

PROVIDING FOR THE CONSIDERATION OF H.R. 2107, THE
DEPARTMENT OF THE INTERIOR AND RELATED AGEN-
CIES APPROPRIATIONS BILL, 1998

JULY 9, 1997.—Referred to the House Calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 181]

The Committee on Rules, having had under consideration House Resolution 181, by a record vote of 9 to 1, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 2107, the “Department of the Interior and Related Agencies Appropriations Bill, 1998” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives section 306 of the Budget Act (prohibiting matters within the jurisdiction of the Budget Committee in a measure not reported by it) against consideration of the bill. It also waives clause 2 (prohibiting unauthorized appropriations and legislative provisions) and clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against the bill except as follows: beginning with “: Provided” on page 46, line 25, through “part 121” on page 47, line 6 (Forest Service, timber purchaser road construction credits); and page 76, line 10, through line 13 (NEA).

The rule makes in order those amendments printed in this report, which shall be considered as read, shall be debatable for the time specified in this report equally divided between a proponent and opponent, and not subject to amendment. The rule also waives all points of order against the amendments printed in this report. Members who have pre-printed their amendments in the Congressional Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with

House rules. The rule allows the Chair to postpone recorded votes and reduce to five minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in any series of questions shall not be less than 15 minutes.

The rule waives clause 2(e) of rule XXI (prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act) against amendments to the bill.

Finally, the rule provides for one motion to recommit, with or without instructions.

COMMITTEE VOTES

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Rollcall No. 52

Date: July 9, 1997.

Measure: Rule for consideration of H.R. 2107, Department of the Interior and Related Agencies Appropriations Bill, 1998.

Motion by: Mr. Moakley.

Summary of motion: Amend the rule to provide the appropriate waivers to the provisions in the bill which would provide funding for the National Endowment for the Arts.

Results: Rejected 1 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Solomon—Nay.

Rules Committee Rollcall No. 53

Date: July 9, 1997.

Measure: Rule for consideration of H.R. 2107, Department of the Interior and Related Agencies Appropriations Bill, 1998.

Motion by: Mr. Moakley.

Summary of motion: Make in order the Yates substitute to Ehlers, which increases funding for the National Endowment for the Arts to \$99,500,000.

Results: Rejected 1 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Solomon—Nay.

Rules Committee Rollcall No. 54

Date: July 9, 1997.

Measure: Rule for consideration of H.R. 2107, Department of the Interior and Related Agencies Appropriations Bill, 1998.

Motion by: Mr. Moakley.

Summary of motion: Make in order the Miller of California amendment which would appropriate \$700 million for land exchange agreements and priority land acquisitions by the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, and the Forest Service. Of that \$700 million, the amendment would provide \$65 million to fulfill the agreement to acquire a mine adjacent to Yellowstone National Park and \$250 million to fulfill the agreement to acquire the Headwaters Forest.

Results: Rejected 1 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Solomon—Nay.

Rules Committee Rollcall No. 55

Date: July 9, 1997.

Measure: Rule for consideration of H.R. 2107, Department of the Interior and Related Agencies Appropriations Bill, 1998.

Motion by: Mr. Dreier.

Summary of motion: Order the rule reported.

Results: Adopted 9 to 1.

Vote by Members: Dreier—Yea; Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Hastings—Yea; Myrick—Yea; Moakley—Nay; Solomon—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER FOR H.R. 2107, THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 1998

Ehlers—60 minutes: Terminates the National Endowment for the Arts, but retains an appropriate federal commitment to the arts in our society. Provides that \$80 million will be sent to the states in two grants: 37% will be directed to state art commissions; 60% will be directed to local school boards to fund school-based art activities (arts education block grants); and 3% is allowed for administrative costs. The current funding for the state arts will be slightly increased with this amendment. State arts commissions currently receive funding from the NEA (\$25.9 million). This amendment will increase this funding by \$3.7 million and distribute it on the basis of population (\$200,000 minimum). The arts education block grant will be distributed to the states based on K–12 aged population. Schools will not be able to cut their own arts funding and still receive federal arts education grants. No funding can go to obscene or pornographic art.

