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Legislative History of the Reauthorization of the National Endowment for the Arts (NEA) (1990): Article 02

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The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The Reverend Richard C. Halverson, Jr., of Falls Church, VA, will offer the prayer.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Falls Church, VA, offered the following prayer:

Let us pray:

Father in Heaven, at a significant time in our nation's history, Benjamin Franklin raised this question to his colleagues in Congress: "If a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid?"

Lord, this question reminds us this day, on the eve of Rosh Hashanah, of our utter dependence upon You and Your sovereign guidance by Your grand hand. We pray that in these days You will cause the Sun to rise on our land that we might provide a better, safe haven for our citizens, and a good example to our global friends of a nation wherein the people may freely assemble before Thee.

It is written: For the kingdom is the Lord's, and He is the Governor among the nations.—Psalm 22:28.

We make this prayer in the name of Yeshua, who came to save, not to judge, the nation. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Brad).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RUSSELL D. FEINGOLD, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FEINGOLD thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

INTERIOR APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 2520 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2520) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. PACKWOOD addressed the Chair. The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am extremely dismayed that the bill before us contains additional funding for the Endangered Species Act.

The formal funding authorization for the Endangered Species Act expired in the last Congress. I have been eagerly awaiting the reauthorization process because it is my view that changes are urgently needed in the Endangered Species Act. Most notably, the law needs to be changed to require greater consideration of the economic costs of preserving millions of acres for animals and plants.

Unfortunately, once again, through an annual appropriation, the Senate is extending the law without the benefit of close scrutiny by the authorizing committee and necessary changes that I believe the Endangered Species Act richly deserves. It is my view that the Senate should not continue to fund this flawed statute in its present form.

As it is currently written, the Endangered Species Act fails to achieve a workable balance between the demands of wildlife protection and the need for jobs and a growing economy. The decision to list a species as threatened or endangered must be based solely on the biological status of the species. Nothing else matters. When we wrote it 20 years ago, I do not think anyone imagined that the cost of protecting a species could equal tens of thousands of jobs.

No one that I know of ever imagined that under the Endangered Species Act if the choice was between a bird or a bug or a slug and tens of thousands of jobs the jobs would have to go according to the Endangered Species Act.

I think it is time for us to reexamine our priorities. We need to consider the frightening consequences of our present approach of protecting wildlife at any cost in terms of marital discord, bankruptcy, child abuse, and suicides that accompany job losses.

The business-as-usual approach of funding the ESA without a thought to the enormous implications that are becoming increasingly common is a disservice to thousands of Oregonians who are out of work or soon will be because their Government has placed the needs of wildlife above the needs of people.

There is a bill currently pending in the House which I support and which is soon to be introduced in the Senate.
That bill, introduced by Representative TAUZIN and 84 of his colleagues, makes significant improvements to the Endangered Species Act. Unfortunately, the bill takes human costs into consideration.

What we should be doing is having a full debate on the ESA. Instead, here we are, agreeing to an annual appropriation to carry out the provisions of the ESA with not so much as a nod to those communities out there which are being severely impacted by an act out of control.

Mr. President, while I will not at this juncture move to eliminate funding for the ESA from the bill before us, I wish to alert my colleagues that this Senator is becoming increasingly frustrated with an annual appropriation for an act which is spinning out of control and wreaking havoc for our communities and workers.

I thank the Chair. I yield the floor.

EXCEPTED COMMITTEE AMENDMENT PAGE 97, LINES 1-4

The ACTING PRESIDENT pro tempore. The pending question is the committee amendment on page 97, lines 1-4.

Is there further debate on the amendment?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Ten minutes after ten? And the Chaplain gave his prayer at 8:30. I say to my friend from Oklahoma, that is a 9 o'clock town or a 10 o'clock town? I am a 9 o'clock fellow in a 10 o'clock town.

Oh where, oh where has my little dog gone? Oh where, oh where can he be?

And his tail cut long, Oh where, oh where can he be?

What are we going to do, may I say to my friend?

Mr. NICKLES. If the chairman will yield, I do not know where the little dog is, but we do have a couple of amendments on wolves and we have an amendment on cougar research. I just would urge my colleagues to follow the advice of the chairman of the committee to bring their amendments forth.

Mr. BYRD. Very well, I see the distinguished Senator from Montana is on the floor. Perhaps we are ready to go at last?

The ACTING PRESIDENT pro tempore. The Senator from Montana?

