section 7511(b)(2) of title 5, United
16 States Code.

17 (4) COVERED LEGISLATIVE BRANCH OFFICIAL.—
18 The term “covered legislative branch official”
19 means—

20 (A) a Member of Congress;

21 (B) an elected officer of either House of
22 Congress;

23 (C) any employee of, or any other individ-
24 ual functioning in the capacity of an employee
25 of—

- 1 (i) a Member of Congress;
- 2 (ii) a committee of either House of
3 Congress;
- 4 (iii) the leadership staff of the House of
5 Representatives or the leadership staff of the
6 Senate;
- 7 (iv) a joint committee of Congress; and
- 8 (v) a working group or caucus orga-
9 nized to provide legislative services or other
10 assistance to Members of Congress; and
- 11 (D) any other legislative branch employee
12 serving in a position described under section
13 109(13) of the Ethics in Government Act of 1978
14 (5 U.S.C. App.).
- 15 (5) EMPLOYEE.—The term “employee” means
16 any individual who is an officer, employee, partner,
17 director, or proprietor of a person or entity, but does
18 not include—
- 19 (A) independent contractors; or
- 20 (B) volunteers who receive no financial or
21 other compensation from the person or entity for
22 their services.
- 23 (6) FOREIGN ENTITY.—The term “foreign entity”
24 means a foreign principal (as defined in section 1(b)

1 *of the Foreign Agents Registration Act of 1938 (22*
2 *U.S.C. 611(b)).*

3 (7) *GRANT.*—*The term “grant” means the provi-*
4 *sion of any Federal funds, appropriated under this or*
5 *any other Act, to carry out a public purpose of the*
6 *United States, except—*

7 (A) *the provision of funds for acquisition*
8 *(by purchase, lease, or barter) of property or*
9 *services for the direct benefit or use of the United*
10 *States;*

11 (B) *the payments of loans, debts, or entitle-*
12 *ments;*

13 (C) *the provision of funds to, or distribution*
14 *of funds by, a Federal court established under*
15 *Article I or III of the Constitution of the United*
16 *States;*

17 (D) *nonmonetary assistance provided by the*
18 *Department of Veterans Affairs to organizations*
19 *approved or recognized under section 5902 of*
20 *title 38, United States Code; and*

21 (E) *the provision of grant and scholarship*
22 *funds to students for educational purposes.*

23 (8) *LOBBYING ACTIVITIES.*—*The term “lobbying*
24 *activities” means lobbying contacts and efforts in*
25 *support of such contacts, including preparation and*

1 *planning activities, research and other background*
2 *work that is intended, at the time it is performed, for*
3 *use in contacts, and coordination with the lobbying*
4 *activities of others.*

5 (9) *LOBBYING CONTACT.*—

6 (A) *DEFINITION.*—*The term “lobbying con-*
7 *tact” means any oral or written communication*
8 *(including an electronic communication) to a*
9 *covered executive branch official or a covered leg-*
10 *islative branch official that is made on behalf of*
11 *a client with regard to—*

12 (i) *the formulation, modification, or*
13 *adoption of Federal legislation (including*
14 *legislative proposals);*

15 (ii) *the formulation, modification, or*
16 *adoption of a Federal rule, regulation, Ex-*
17 *ecutive order, or any other program, policy,*
18 *or position of the United States Govern-*
19 *ment;*

20 (iii) *the administration or execution of*
21 *a Federal program or policy (including the*
22 *negotiation, award, or administration of a*
23 *Federal contract, grant, loan, permit, or li-*
24 *cence); or*

1 (iv) the nomination or confirmation of
2 a person for a position subject to confirma-
3 tion by the Senate.

4 (B) EXCEPTIONS.—The term “lobbying con-
5 tact” does not include a communication that
6 is—

7 (i) made by a public official acting in
8 the public official’s official capacity;

9 (ii) made by a representative of a
10 media organization if the purpose of the
11 communication is gathering and dissemi-
12 nating news and information to the public;

13 (iii) made in a speech, article, publica-
14 tion or other material that is distributed
15 and made available to the public, or
16 through radio, television, cable television, or
17 other medium of mass communication;

18 (iv) made on behalf of a government of
19 a foreign country or a foreign political
20 party and disclosed under the Foreign
21 Agents Registration Act of 1938 (22 U.S.C.
22 611 et seq.);

23 (v) a request for a meeting, a request
24 for the status of an action, or any other
25 similar administrative request, if the re-

1 *quest does not include an attempt to influ-*
2 *ence a covered executive branch official or a*
3 *covered legislative branch official;*

4 *(vi) made in the course of participa-*
5 *tion in an advisory committee subject to the*
6 *Federal Advisory Committee Act;*

7 *(vii) testimony given before a commit-*
8 *tee, subcommittee, or task force of the Con-*
9 *gress, or submitted for inclusion in the pub-*
10 *lic record of a hearing conducted by such*
11 *committee, subcommittee, or task force;*