Weldon—10 minutes: Provides that the National Park Service (NPS) cannot use any of the funds appropriated under this act or any other act to designate any portion of Canaveral National Seashore in Brevard County, Florida as a clothing optional area or nude beach, if the designation would be contrary to local county ordinance; this restriction includes a prohibition on the posting of “clothing optional” signs.

Crapo—20 minutes: Deficit-Reduction Lock-Box.

AMENDMENTS MADE IN ORDER BY THE RULE

1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE EHLERS OF MICHIGAN OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 60 MINUTES

Page 76, after line 13, insert the following:

SUPPORT FOR THE ARTS

FINANCIAL ASSISTANCE TO STATES AND LOCAL EDUCATION
AGENCIES TO SUPPORT THE ARTS

For the necessary expenses to carry out section 202, \$80,000,000. Each amount otherwise appropriated in this Act (other than in this paragraph) is hereby reduced by 0.62 percent.

GENERAL PROVISIONS

TERMINATION OF THE NATIONAL ENDOWMENT FOR THE ARTS

SEC. 201. (a) REPEALERS.—Sections 5, 5A, and 6 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 954, 955) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) DECLARATION OF PURPOSE.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951) is amended—

- (A) in paragraphs (1) and (6) by striking “arts and the”,
- (B) in paragraphs (2) and (5) by striking “and the arts”,
- (C) in paragraphs (4), (5), and (9) by striking “the arts and”,
- (D) in paragraph (7) by striking “the practice of art and”,
- (E) by striking paragraph (11), and
- (F) in paragraph (12) by striking “the Arts and” and redesignating such paragraph as paragraph (11).

(2) DEFINITIONS.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952) is amended—

- (A) by striking subsections (b), (c), and (f), and
- (B) in subsection (d)—
 - (i) by striking “to foster American artistic creativity, to commission works of art,”
 - (ii) in paragraph (1)—
 - (I) by striking “the National Council on the Arts or”, and
 - (II) by striking “, as the case may be,”
 - (iii) in paragraph (2)—
 - (I) by striking “sections 5(l) and” and inserting “section”,
 - (II) in subparagraph (A) by striking “artistic or”, and
 - (III) in subparagraph (B)—
 - (aa) by striking “the National Council on the Arts and”, and
 - (bb) by striking “, as the case may be,” and
 - (iv) by striking “(d)” and inserting “(b)”, and
 - (C) by redesignating subsections (e) and (g) as subsections (c) and (d), respectively.

(3) ESTABLISHMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES.—Section 4(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 953(a)) is amended—

- (A) in subsection (a)—

- (i) by striking “the Arts and” each place it appears, and
 - (ii) by striking “a National Endowment for the Arts,”,
 - (B) in subsection (b) by striking “and the arts”, and
 - (C) in the heading of such section by striking “THE ARTS AND”.
- (4) FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 958) is amended—
- (A) by striking in subsection (a) “the Arts and”,
 - (B) in subsection (b) by striking “the Chairperson of the National Endowment for the Arts,”,
 - (C) in subsection (c)—
 - (i) in paragraph (1) by striking “the Chairperson of the National Endowment for the Arts and”,
 - (ii) in paragraph (3)—
 - (I) by striking “the National Endowment for the Arts”, and
 - (II) by striking “Humanities,” and inserting “Humanities”, and
 - (iii) in paragraphs (6) and (7) by striking “the arts and”.
- (5) ADMINISTRATIVE FUNCTIONS.—Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—
- (A) in subsection (a)—
 - (i) in the matter preceding paragraph (1)—
 - (I) by striking “in them”,
 - (II) by striking “the Chairperson of the National Endowment for the Arts and”, and
 - (III) by striking “, in carrying out their respective functions,”,
 - (ii) by striking “of an endowment” each place it appears,
 - (iii) in paragraph (2)—
 - (I) by striking “of that Endowment” the first place it appears and inserting “the National Endowment for the Humanities”,
 - (II) by striking “sections 6(f) and” and inserting “section”, and
 - (III) by striking “sections 5(c) and” and inserting “section”, and
 - (iv) in paragraph (3) by striking “Chairperson’s functions, define their duties, and supervise their activities” and inserting “functions, define the activities, and supervise the activities of the Chairperson”,
 - (B) in subsection (b)—
 - (i) by striking paragraphs (1), (2), and (3), and
 - (ii) in paragraph (4)—
 - (I) by striking “one of its Endowments and received by the Chairperson of an Endowment” and inserting “the National Endowment for the Hu-