Mr. BURNS. I thank the Chair. In responding to the chairman's urgent call for action here, I have an amendment. I have an amendment and I will send it to the desk.

The ACTING PRESIDENT pro tempore. If there is no objection, the pending committee amendment is set aside.

AMENDMENT NO. 894

Mr. BURNS. Mr. President, I send an amendment that I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: The Senator from Montana (Mr. BURNS) proposes an amendment numbered 894.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 894

At the appropriate place, insert:

That funds included in the section entitled as Special Park Increases of the National Park Service budget, for two natural resource management FTEs dealing with the reintroduction of the wolf, shall be instead used for the improvement of the physical infrastructure of Yellowstone National Park.

Mr. BURNS. Mr. President, for those who do not know much about this amendment, let me explain: There is currently allocated in this bill funds to hire two new wildlife biologists to work inside Yellowstone National Park, my amendment would transfer these funds to infrastructure work—improving roads, trails, paths, buildings, etcetera—inside the park.

Yellowstone is the crown jewel of our National Park System. It is our oldest and most beloved park. But the crown jewel is in need of repair. It needs some repair work from the loving it gets each year from the millions of people that visit it each year and take their kids to experience one of the natural wonders of the world. It needs some work folks, it is getting a bit shoddy and rundown at the heels.

There is some money. There is one-third of $1 million in this bill to put two new Government employees in the park studying wolves. That is right studying wolves—watching those very critters that we spent 100 years trying to get rid of.

We need to create two new Federal wildlife biologist positions in the National Park Service. We do not need to study the wolf. The Fish and Wildlife Service and the National Park Service have enough wildlife biologists to study the wolf. What they need is a Yellowstone open and give it the repairs it needs so that it can receive more visitors.

Let me ask this, what will happen if the National Biological Survey is put into effect as Secretary Babbit wants? Is the Fish and Wildlife Service going to be back asking for even more wildlife biologists? I thank the answer is yes.

Where do we get the money? Do parks such as Yellowstone continue to deteriorate so that we can increase the Federal work force? Do we hire wildlife biologists to study some endangered species in downtown New York? At least? Does each endangered species get its own Federal wildlife biologist? Is this lifetime Federal employment for wildlife biologists? I don't think so, and I don't think that the majority of Montana's wild life all live near the park think so either.

There is no money in the till. Chairman BYRD has done a masterful job as has Senator NICKLES and their staffs in putting 40 pounds of potatoes into a 10-pound sack. But as a member of the Appropriations Committee and a Senator representing a State that bounds this wonderful park, I respectfully point out that I believe, this one-third of $1 million can be put to a better use.

This is an issue of setting priorities. Are people a priority or solves a priority? I want to put people first. I want to get the most bang for my buck.

On a side note I am pleased that we are beginning to address the problem of collecting funds at the park gate. Only after I floated my amendment did National Park Service Director Roger Kennedy announce that the gates of Yellowstone will be manned by Park Service employees full time beginning October 1. And I understand that some of those funds will remain at the park.

That is good news.

But here is a third of $1 million that could be put to better use and I urge my colleagues listening to this debate to vote to help the park, the crown jewel of our National Park Service, and not to create yet two more Federal employees.

Mr. President, I hope the managers of this important bill can find a way to get an agreement on this. We will work on that before I ask for any action to be taken.

Basically what this amendment is, it is the setting of priorities. I have spoken to the real cost in Government in doing business. When we talked about that speaking cost of increasing taxes, one of the areas we find is the redundancy in Government. Everybody wants to do what everybody else is doing. This sort of allays one of those problems that exist with Yellowstone Park and its management.

This is the crown jewel of the park system. We have a problem up there of decaying infrastructure—roads, buildings, those facilities it takes to make their stay more enjoyable for any American. We want to protect the crown jewel of all national parks.

What I am trying to do is shift some dollars from an area where they are not needed to an area where they are so sorely needed because of our infrastructure problem within the park and,
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yes, other national parks across the Nation.

I will have a statement on this amendment. I want to get it worked out on both sides of the aisle, that is, make it acceptable, and will work very hard at that.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The acting clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EN BLOC AMENDMENTS NOS. 895, 896, 897, 898

Mr. BYRD. Mr. President, there are a number of amendments that have been cleared on both sides, and I ask unanimous consent on behalf of myself and Senator NICHOLS that the following amendments be agreed to en bloc.

