1993

Arts, Humanities, and Museums Amendments: House Report (1993): Report 01

House Report

103D CONGRESS
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HOUSE OF REPRESENTATIVES
REPORT
103–186

ARTS, HUMANITIES, AND MUSEUMS AMENDMENTS OF 1993

JULY 21, 1993.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FORD of Michigan, from the Committee on Education and Labor, submitted the following

REPORT

together with

ADDITIONAL MINORITY AND ADDITIONAL VIEWS

[To accompany H.R. 2351]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 2351) to authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and the Humanities Act of 1965, and the Museum Services Act, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 2351 extends authorizations for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH), and the Institute of Museum Services (IMS) for two fiscal years. Without this bill the authorizations for these three agencies will expire on September 30, 1993.

COMMITTEE ACTION

On May 5, 1993, the Administration transmitted to Congress proposed legislation to extend the authorizations of the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services, for two additional fiscal years. The current authorities for these agencies expire Septem-

ber 30, 1993. The proposed legislation would extend those authorities through September 30, 1995.

On June 9, 1993, Representative Pat Williams introduced the Administration's proposal. This bill, H.R. 2351, was referred to the Committee on Education and Labor. The Subcommittee on Labor-Management Relations held a hearing on H.R. 2351 on June 17, 1993. On June 22, 1993, the bill was approved by the Subcommittee on Labor-Management Relations, without amendment, by voice vote. On June 29, 1993, the Committee on Education and Labor, by a voice vote, ordered the bill favorably reported, without amendment.

STATEMENT

The Administrations has requested this two-year extension in order to provide the necessary time to assess the current policies and operations of these agencies, and importantly, to give the Congress, the constituencies these three agencies serve, and the American people the chance to undertake a thorough review as well.

In 1990 Congress made significant changes in the authorization of the NEA. Arts education activities, the agency's support for state arts agencies, and support for developing arts organizations and projects in rural, inner-city and artistically underserved areas were given new emphasis and support in the 1990 legislation. In addition, major changes were made to the operational procedures of the NEA. Provisions to underscore the role of the Chair of the Arts Endowment in determining grant awards and to more fully involve the National Council on the Arts in policy and grantmaking were included. Provisions were also added mandating the use of advisory panels in grant application review; requiring greater diversity in the composition of advisory panels; and strengthening conflict-of-interest standards. In addition, changes were made in the grant application and award disbursement process. Since these changes have only been implemented in the past three years, the Committee believes that a simple two-year extension will provide the best opportunity to examine the impact these changes have had as well as assess the new leadership that soon will be in place in the NEA, the NEH, and the IMS. And, since significant changes were not made to the NEH and the IMS in 1990, a simple two-year extension will also give the Committee ample time to explore and consider changes for these agencies.

The Committee wishes to emphasize its strong belief that these three agencies have demonstrated remarkable success during their existence and should be continued. A quick look at the accomplishments of the NEA provides ample examples supporting the continuation of this agency. Prior to the NEA, there were 37 professional dance companies in the country; today they are close to 300. Today there are 110 opera companies in the country; prior to the creation of the NEA there were only 27. There were 58 orchestras prior to the NEA; today there are more than a thousand. There were 22 professional theaters prior to the NEA; today there are 420.

Since the establishment of the NEA, arts audiences have escalated. Prior to the NEA 9 million people went to symphony performances each year, today 24 million do. Before the NEA no more

than 3 million people attended the opera each year; today 18 million do. The same is true for dance and theater. Before the NEA 1 million individuals per year viewed each of these disciplines; after the NEA attendance climbed to 16 million for dance and 55 million for theater.

The NEA has played a crucial role in the flourishing of the arts. The last 11 Pulitzer Prize winning plays, including "Driving Miss Daisy" and "A Chorus Line", were developed at NEA-supported non-profit theaters. The Viet Nam War Memorial was the result of an NEA-funded design contest. The NEA has supported the best in public television, including Great Performances, American Playhouse, and Live from Lincoln Center. All of the 1990 Pulitzer Prize winners in the arts fields had received NEA support, including Oscar Hijuelos, the author of The Mambo Kings Sing Songs of Love.