- manities and received by the Chairperson of that Endowment”, and
 - (II) by striking “(4)”,
 - (C) by striking subsection (c),
 - (D) in subsection (d)—
 - (i) by striking “Chairperson of the National Endowment for the Arts and the”, and
 - (ii) by striking “each” the first place it appears,
 - (E) in subsection (e)—
 - (i) by striking “National Council on the Arts and the”, and
 - (ii) by striking “, respectively,”, and
 - (F) in subsection (f)—
 - (i) in paragraph (1)—
 - (I) by striking “Chairperson of the National Endowment for the Arts and the”, and
 - (II) by striking “sections 5(c) and” and inserting “section”,
 - (ii) in paragraph (2)(A)—
 - (I) by striking “either of the Endowments” and inserting “National Endowment for the Humanities”, and
 - (II) by striking “involved”, and
 - (iii) in paragraph (3)—
 - (I) by striking “that provided such financial assistance” each place it appears, and
 - (II) in subparagraph (C) by striking “the National Endowment for the Arts or”.
- (c) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of the National Foundation on the Arts and the Humanities Act of 1965 (42 U.S.C. 960) is amended—
- (A) in subsection (a)(1)—
 - (i) by striking subparagraphs (A) and (C), and
 - (ii) in subparagraph (B) by striking “(B)”,
 - (B) in subsection (a)(2)—
 - (i) by striking subparagraph (A), and
 - (ii) in subparagraph (B)—
 - (I) by striking “(B)”, and
 - (II) by redesignating clauses (i) and (ii) as subparagraph (A) and (B), respectively,
 - (C) in subsection (a)(3)—
 - (i) by striking subparagraph (A),
 - (ii) by redesignating subparagraph (B) as subparagraph (A),
 - (iii) by striking subparagraph (C), and
 - (iv) in subparagraph (D)—
 - (I) by striking “(D)” and inserting “(B)”, and
 - (II) by striking “and subparagraph (B)”,
 - (D) in subsection (a)(4)—
 - (i) by striking “Chairperson of the National Endowment for the Arts and the”,
 - (ii) by striking “, as the case may be,”, and
 - (iii) by striking “section 5(e), section 5(1)(2), section 7(f),” and inserting “section 7(f)”,