They are:

An amendment (No. 895) on behalf of Senators HATFIELD and MURAY that addresses the early-out authority for the Forest Service to downsize in a rational fashion given the dramatic decreases in the timber sales program;

An amendment (No. 896) on behalf of Senator SIMPSON that earmarks $100,000 within the Fish and Wildlife Service account for a data base of big and small game animal populations in areas affected by possible reintroduction or natural return of wolves to the Yellowstone area;

An amendment (No. 897) on behalf of myself striking a provision in the bill related to employment floors for the Indian Health Service;

An amendment (No. 898) on behalf of Senator STEVENS prohibiting the use of funds for implementation of the Pacific salmon strategy in the Tongass National Forest.

The amendment on behalf of Senators HATFIELD and MURRY will provide early-out authority to the Forest Service to assist in a rational downsizing of the organization necessary to comply with the significantly reduced size of the timber sales program. This authority is recommended in the hopes that significant reductions in force, and associated costs, can be avoided. While the reinventing Government initiative is looking at this issue, the situation in the Forest Service is more pressing, because of the reductions assumed in the budget this year related to timber sales and associated support costs. The amendment does include a provision that in the event similar Government-wide authority is provided for the following year, that legislation would supersede the authority provided herein.

The amendment on behalf of Senator SIMPSON would provide $100,000 for the assimilation of a data base related to big and small game animals that might be affected by wolf reintroduction in the West. Whether the wolves are reintroduced or return naturally, concern exists about the potential impact on game herd size. The amendment will allow for the compilation of a data base, most of which can be drawn from existing information available in different data bases, that will help to serve as a baseline for making future comparisons.

The amendment on behalf of Senator BYRD strikes language proposed by the House relative to employment floors for the Indian Health Service. In light of the Vice President's reinventing Government proposals, particularly with respect to the size of the Federal work force, this language is proposed for deletion. This will allow us to discuss this issue further in conference. While the language is stricken, and the committee is willing to work with the administration to reduce employment floors, rather they are provided for doctors, nurses, x-ray technicians, and other medical professionals.

The amendment on behalf of Senator STEVENS prohibits the use of funds to implement the Bureau of Land Management's preferred alternative strategy for Pacific salmon and steelhead habitat (Pacifish) in the Tongass National Forest. Specific directions relative to the protection of watersheds, streams, and associated habitat were included in the Tongass Timber Reform Act, and the amendment is intended to allow for those provisions to be continued. Efforts to impose stricter standards than legislated in the Tongass Timber Reform Act of 1980 would be subject to the same legislative review as was applied to those currently in law.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 895

At the end of title III, insert:

SEC. 17. FOREST SERVICE SEPARATION PAY.

(a) In order to avoid or minimize the need for termination of employees for the period beginning upon the date of enactment of this Act through and including September 30, 1994, the Secretary of Agriculture, under such regulations and subject to such conditions as the Secretary of Agriculture may prescribe, shall have authority to offer separation pay to employees of the Forest Service, in the event that, in the opinion of the Secretary of Defense, is authorized to offer separation pay to employees of a defense agency in section 5597 of title 5, United States Code, but applicable to employees in the executive branch generally, the authority under subsection (a) shall terminate.

(b) Such payments may be made to employees who agree, during a continuous 90 days period, to accept involuntary separation.

(c) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 3 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

(d) Total outlays by the Forest Service pursuant to the cooperative work trust funds accounts (12-0070-0-7-302) shall not exceed $279,688,000 in FY 1994.

AMENDMENT NO. 896

On p. 10, line 4, before the period, insert the following: "Provided further, That within $100,000 shall be made available to the U.S. Fish and Wildlife Service for the purpose of compiling and maintaining a database consisting of big game and small game harvests of the elk and moose harvests in, and adjacent to, areas under consideration for wolf reintroduction: Provided further, That such study shall consist of data obtained from state agencies and federal agencies with jurisdiction for wildlife management in these areas: Provided further, That such database shall include measured and estimated population levels of game species covering a period ten years prior to the date of enactment: Provided further, That such database shall be updated yearly basis after the date of enactment."
Mr. President, wolf packs are very efficient at discovering how to kill the most vulnerable prey species. In Wyoming when the snow makes deep—moose, big horn sheep, elk, deer, and other prey animals become easy targets for wolves. The fact is that we do not have large populations of moose or big horn sheep, and the other big game species are currently carefully regulated by hunting. The addition of a new predator will likely mean that significant ecological changes will be observed.