The Committee believes these examples provide a sound reason for a two year extension of the NEA. Similar examples can be provided for the NEH and the IMS as well. "Archaeological Treasures from the People's Republic of China", historian David Brion Davis' Pulitzer Prize winning Slavery and Human Progress, the publication of the Journals of Henry David Thoreau, The Works of William James, and Mark Twain's Letters, the publication of The Encyclopedia of Southern Culture, Ken Burn's television series The Civil War, the seven-part television series Columbus and the Age of Discovery—all were made possible because of NEH support. And the Seattle Aquarium, the Desert Botanical Garden, the Akron Art Museum, the Children's Museum of Houston, the Heritage Center of Lancaster County, the Old Barracks Museum in Trenton, the Great Plains Black Museum, the Dayton Museum of Natural History, the Austin Nature Center, the Catawba Science Center, the Folsom Childrens Zoo and Botanical Garden, and the Boot Hill Museum—are all recipients of IMS support, support that has been vital to their continued operation.

The Committee notes that the NEH has played an especially important role in improving education in the humanities in our schools and colleges, in expanding opportunities for public audiences to experience the humanities, and in supporting research and scholarship that adds new knowledge and insight into the questions and issues that form the core of the humanities. The Committee was pleased to hear of the NEH's many efforts to reach rural audiences throughout the Nation—as well as inner-city, tribal and minority communities—with informative programming as exemplified by its support for reading and discussion groups in libraries and other cultural institutions, interpretive exhibitions in small and emerging museums and cultural organizations, programs such as the Great Plains Chautauqua, and the thousands of projects made possible by state humanities councils. The Committee applauds these efforts and notes the NEH's commitment to expanding the reach of its programming in the coming years.

The Committee also wants to acknowledge the contributions of the Institute of Museum Services. In its 15 year history the IMS has had an impact that is much greater than its small Federal funding level might imply. The IMS has made over 12,000 grants that have helped museums to increase their professionalism and

better provide unique educational opportunities to the ever-expanding museum going public. The Committee is pleased to note that museums are renewing and re-emphasizing education as central to their mission. This is reflected in the use of General Operating Support awards from IMS. Eighty-seven percent of grantees report using these Federal funds to strengthen their educational activities. The Committee wishes to take special note of the expanding efforts the IMS is making to serve small, emerging, minority and rural museums. The IMS report, "IMS national Needs Assessment for Small, Emerging, Minority and Rural Museums in the United States", and the initiation of a grant program to offer much needed training opportunities to these museums are examples of innovative initiatives that the IMS is undertaking to expand the reach of its services. The Committee applauds this.

These three agencies—the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services—with a small amount of Federal support, have enhanced the cultural enrichment of our Nation and have made significant contributions to our nation's heritage. The Committee believes they should be continued.

The Committee wishes to re-emphasize that significant changes were made to the NEA's authorizing legislation just three years ago. Those changes, as previously noted, included both substantive and procedural adjustments to the way the NEA conducted its business. The Committee has not had the chance to thoroughly review all of those changes, and while all accounts indicate that these changes have been useful and successful, a thorough review of what was done three years ago is necessary before engaging in a long term reauthorization of the NEA and the other two agencies included in H.R. 2351. Given the fact that we have a new Administration just assuming office, and given the fact that the Committee has not had the chance to review changes to these agencies with the new Administration, the Committee believes that a simple two year extension of existing law will provide sufficient time to work with the Administration and fully explore with them possible changes in direction for the three agencies. By extending the existing authorities of these agencies for two years, the Committee believes the Congress and the Administration will have an appropriate and necessary amount of time to undertake a thorough review of these agencies.