- (E) in subsection (c)—
 - (i) by striking paragraph (1), and
 - (ii) in paragraph (2) by striking “(2)”,
 - (F) in subsection (d)—
 - (i) by striking paragraph (1), and
 - (ii) in paragraph (2) by striking “(2)”, and
 - (G) by striking subsection (f).
- (d) TRANSITION PROVISIONS.—
- (1) TRANSFER OF PROPERTY.—On the effective date of the amendments made by this section, all property donated, bequeathed, or devised to the National Endowment for the Arts and held by such Endowment on such date is hereby transferred to the National Endowment for Humanities.
 - (2) TERMINATION OF OPERATIONS.—The Director of the Office of Management and Budget shall provide for the termination of the affairs of the National Endowment for the Arts and the National Council on the Arts. Except as provided in paragraph (1), the Director shall provide for the transfer or other disposition of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with implementing the authorities terminated by the amendments made by this section.
- (e) CONFORMING AMENDMENTS TO OTHER LAWS.—
- (1) POET LAUREATE CONSULTANT.—Section 601 of the Arts, Humanities, and Museums Amendments of 1985 (2 U.S.C. 177) is amended by striking subsection (c).
 - (2) EXECUTIVE SCHEDULE PAY RATE.—Title 5 of the United States Code is amended in section 5314 by striking the item relating to the Chairman of the National Endowment for the Arts.
 - (3) INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of the first section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G(a)(2)) is amended by striking “the National Endowment for the Arts”.
 - (4) DELTA REGION PRESERVATION COMMISSION.—Section 907(a) of National Parks and Recreation Act of 1978 (16 U.S.C. 230f(a)) is amended—
 - (A) by striking paragraph (7),
 - (B) in the first paragraph (8) by striking the period at the end and inserting “; and”, and
 - (C) by redesignating the first paragraph (8) as paragraph (7).
 - (5) NATIONAL TEACHER ACADEMIES.—Section 514(b)(4) of the Higher Education Act of 1965 (20 U.S.C. 1103c(b)(4)) is amended by striking “and the National Endowment for Humanities”.
 - (6) JACOB K. JAVITS FELLOWSHIP PROGRAM.—Section 932(a)(3) of the Higher Education Act of 1965 (20 U.S.C. 1134i(a)(3)) is amended by striking “the National Endowment for the Arts”.
 - (7) GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.—Section 943(b) of the Higher Education Act of 1965 (20 U.S.C. 1134n(b)) is amended by striking “the National Endowment for

the Arts and the Humanities” and inserting “National Endowment for Humanities”.

(8) AMERICAN FOLKLIFE CENTER.—Section 4(b) of the American Folklife Preservation Act (20 U.S.C. 2103(b)) is amended—

(A) by striking paragraph (5), and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(9) JAPAN-UNITED STATES FRIENDSHIP COMMISSION.—Section 4(a) of the Japan-United States Friendship Act (22 U.S.C. 2903(a)) is amended—

(A) in paragraph (3) by adding “and” at the end, and

(B) by redesignating paragraph (5) as paragraph (4).

(10) STANDARDS AND SYSTEMS FOR OUTDOOR ADVERTISING SIGNS.—Section 131(q)(1) of title 23, United States Code, is amended by striking “including the National Endowment for the Arts,”.

(11) INTERNATIONAL CULTURE AND TRADE CENTER COMMISSION.—Section 7(c)(1) of Federal Triangle Development Act (40 U.S.C. 1106(c)(1)) is amended—

(A) by striking subparagraph (I), and

(B) by redesignating subparagraph (J) as subparagraph (I).

(12) LIVABLE CITIES.—The Livable Cities Act of 1978 (42 U.S.C. 8143 et seq.) is amended—

(A) in section 804—

(i) in paragraph (4) by inserting “and” at the end,

(ii) by striking paragraphs (5) and (7), and

(iii) in paragraph (6)—

(I) by striking “; and” at the end and inserting a period, and

(II) by redesignating such paragraph as paragraph (5), and

(B) in section 805—

(i) in subsection (a)—

(I) by striking “, in consultation with the Chairman,” and

(II) in paragraph (3) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”,

(ii) in subsection (b) by striking “and the Chairman shall establish jointly” and inserting “shall establish”,

(iii) in subsection (c) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”,

(iv) in subsection (d)—

(I) by striking “consult with the Chairman and”, and

(II) by striking “jointly by the Secretary and the Chairman” and inserting “by the Secretary”, and

(v) in subsection (e) by striking “, and cooperation with the Chairman,”.