12 *(viii) information provided in writing*
13 *in response to an oral or written request by*
14 *a covered executive branch official or a cov-*
15 *ered legislative branch official for specific*
16 *information;*

17 *(ix) required by subpoena, civil inves-*
18 *tigative demand, or otherwise compelled by*
19 *statute, regulation, or other action of the*
20 *Congress or an agency;*

21 *(x) made in response to a notice in the*
22 *Federal Register, Commerce Business Daily,*
23 *or other similar publication soliciting com-*
24 *munications from the public and directed to*

1 *the agency official specifically designated in*
2 *the notice to receive such communications;*

3 *(xi) not possible to report without dis-*
4 *closing information, the unauthorized dis-*
5 *closure of which is prohibited by law;*

6 *(xii) made to an official in an agency*
7 *with regard to—*

8 *(I) a judicial proceeding or a*
9 *criminal or civil law enforcement in-*
10 *quiry, investigation, or proceeding; or*

11 *(II) a filing or proceeding that the*
12 *Government is specifically required by*
13 *statute or regulation to maintain or*
14 *conduct on a confidential basis,*

15 *if that agency is charged with responsibility*
16 *for such proceeding, inquiry, investigation,*
17 *or filing;*

18 *(xiii) made in compliance with written*
19 *agency procedures regarding an adjudica-*
20 *tion conducted by the agency under section*
21 *554 of title 5, United States Code, or sub-*
22 *stantially similar provisions;*

23 *(xiv) a written comment filed in the*
24 *course of a public proceeding or any other*

1 *communication that is made on the record*
2 *in a public proceeding;*

3 *(xv) a petition for agency action made*
4 *in writing and required to be a matter of*
5 *public record pursuant to established agency*
6 *procedures;*

7 *(xvi) made on behalf of an individual*
8 *with regard to that individual's benefits,*
9 *employment, or other personal matters in-*
10 *volving only that individual, except that*
11 *this clause does not apply to any commu-*
12 *nication with—*

13 *(I) a covered executive branch offi-*
14 *cial, or*

15 *(II) a covered legislative branch*
16 *official (other than the individual's*
17 *elected Members of Congress or employ-*
18 *ees who work under such Members' di-*
19 *rect supervision),*

20 *with respect to the formulation, modifica-*
21 *tion, or adoption of private legislation for*
22 *the relief of that individual;*

23 *(xvii) a disclosure by an individual*
24 *that is protected under the amendments*
25 *made by the Whistleblower Protection Act of*

1 1989, under the Inspector General Act of
2 1978, or under another provision of law;

3 (xviii) made by—

4 (I) a church, its integrated auxil-
5 iary, or a convention or association of
6 churches that is exempt from filing a
7 Federal income tax return under para-
8 graph 2(A)(i) of section 6033(a) of the
9 Internal Revenue Code of 1986, or

10 (II) a religious order that is ex-
11 empt from filing a Federal income tax
12 return under paragraph (2)(A)(iii) of
13 such section 6033(a); and

14 (xix) between—

15 (I) officials of a self-regulatory or-
16 ganization (as defined in section
17 3(a)(26) of the Securities Exchange
18 Act) that is registered with or estab-
19 lished by the Securities and Exchange
20 Commission as required by that Act or
21 a similar organization that is des-
22 ignated by or registered with the Com-
23 modities Future Trading Commission
24 as provided under the Commodity Ex-
25 change Act; and

1 (II) the Securities and Exchange
2 Commission or the Commodities Fu-
3 ture Trading Commission, respectively;
4 relating to the regulatory responsibilities of
5 such organization under that Act.

6 (10) LOBBYING FIRM.—The term “lobbying
7 firm” means a person or entity that has 1 or more
8 employees who are lobbyists on behalf of a client other
9 than that person or entity. The term also includes a
10 self-employed individual who is a lobbyist.

11 (11) LOBBYIST.—The term “lobbyist” means any
12 individual who is employed or retained by a client
13 for financial or other compensation for services that
14 include more than one lobbying contact, other than an
15 individual whose lobbying activities constitute less
16 than 20 percent of the time engaged in the services
17 provided by such individual to that client over a six
18 month period.

19 (12) MEDIA ORGANIZATION.—The term “media
20 organization” means a person or entity engaged in
21 disseminating information to the general public
22 through a newspaper, magazine, other publication,
23 radio, television, cable television, or other medium of
24 mass communication.

1 (13) *MEMBER OF CONGRESS.*—The term “Mem-
2 ber of Congress” means a Senator or a Representative
3 in, or Delegate or Resident Commissioner to, the Con-
4 gress.

5 (14) *ORGANIZATION.*—The term “organization”
6 means a person or entity other than an individual.

7 (15) *PERSON OR ENTITY.*—The term “person or
8 entity” means any individual, corporation, company,
9 foundation, association, labor organization, firm,
10 partnership, society, joint stock company, group of or-
11 ganizations, or State or local government.