However, there are some areas of operation within the endowments, especially the NEA, that have raised some concerns with several Committee members. Among these areas are perceptions of possible conflicts of interest between recipients of awards and those who peer review grant applications. The Committee took steps in 1990 to eliminate such conflicts of interest. However, since charges of potential conflicts continue to arise, the Committee believes a more thorough review of the practices of these three agencies is in order to determine if such conflicts do in fact exist. In this regard, the Committee intends to ask the General Accounting Office to review the practices of these three agencies and report back to the Committee as quickly as possible about what these agencies are doing, or plan to do, to eliminate any conflicts of interest in their

The Committee also has some concern about the possible consequences of increased Federal arts support on state contributions to the arts. The Committee notes that the authorizing legislation for the NEA has a strict provision prohibiting the use of Federal funds to supplant non-Federal support for the arts. The 1990 NEA reauthorization legislation increased significantly the amount of NEA support which goes to the States. Since 1990 many states, although receiving increased NEA support, have experienced decreases in state budgetary support for the arts. Many members of the Committee are concerned that states may in fact be substituting Federal dollars for state dollars despite the non-supplanting provision in existing law. The Committee believes that this issue should be examined thoroughly. The Committee requests that each of the three agencies review its awarding of grants to the states and report to the Committee, within six months of the enactment of this legislation, about what states are doing with Federal funds and the impact these funds are having on state budgetary decisions. In addition, the Committee requests that each of the three agencies inform the committee about steps they are taking to enforce whatever "non-supplanting" language they may have, and recommend whether additional legislative authority might be needed to prevent any potential substitution of Federal funds for non-Federal funds. The Committee strongly believes that Federal funds should be a stimulus to increased support for the arts and humanities at the state and local level, not a substitute for such state and local support. The Committee looks forward to receiving reports from each of the three agencies as to the impact Federal support is having at the state and local level and what legislative changes might be needed to ensure that Congressional intent is carried out in this funding area.

BACKGROUND

The National Endowment for the Arts is an independent Federal agency created in 1965 to encourage and support the arts in the United States. Its mission is to foster the excellence, diversity and vitality of the arts and to help broaden their availability and appreciation. The NEA provides support, through grants and services, to nonprofit organizations and individuals in dance, design arts, folk arts, literature, media arts, museums, opera and musical theater, and visual arts. In addition, the NEA supports state, regional and local arts agencies, and a broad array of arts education initiatives as well as programs for underscored areas, especially rural and inner city areas.

The National Endowment for the Humanities is an independent Federal agency created in 1965 to develop and promote a broadly conceived national policy of support for the humanities. The NEH supports scholarly research, education, and public programs in the humanities. Grants are provided to individuals, institutions, and organizations for projects and programs concerned with history, literature, philosophy, languages, archaeology, and other humanistic disciplines.

The Institute of Museum Services is an independent Federal agency created in 1976 to [illegible]

servation activities for all types of museums, including aquariums, arboretums and botanical gardens, art museums, historic houses and sites, history museums, nature centers, natural history and anthropology museums, planetariums, science and technology centers, specialized museums, and zoological parks.

HISTORY

The National Foundation on the Arts and the Humanities was established in 1965 by P.L. 89–209. The original Act was thereafter amended in 1967 by P.L. 90–83; in 1968 by P.L. 90–348; in 1970 by P.L. 91–346; in 1973 by P.L. 93–133; in 1976 by P.L. 94–462 and P.L. 94–555; in 1980 by P.L. 96–946; in 1984 by P.L. 98–306; in 1985 by P.L. 89–209; and in 1990 by P.L. 101–512.

The 1965 Act created a National Endowment for the Arts and the National Endowment for the Humanities, and a Federal Council on the Arts and Humanities. Each of the Endowments has a Chair and a 26 member presidentially appointed council to oversee the awarding of grants which it is authorized to make.

The Museum Services Act was first enacted as Title II of the Arts, Humanities and Cultural Affairs Act of 1976 (P.L. 94–462). The Act was thereafter amended in 1980 by P.L. 96–946; in 1984 by P.L. 98–306; and in 1990 by P.L. 101–512. The 1976 Museum Services Act (Title II of P.L. 94–462) establishing the Institute of Museum Services. The Institute has a director, who with policy direction from a 15 member presidentially appointed board, administers the programs and oversees the awarding of grants which the Institute is authorized to make.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to the filing of this report, is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 14, 1993.