(13) CONVERSION OF RAILROAD PASSENGER PROVISIONS.—Title 49 of the United States Code is amended—

(A) in section 5562 by striking subsection (c),

- (B) in section 5563(a)(4)—
 - (i) in subparagraph (A) by adding “or” at the end,
 - (ii) by striking subparagraph (B), and
 - (iii) by redesignating subparagraph
- (C) as subparagraph (B),
- (C) in section 5564(c)(1)(C) by striking “or the Chairman of the National Endowment for the Arts”, and
- (D) in section 5565(c)(1)(B) by striking “or the Chairman of the National Endowment for the Arts”.
- (14) EDUCATIONAL RESEARCH, DEVELOPMENT, DISSEMINATION AND IMPROVEMENT ACT OF 1994.—Title IX of Public Law 103–227 (20 U.S.C. 6001 et seq.) is amended—
 - (A) in section 921(j)—
 - (i) by striking paragraph (5), and
 - (ii) by redesignating paragraphs (6), (7), and (8) as paragraphs (5), (6), and (7), respectively, and
 - (B) in section 931(h)(3)—
 - (i) by striking subparagraph (H), and
 - (ii) by redesignating subparagraphs (I), (J), (K), and (L) as subparagraphs (H), (I), (J), and (K), respectively.
- (15) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965, as amended by the Improving America’s Schools Act of 1994 (Public Law 103–382), is amended—
 - (A) in section 2101(b) by striking “the National Endowment for the Arts.”,
 - (B) in section 2205(c)(1)(D) by striking “the National Endowment for the Arts,” and inserting “and”,
 - (C) in section 2208(d)(1)(H)(v)—
 - (i) by inserting “and” after “Services,” the 2nd place it appears, and
 - (ii) by striking “, and the National Endowment for the Arts”,
 - (D) in section 2209(b)(1)(C)(vi) by striking “the National Endowment for the Arts.”,
 - (E) in section 3121(c)(2) by striking “the National Endowment for the Arts.”,
 - (F) in section 10401—
 - (i) in subsection (d)(6) by striking “the National Endowment for the Arts.”, and
 - (ii) in subsection (e)(2) by striking “the National Endowment for the Arts.”,
 - (G) in section 10411(a)—
 - (i) by striking paragraph (2), and
 - (ii) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively,
 - (H) in section 10412(b)—
 - (i) in paragraph (2) by striking “the Chairman of the National Endowment for the Arts.”, and
 - (ii) in paragraph (7) by striking “, the Chairman of the National Endowment for the Arts”,
 - (I) in section 10414(a)(2)(B)—
 - (i) in clause (i) by inserting “and” at the end,

- (ii) by striking clause (ii), and
- (iii) by redesignating clause (iii) as clause (ii).
- (16) DELTA REGION HERITAGE; NEW ORLEANS JAZZ COMMISSION.—Public Law 103–433 (108 Stat. 4515) is amended—
 - (A) in section 1104(b) by striking “the Chairman of the National Endowment for the Arts,” and
 - (B) in section 1207(b)(6) by striking “and one member from recommendations submitted by the Chairman of the National Endowment of the Arts,”.
- (f) EFFECTIVE DATE.—This section shall take effect on October 1, 1997.

FEDERAL FINANCIAL ASSISTANCE TO THE STATES AND LOCAL
EDUCATION AGENCIES TO SUPPORT THE ARTS

SEC. 202. (a) SHORT TITLE.—This section may be cited as the “Art for Kids Act”.

(b) GRANTS TO STATES.—From funds allotted under subsection (e)(2), the Secretary of Education may make grants to eligible States to support the arts in such a manner as will furnish adequate programs, facilities, and services in the arts to all the people and communities in each of the several States through—

- (1) projects and productions which have substantial national or international artistic and cultural significance;
- (2) projects and productions, meeting professional standards of authenticity or tradition, irrespective of origin, which are of significant merit;
- (3) projects and productions that will encourage and assist artists to work in residence at an educational or cultural institution;
- (4) projects and productions which have substantial artistic and cultural significance;
- (5) projects and productions that will encourage public knowledge, education, understanding, and appreciation of the arts;
- (6) workshops that will encourage and develop the appreciation and enjoyment of the arts by our citizens;
- (7) programs for the arts at the local level; and
- (8) projects that enhance managerial and organizational skills and capabilities.