12 (16) *PUBLIC OFFICIAL.*—The term “public offi-
13 cial” means any elected official, appointed official, or
14 employee of—

15 (A) a Federal, State, or local unit of gov-
16 ernment in the United States other than—

17 (i) a college or university;

18 (ii) a government-sponsored enterprise
19 (as defined in section 3(8) of the Congres-
20 sional Budget and Impoundment Control
21 Act of 1974);

22 (iii) a public utility that provides gas,
23 electricity, water, or communications;

24 (iv) a guaranty agency (as defined in
25 section 435(j) of the Higher Education Act

1 *of 1965 (20 U.S.C. 1085(j))), including any*
2 *affiliate of such an agency; or*

3 *(v) an agency of any State functioning*
4 *as a student loan secondary market pursu-*
5 *ant to section 435(d)(1)(F) of the Higher*
6 *Education Act of 1965 (20 U.S.C.*
7 *1085(d)(1)(F));*

8 *(B) a Government corporation (as defined*
9 *in section 9101 of title 31, United States Code);*

10 *(C) an organization of State or local elected*
11 *or appointed officials other than officials of an*
12 *entity described in clause (i), (ii), (iii), (iv), or*
13 *(v) of subparagraph (A);*

14 *(D) an Indian tribe (as defined in section*
15 *4(e) of the Indian Self-Determination and Edu-*
16 *cation Assistance Act (25 U.S.C. 450b(e));*

17 *(E) a national or State political party or*
18 *any organizational unit thereof; or*

19 *(F) a national, regional, or local unit of*
20 *any foreign government.*

21 *(17) STATE.—The term “State” means each of*
22 *the several States, the District of Columbia, and any*
23 *commonwealth, territory, or possession of the United*
24 *States.*

DISCLOSURE REQUIREMENTS

1
2 *SEC. 302. (a) IN GENERAL.—Not later than December*
3 *31 of each year, each taxpayer subsidized grantee, except*
4 *an individual person, shall provide (via either electronic*
5 *or paper medium) to each Federal entity that awarded or*
6 *administered its taxpayer subsidized grant an annual re-*
7 *port for the previous Federal fiscal year, certified by the*
8 *taxpayer subsidized grantee’s chief executive officer or*
9 *equivalent person of authority, 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)(A) a statement that the taxpayer subsidized*
18 *grantee spent less than \$25,000 on lobbying activities*
19 *in the grantee’s most recent taxable year; or*

20 *(B)(i) the amount or value of the taxpayer sub-*
21 *sidized grant (including all administrative and over-*
22 *head costs awarded);*

23 *(ii) a good faith estimate of the grantee’s actual*
24 *expenses on lobbying activities in the most recent tax-*
25 *able year; and*

1 (iii) a good faith estimate of the grantee's al-
2 lowed expenses on lobbying activities under section
3 301 of this Act.

4 PUBLIC ACCOUNTABILITY

5 SEC. 303. (a) PUBLIC AVAILABILITY OF LOBBYING
6 DISCLOSURE FORMS.—Any Federal entity awarding a tax-
7 payer subsidized grant shall make publicly available any
8 taxpayer subsidized grant application, and the annual re-
9 port of a taxpayer subsidized grantee provided under sec-
10 tion 302 of this Act.

11 (b) ACCESSIBILITY TO PUBLIC.—The public's access to
12 the documents identified in subsection (a) shall be facili-
13 tated by placement of such documents in the Federal enti-
14 ty's public document reading room and also by expediting
15 any requests under section 552 of title 5, United States
16 Code, the Freedom of Information Act as amended, ahead
17 of any requests for other information pending at such Fed-
18 eral entity.

19 (c) WITHHOLDING PROHIBITED.—Records described
20 in subsection (a) shall not be subject to withholding, except
21 under the exemption set forth in subsection (b)(7)(A) of sec-
22 tion 552 of title 5, United States Code.

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

25 (e) EFFECTIVE DATE.—The amendments made by this
26 title shall become effective January 4, 1996.

1 TITLE IV—MEDICARE

2 **SEC. 401. DETERMINATION OF MEDICARE PART B PRE-**
3 **MIUM.**

4 (a) Any percentage reference in subsection (e)(1)(A)
5 of section 1839 of the Social Security Act for months in
6 1996 is deemed a reference to the amount described in
7 subsection (e)(1)(B)(v) of such section, expressed as a per-
8 centage of the monthly actuarial rate under subsection
9 (a)(1) of such section for months in 1995.

10 **SEC. 402. MEDICARE COVERAGE OF CERTAIN ANTI-CANCER**
11 **DRUG TREATMENTS.**

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

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

17 and

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

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

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

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

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

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

Passed the House of Representatives November 8,
 1995.

Attest: ROBIN H. CARLE,
Clerk.

Passed the Senate November 9, 1995.

Attest: KELLY D. JOHNSTON,
Secretary.

HJ 115 PP—2

HJ 115 PP—3

HJ 115 PP—4

HJ 115 PP—5