Hon. WILLIAM D. FORD,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2351, the Arts, Humanities, and Museums Amendments of 1993, as ordered reported by the House Committee on Education and Labor on June 29, 1993.

The bill would not affect direct spending or receipts and thus would not be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.R. 2351.

2. Bill title: The Arts, Humanities, and Museums Amendments of 1993.

3. Bill status: As ordered reported by the House Committee on Education and Labor on June 29, 1993.

4. Bill purpose. To authorize appropriations for fiscal years 1994 and 1995 to carry out the National Foundation on the Arts and Humanities Act of 1965, and the Museum Services Act.

5. Estimated Costs to the Federal Government:

FEDERAL GOVERNMENT COSTS

[By fiscal year, in millions of dollars]

1994	1995	1996	1997	1998	1998
National Endowment for the Arts:					
Authorization of Appropriations	175	179	—	—	—
Estimated Outlays	52	144	110	33	15
National Endowment for the Humanities:					
Authorization of Appropriations	177	182	—	—	—
Estimated outlays	76	142	94	38	9
Institute for Museum Services:					
Authorization of Appropriations	29	30	—	—	—
Estimated outlays	8	29	21	—	—
Bill Totals:					
Total Authorizations	381	391	—	—	—
Total Estimated Outlays	137	315	225	71	25

NOTE: Totals may not add due to rounding.

The costs of this bill fall within budget function 500.

Basis of estimate: This bill reauthorizes for two years appropriations for the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services.

H.R. 2351 authorizes appropriations of specific amounts for fiscal year 1994 and such sums as may be necessary for fiscal year 1995. Authorizations of such sums as may be necessary have been estimated by increasing the amount specified for 1994 to reflect projected inflation. All outlay estimates assume appropriation of the full authorized amount at the beginning of each fiscal year. Estimated outlays reflect spending patterns of the current programs.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up procedures for legislation affecting direct spending or receipts through 1995. CBO estimates that enactment of H.R. 2351 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this bill.

7. Estimated cost to State and local governments: Assuming full appropriations of the authorized amounts, the state and local government costs for matching funds for grants under the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services are described below.

National Endowment for the Arts (NEA)—The grants provided by NEA to state and local agencies require state and local governments to match 50 percent of the federal funds. CBO estimates that grants to state and local governments would be $50 million each year for fiscal years 1994 and 1995. The resulting costs to

state and local agencies for matching funds would be $15 million, $41 million, $31 million, $9 million, and $4 million in fiscal years 1994 through 1998, respectively.

National Endowment for the Humanities (NEH)—According to staff at the NEH, none of the NEH funds currently go to state and local governments. Based on this information and recent program experience, CBO estimates there would be no effect on state and local budgets for NEH programs.

Institute for Museum Services—The state and local costs related to grants provided by the Institute for Museum Services vary depending on the type of grant received. General operating and support grants may provide up to a 15 percent federal share of the costs for a specific museum but not more than a maximum of $112,500 per grant, project grants may provide up to a 50 percent federal share of a specific project, and assessment grants may provide full federal funding for assessments. Staff at the institute believe that about 10 percent of the grants currently go to museums that are considered state or local entities. Using this assumption, CBO estimates that state and local costs under this program at $4 million in fiscal year 1994, $13 million in 1995, and $9 million in 1996. These costs, however, will be incurred only if state and local governments accept the grants.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Cory Oltman.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(I) of Rule XIII of the Rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 2351 will have no inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the Federal budget is negligible.

OVERSIGHT FINDINGS OF THE COMMITTEE

With the reference to clause 2(l)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee's oversight findings are set forth in the "Committee Views" section of this report. No additional oversight findings are applicable at this time.

OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, no findings or recommendations by the Committee on Government Operations were submitted to the

Committee with reference to the subject matter specifically addressed in H.R. 2351.

SECTION ANALYSIS

SECTION 1. SHORT TITLE

Section 1 of the bill recites the short title of the Act.