(c) GRANTS TO LOCAL EDUCATION AGENCIES.—From funds allotted under subsection (e)(1), the Secretary of Education may make grants to eligible local education agencies to carry out activities relating to the arts for the benefit of children.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year, a State or local education agency shall submit an application for such grants at such time as shall be specified by the Secretary and accompany such application with a plan that the Secretary finds—

- (1) in the case of a State applicant, designates or provides for the establishment of a State agency (hereinafter in this section referred to as the “State agency”) as the sole agency for the administration of the State plan;
- (2) provides that funds paid to the State or the local education agency under this section will be expended solely on

projects, productions, and activities approved by the State agency or the local education agency, as the case may be, described in subsection (b) or (c), respectively;

(3) provides that such projects, productions, and activities will be carried out—

- (A) in public, private, or public charter schools;
- (B) on government property;
- (C) in government-owned or community art museums; or
- (D) in government-owned or community theaters;

(4) provides that the State agency or the local education agency, as the case may be, will make such reports, in such form and containing such information, as the Secretary may from time to time require, including a description of the progress made toward achieving the goals of the plan involved;

(5) provides—

(A) assurances that the State agency has held, after reasonable notice, public meetings in the State to allow all groups of artists, interested organizations, and the public to present views and make recommendations regarding the State plan; and

(B) a summary of such recommendations and the State agency's response to such recommendations;

(6) contains—

(A) a description of the level of participation during the most recent preceding year for which information is available by artists, artists' organizations, and arts organizations in projects and productions for which financial assistance is provided under this section;

(B) in the case of a State applicant, for the most recent preceding year for which information is available, a description of the extent projects and productions receiving financial assistance from the State agency are available to all people and communities in the State; and

(C) a description of projects and productions receiving financial assistance under this section that exist or are being developed to secure wider participation of artists, artists' organizations, and arts organizations identified under clause (i) of this subparagraph or that address the availability of the arts to all people or communities identified under subparagraphs (B);

(7) an assurance that no part of a grant received under this section will be used for any project, production, or activity that is obscene or contains sexually explicit conduct;

(8) an assurance that no part of a grant received under this section will be used to provide financial assistance to any applicant who in the then preceding 5-year period had artistic control of, or contributed significant financial support for any project, production, or activity that was obscene or contained sexually explicit conduct; and

(9) an assurance that such funds will be used to supplement, and not to supplant, non-Federal funds.

No application may be approved unless the accompanying plan satisfies the requirements specified in this subsection.

(e) ALLOTMENT OF FUNDS.—

(1) 60 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among local education agencies based on the population of children who are not less than 5 years of age, and not more than 17 years of age, residing in the geographical area under the jurisdiction of such agencies.

(2) 37 percent of the funds appropriated for any fiscal year to carry out this section shall be allotted by the Secretary among the States as follows:

(A) If the amount appropriated for a fiscal year does not exceed \$11,200,000, then the each State shall receive an equal share of such amount.

(B) If the amount appropriated for a fiscal year does exceed \$11,200,000, then—

(i) the each State shall receive \$200,000; and

(ii) the amount remaining after making the allotment required by clause (i) shall be allocated among the States based on population.

(f) MAINTENANCE OF EFFORT.—

(1) STATES.—If in any fiscal year the amount of non-Federal funds expended by a State to carry out activities relating to the arts is less than the amount of such funds so expended in the preceding fiscal year by such State, then the amount such State would be eligible to receive under this section but for the operation of this paragraph shall be reduced by 3 times the percentage reduction of such non-Federal funds.

(2) LOCAL EDUCATION AGENCIES.—(A) Except as provided in subparagraph (B), if in any fiscal year the amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 90 percent the amount of such funds so expended in the preceding fiscal year by such agency, then such agency shall be ineligible to receive a grant under this section for each fiscal year in 5-year period beginning after the fiscal year in which the reduction occurs.

(B) If throughout any period of 5 consecutive fiscal years the aggregate amount of non-Federal funds expended by a local education agency to carry out activities relating to the arts is less than 80 percent the amount of such funds so expended in the 5-year period ending immediately before such period of 5 consecutive fiscal years, then such agency shall be ineligible to receive grant under this section for each fiscal year in 5-year period beginning immediately after such period of 5 consecutive fiscal years during which the reduction occurs.

(g) COMPLIANCE. Whenever the Secretary, after reasonable notice and opportunity for hearing, finds that—

(1) a State agency or local education agency is not complying substantially with terms and conditions of its plan approved under this section; or

(2) any funds granted to a State agency or local education agency under this section have been diverted from the purposes for which they were allotted or paid;

the Secretary shall immediately notify the Secretary of the Treasury and the State agency or local education agency with respect to which such finding was made that no further grants will be made

under this section to such agency until there is no longer any default or failure to comply or the diversion has been corrected, or, if compliance or correction is impossible, until such agency repays or arranges the repayment of the Federal funds which have been improperly diverted or expended.

(h) GUIDELINES.—The Secretary shall issue guidelines that facilitate compliance with this section.

(i) DEFINITIONS.—For purposes of this section—

(1) the term “arts” includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, televisions, radio, film, video, tape and sound recording, the arts related to the presentation, performance, execution, and exhibition of such major art forms, all those traditional arts practiced by the diverse peoples of this country, and the study and application of the arts to the human environment;

(2) the term “sexually explicit conduct” has the meaning given it in section 2256 of title 18, United States Code;

(3) the term “local education agency” has the meaning given it in section 14101 of the Elementary and Secondary Education Act of 1965;

(4) the term “production” means plays (with or without music), ballet, dance and choral performances, concerts, recitals, operas, exhibitions, readings, motion pictures, television, radio, film, video tape and sound recordings, and any other activities involving the execution or rendition of the arts;

(5) the term “project” means programs organized to carry out this section, including programs to foster American artistic creativity, to commission works of art, to create opportunities for individuals to develop artistic talents when carried on as a part of a program otherwise included in this definition, and to develop and enhance public knowledge and understanding of the arts, and includes, where appropriate, rental or purchase of facilities, purchase or rental of land, and acquisition of equipment, and includes the renovation of facilities if (i) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed \$250,000;

(6) the term “Secretary” means the Secretary of Education; and

(7) the term “State” means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands of the United States.

(i) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Education shall submit annually to the Congress a report describing the extent to which recipients of grants made under subsections (b) and (c) comply with the requirements of this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$80,000,000 for fiscal year 1998.

2. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF FLORIDA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

3. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRAPO OF IDAHO OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 20 MINUTES

Page 89, after line 15, insert the following new title:

TITLE IV—DEFICIT REDUCTION LOCK-BOX

SEC. 401. SHORT TITLE.

This title may be cited as the “Deficit Reduction Lock-box Act of 1997”.

SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“DEFICIT REDUCTION LOCK-BOX LEDGER

“SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the ‘Director’) shall maintain a ledger to be known as the ‘Deficit Reduction Lock-box Ledger’. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the ‘House Lock-box Balance’; the ‘Senate Lock-box Balance’; and the ‘Joint House-Senate Lock-box Balance’.

“(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

“(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

“(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

“(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Bal-

ance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

“(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

“(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

“(d) DEFINITION.—As used in this section, the term ‘appropriation bill’ means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

“Sec. 314. Deficit reduction lock-box ledger.”.

SEC. 403. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

“(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.”.

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: “Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.”

SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for this fiscal year, as calculated under section 602(a) (5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each out-year, the adjusted discretionary spending limit for new budget authority shall be reduced by \$ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by \$ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under section 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 407. EFFECTIVE DATE.

(a) **IN GENERAL.**—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) **DEFINITION.**—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.