SECTION 2. AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

Section 2(a)(1) of the bill provides for a two year extension of the authorization of definite program appropriations for the National Endowment for the Arts for fiscal years 1994 and 1995. It authorizes $119,985,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995. It further provides that 27.5% of the definite program appropriations for NEA for fiscal years 1994 and 1995 will continue to be allocated for carrying out grants-in-aid to the states, and that 7.5% of the definite program appropriations for NEA for 1994 and 1995 will continue to be allocated for carrying out programs to expand public access to the arts in rural and inner city areas.

Section 2(a)(2) of the bill provides for a two year extension of the authorization of definite program appropriations for the National Endowment for the Humanities for fiscal years 1994 and 1995. It authorizes $130,573,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.

Section 2(b)(1) of the bill extends the authorization of appropriations for NEA's treasury funds for two years, authorizes $16,955,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 for the NEA's treasury funds, extends the authorization of appropriations for NEH's treasury funds for two years, and authorizes $11,963,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 for the NEH's treasury funds.

Section 2(b)(2) of the bill extends the authorization of appropriations for NEA's Challenge Grant Program for two years, authorizes $13,187,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 for the NEA's Challenge Grant Program, extends the authorization of appropriations for NEH's Challenge Grant Program for two years, and authorizes $14,228,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 for NEH's Challenge Grants.

Section 2(b)(3) of the bill corrects a technical error in section 103(i)(2)(B) of P.L. 101–512.

Section 2(c) of the bill extends the authorization of appropriations for administrative funds for NEA by authorizing $24,466,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995, and extends the authorization of administrative funds for NEH by authorizing $20,727,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.

Section 2(d) of the bill extends the limitations of total appropriations authorized for the NEA to $174,593,000 for fiscal year 1994, and for the NEH to $177,491,000 for fiscal year 1994.

SECTION 3. AMENDMENTS TO THE MUSEUM SERVICES ACT

Section 3 of the bill extends the authorization of appropriations for all institute of Museum Services programs authorizes $28,777,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995, and extends for two years the authorization of appropriations to match contributions to IMS.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 11 OF THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a)(1)(A)(i) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts [$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$119,985,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

[(ii) For fiscal years—

[(I) 1991 and 1992 not less than 25 percent of the amount appropriated for the respective fiscal year; and

[(II) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year;

shall be for carrying out section 5(g).]

(ii) Not less than 27.5 percent of the amount appropriated under clause (i) for each of the fiscal years 1994 and 1995 shall be for carrying out section 5(g).

(iii) [For fiscal years—

[(I) 1991 and 1992 not less than 5 percent of the amount appropriated for the respective fiscal year; and

[(II) 1993 not less than 7.5 percent of the amount appropriated for such fiscal year;]

Not less than 7.5 percent of the amount appropriated under clause (i) for each of the fiscal years 1994 and 1995 shall be for carrying out programs under section 5(p)(2) (relating to programs to expand public access to the arts in rural and innercity areas). Not less than 50 percent of the funds required by this clause to be used for carrying out such programs shall be used for carrying out such programs in rural areas.

(B) For the purpose of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities [$119,900,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$130,573,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

Of the sums so appropriated for any fiscal year, not less than 20 per centum shall be for carrying out section 7(f).

(2)(A) There are authorized to be appropriated for each fiscal year ending before October 1, [1993] *1995*, to the National Endowment for the Arts an amount equal to the sum of—

(i) * * *

* * * * * * *

except that the amounts so appropriated to the National Endowment for the Arts shall not exceed [$13,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$16,955,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

(B) There are authorized to be appropriated for each fiscal year ending before October 1, [1993] *1995*, to the National Endowment for the Humanities an amount equal to the sum of—

(i) * * *

* * * * * * *

except that the amounts so appropriated to the National Endowment for the Humanities shall not exceed [$12,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$11,963,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

(3)(A) There are authorized to be appropriated for each fiscal year ending before October 1, [1993] *1995*, to the National Endowment for the Arts an amount equal to the sum of—

(i) * * *

* * * * * * *

except that the amounts so appropriated to such Endowment shall not exceed [$15,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$13,187,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

(B) There are authorized to be appropriated for each fiscal year ending before October 1, [1993] *1995*, to the National Endowment for the Humanities an amount equal to the sum of—

(i) * * *

* * * * * * *

except that the amounts so appropriated to such Endowment shall not exceed [$15,150,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$14,228,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

* * * * * * *

(4) The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, as the case may be, shall issue guidelines to implement the provisions of paragraph (2) and paragraph (3). Such guidelines shall be consistent with the requirements of section 5(e), section [5(l)(2)] *5(p)(2)*, section 7(f), and section 7(h)(2), as the case may be, regarding total Federal support of activities, programs, projects, or productions carried out under authority of this Act.

* * * * * * *

(c)(1) There are authorized to be appropriated to the National Endowment for the Arts [$21,200,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$24,466,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995*, to administer the provisions of this Act, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, including not to exceed $50,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $50,000.

(2) There are authorized to be appropriated to the National Endowment for the Humanities [$17,950,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$20,727,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995*, to administer the provisions of this Act, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, including not to exceed $50,000 for each such fiscal year for official reception and representation expenses. The total amount which may be obligated or expended for such expenses for any fiscal year through the use of appropriated funds or any other source of funds shall not exceed $50,000.

(d)(1) The total amount of appropriations to carry out the activities of the National Endowment for the Arts shall not [exceed—

[(A) $167,060,000 for fiscal year 1986,

[(B) $170,206,400 for fiscal year 1987, and

[(C) $177,014,656 for fiscal year 1988.]

exceed $174,593,000 for fiscal year 1994.

(2) The total amount of appropriations to carry out the activities for the National Endowment for the Humanities shall not [exceed—

[(A) $139,878,000 for fiscal year 1986,

[(B) $145,057,120 for fiscal year 1987, and

[(C) $150,859,405 for fiscal year 1988.]

exceed $177,491,000 for fiscal year 1994.

* * * * * * *

SECTION 209 OF THE MUSEUM SERVICES ACT

AUTHORIZATION OF APPROPRIATIONS

SEC. 209. (a) For the purpose of making grants under section 206(a), there are authorized to be appropriated [$24,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993] *$28,777,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995.*

* * * * * * *

(d) For the purpose of enabling the Institute to carry out its functions under this title, there is authorized to be appropriated for each fiscal year ending before October 1, [1993] *1995*, an amount

equal to the amount contributed during such fiscal year period to the Institute under section 207.

* * * * * * *

ADDITIONAL MINORITY VIEWS

We support H.R. 2351 as a practical, short-term solution to the fact that the authority for the National Foundation on the Arts and Humanities (NFAH) expires on September 30th of this year. The NFAH is an umbrella organization for the National Endowment for the Arts (NEA); the National Endowment for the Humanities (NEH) and the Institute for Museum Services (IMS) and there is not yet new leadership in place at any of these agencies.

We offer our support with some reservations. While we believe that there is a role for the government to play in supporting the culture of our country, such support must be provided through a process that is fair, rigorous and highly responsible.

As we look forward to a longer term authorization of this Act next year, we believe that the Committee must seriously explore some of the concerns raised about the administration of these agencies.

The Committee Report addresses our interest in looking at potential for conflict of interest in the grantmaking processes at these three agencies. While the 1990 amendments instituted new policies to try to prevent conflict of interest on the NEA panels, the Committee must evaluate whether these new guidelines are in fact working and whether they should, in some form, be applied to the NEH and IMS. In this regard, the Committee Report outlines our intent to ask the General Accounting Office to undertake a review of the practices of all three of the agencies authorized under this Act and report back to the Committee in a timely manner.

The Committee must also carefully examine whether the Chairpersons at the NEA and NEH are exercising their full statutory authority in the grantmaking process. In 1989, in response to concerns about the NEA's grantmaking procedures, Congress created an Independent Commission to study and make recommendations on the grantmaking process at the NEA. The report expressed concern over the fact that the NEA panels had become too powerful and recommended a series of ways that the NEA chairperson could better exercise his or her statutory powers. We believe that nothing should interfere with the Chairperson's ability to exercise his or her authority as the individual with sole authority to make funding decisions. The Chairperson's view must be broader than that of the National Council's or the peer panels, he or she is the one who is ultimately responsible and accountable to the President and the taxpayers for all funding decisions made.

MARGE ROUKEMA.
BILL BARRETT.

ADDITIONAL VIEWS

We support H.R. 2351, authorizing fiscal year 1994 and 1995 appropriations for the National Foundation on the Arts and Humanities, and support the effort to reauthorize the Foundation for two years without major programmatic change.

There is, however, one issue that is of concern to us. When Congress reauthorized the National Endowment for the Arts in 1991, provisions were included which specifically increased the portion of NEA monies distributed directly to the States. The basic state grant was increased from 20% to 27.5%, and additional 7.5% of NEA funds were directed to rural and underserved state programs. In effect, we increased NEA direct funding to the states by 75%

It was not the intention of the Committee or the Congress at that time to have these additional funds supplant existing state funding. In fact, the 1990 reauthorization act (Section 5(g)(4)(C)(i)) specifically prohibited states from using these additional federal dollars to offset reductions in their own funding for the arts.

Nonetheless, there is reason to believe that this may in fact be happening. In the last three fiscal years, 24, 36, and 35 states and territories of the U.S. have reduced their own funding for state arts programs by an average of better than 12%. During the same period, Federal grants to states for the arts have increased from a 1990 base of $21.5 million to $27.3 million—a 30% increase.

During both the Subcommittee and full Committee mark-ups of H.R. 2351 Congressman Gunderson offered an amendment which would have prohibited the NEA from increasing its basic grant to any state if that state had decreased its own art funding in the previous year by more than it had cut funding for other programs. The amendment also directed the NEA to conduct an investigation into state compliance with the prohibition against supplanting funds, and to report its findings to Congress prior to expiration of this reauthorization. The full Committee rejected the amendment by a vote of 18–24.

The objective of the amendment was to send a clear signal to the states that Congress takes the statutory prohibitions against the supplanting of federal for state art program funding seriously, and to indicate that we at the federal level would not place a higher priority on state funding for the arts than the states themselves. We understand that state budgets are under pressure, an that difficult decisions have to be made. At the same time, however, we point out that the federal government is facing budgetary choices which are equally substantial and no less painful.

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ADDITIONAL VIEWS

While private people give the fine arts $10 billion and the humanities even more every year, proponents of the Endowments and the Institute for Museum Services believe that unless we have a federal program to support art and scholarship, Americans can't really support or care about the arts or the humanities. This is utter nonsense.

The Federal government should not be in the business of authenticating art and literature. The American people and the art community together rightfully have the responsibility to critique, appreciate, and support scholarship and art. This duty should never have been abdicated.

Our Republic's marketplace of ideas was intended by the Founders to be truly free, not one where the Federal government interferes by weighing the worth of different forms of expression—often with its thumb on the scale, in the case of the National Endowment for the Arts and Humanities and to a lesser extent with the Institute for Museum Services.

Inherent with the existence of the NEH and NEA is the problem of censorship. The very fact that the NEA turns down 78 percent of its applications should trouble advocates of the arts. Additionally, it can be argued that the very existence of government arts agencies, specifically the NEA, encourages mediocrity in the arts, not excellence. As a matter of record, the NEA pours money into the coffers of mediocre artists and institutions, and so encourages those who should be ignored.

Time Magazine art critic Robert Hughes points out, "not all artists are wrongly ignored. Mediocrity is the natural fate of most creative endeavor, especially in a society which, in the name of therapeutics and personal growth, has removed most of the rigor from the training of its artists."[1] The recent Washington Times account of plastic excrement exhibited in a New York exhibit called "Abject Art" is a good example. As the paper correctly argued, "without the NEA to shoulder the costs, the abject artists would have to swelter in the abject poverty they deserve."[2] The unfortunate effect of the NEA has been to help spread such mediocrity around.

Not only does government sponsorship of the arts and scholarship encourage mediocrity in those whom it does fund, but arguably its policies have repulsed most of the creative individuals in America. According to former chairman Frohnmayer, "99 percent of the 1.6 million artists in the United States don't apply (to the NEA for grants)." If 99 percent of the artists are boycotting the agency, they may very well know something that the Education and Labor

[1] Robert Hughes, "Making the World Safe for Elitism: Multiculturalism in Arts Equals Middlebrow Kitsch," Washington Post, June 27, 1993.
[2] "Rotting food for thought at the NEA," Washington Times, July 13, 1993.

Committee should consider. Perhaps it is time for us to follow their lead.

Furthermore, government sponsorship has the unfortunate by-product of politicizing art. Arts organizations which might have devoted themselves fully to aesthetic cultivation now must lobby Congress. Agency decisions must directly address the interests of the latest au courant movements in order to encourage "diversity." However, even parochial political concerns on Capitol Hill receive attention. Lest anyone conclude that these political considerations have only occurred because of pressure placed by opponents of government sponsored scholarship and art, the facts prove otherwise. Former NEA deputy chairman Michael Straight has written at length in his "Twigs for an Eagle's Nest" and "Nancy Hanks" about political shenanigans at the NEA during his tenure during the very first days of the agency. The politicalization of the arts was an original sin of the endowment. It cannot be expunged.

It can't be overlooked that the NEA corrupts the arts themselves. The agency is rife with cronyism, conflict-of-interest, and revolving-door personnel. This finding was recently affirmed with the Brademas-Garment report. It is reflected in congressional testimony, and the recent scandal over the peer panels and the $252,000 settlement to Karen Finley, et al.

The agency has repeatedly refused to clean up its act and recognize the right of Congress to hold it accountable. The NEA operates in secret when the arts should operate in public. To quote Robert Hughes: "What happens when the government arts money and populist multiculturalism intersect? All too often, a form of moral blackmail with one gimlet eye on the pork barrel." Finally, we can't afford government sponsorship. We have a projected deficit of $320 billion. Of all the things the Federal government does, surely there are higher priorities than the NEA, NEH, and IMS. American audiences have supported the arts long before there was an NEA and will do so long after the NEA is gone.

No reasonable person can claim without the NEH there would be no literature, humanities or scholarship, although there might be less "abject art" with the NEA. Remember, the private sector spends some $10 billion on the arts every year.

If Congress cannot bring itself to end government sponsored arts and literature, then it certainly should make the agencies more accountable to the American people. Eric Bogosian, and actor and writer living in New York, made a suggestion which I think would be an improvement over the present system. When asked how to fix the Endowment, he told the Washington Post, "I would say revamp the NEA and change it into a lottery for artists."[3]

The Armey Amendment offered in committee would implement this New York artist's idea. The National Council on the Arts should be eliminated and the discredited peer panels should be terminated. Such a change would solve the problem of cronyism and conflict of interest. Additionally this committee should have considered a regime wherein regional pools of applications are used.

Each application would then be judged on the basis of artistic excellence and basis administrative and managerial capabilities by

[3] Jacqueline Trescott, "Terms of Endowment", Washington Post, 21 February 1993.

the Chairman of the Endowment. All approved applications would then be placed in regional lotteries for final selection. Rather than keeping the NEA as a preserve for a sect few, art funding would be disseminated more fairly and more broadly.

Another way to further the goal of disseminating arts funding more broadly and neutrally would be to make a block grant out of 65 percent of NEA funds. Presently, 35% of the NEA budget goes to the states and underserved areas. There is no more important obligation for the NEA, if it must continue to exist, than the equitable expenditure of Federal funds across the entire nation. New York and California should not receive a disproportionate share of NEA resources.

The outlined changes reflect a new direction for the NEA, towards artistic excellence, accountability, and accessibility. It would strengthen the power of the Chairman and make him more answerable to Congress and the American people.

Ultimately, the NEA, NEH, and IMS should be abolished. But if that is impossible, then this committee should adopt a mechanism whereby we at least insure that we "do no harm"—either to the artist or to the taxpayer.

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