We could be creating serious problems with regard to other wildlife species if we do reintroduce wolves. Those who favor reintroduction like to say that we have too many elk in Yellowstone. Park and that big game populations will not be affected by the introduction of a new predator into the ecosystem. But we know how many animals wolves kill in an average year. If wolves are reintroduced and they thrive, the increased numbers of free will mean increased mortality. Of course, some wolf supporters argue that we can offset that predator caused mortality by reducing hunter harvests. However, I would note that this type of contention could have economic consequences in my neck of the woods. Further, that would erode most public support for the Endangered Species Act.

We also have the studies in Canada and the detail a most curious wolf behavior—surplus killing. There have been cases where a pack of wolves have hit a caribou herd and killed dozens of calf and young adult caribou in a very short period of time as if a killing frenzy. These wolves have killed many more animals than they could ever hope to consume. The surplus animals are just left to rot on the tundra. It is not difficult to imagine a pack of wolves driving a migration of elk out of Yellowstone Park down to the winter feeding grounds near Jackson Hole and then wreaking havoc on a heard that is concentrated in a small area.

If we are going to be able to deal effectively with a large and rather efficient predator like the wolf, we are going to need to know what current and past game population levels and hunter harvest levels have been without the wolf being worked into the equation. If they ever become a factor, the professional wildlife managers at the State and Federal levels will have the data necessary to determine what effect wolf predation is actually having on a given game population, and what steps may be necessary to compensate for any deleterious effects caused by excessive predation or surplus killing.

My amendment would provide funding for, and direct the U.S. Fish and Wildlife Service to use existing population and hunter harvest information, as well as future information that will be valuable in determining game population trends with and without wolf predation being a factor. This is the type of information that is so necessary for sound, scientific wildlife management. The data would be updated on a yearly basis so that in the event wolves are reintroduced we can stay closely on top of the situation in order to ensure a thoughtful and sensible re-introduction.

I am also concerned that the addition of a new predator will have the potential to cause harm to other wildlife species in the region. I compliment the Senator from Montana for the amendment. I am hopeful our colleagues will agree to that amendment.

I also note that the Senator from North Carolina is here as expected to introduce his amendments dealing with the National Endowment for the Arts.

So I appreciate my colleague from Montana being here early and ready to prove his amendment. I think we have final agreement on it yet. My guess is, if the Senator from Montana is willing to do so, we might set it aside so we can consider the amendment of the Senator from North Carolina.

Mr. BURNS. Mr. President, on my amendment, we are trying to work out the final stages of the agreement. I think we are very close to an agreement. But it is going to take a little more time. I would leave the judgment of that in the hands of my ranking member and the chairman, the managers of this bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that we temporarily set aside the amendment of the Senator from Montana so we can consider the amendment of the Senator from North Carolina.

Mr. HELMS. Am I recognized?

Mr. BURNS. Mr. President, on my amendment, I need to work out the final stages of the agreement. I think we are very close to an agreement. But it is going to take a little more time. I would leave the judgment of that in the hands of my ranking member and the chairman, the managers of this bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that we temporarily set aside the amendment of the Senator from Montana so we can consider the amendment of the Senator from North Carolina.

Mr. HELMS. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The Acting President pro tempore. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Good morning.

Mr. President, last night, I must now confess, I offered an amendment just to get the attention of the Senate. I did not anticipate that it would pass, and I was not surprised that a substantial number of Senators did not vote for it. But they should not be so cavalier about the two amendments I shall call up now. Most of us, as always happens, I heard the walls and the clatters of Senators who said, "Oh, how are we going to support the community choruses out in the smaller counties of America if we do not have the National Endowment for the Arts?" Therefore we cannot do anything to the N.E.A. to cause the arts are so valuable to the Nation's small towns."

Well, I kind of agree with that, but I also agree with those who contend that the arts flourish for most of the history of this country, without a dime's worth of Federal subsidy. But that is not the argument this morning. I wish to emphasize that I hope Senators will remember the arguments from last night on both sides of the aisle particularly those of the Senator from Massachusetts, who can always be counted on to talk about what is decent and honorable and desirable.

Now, Mr. President, it is my contention that we in this body must get a handle on the Endowment for the Arts' habit of giving the taxpayers' money to people whose mentality convinces me that they are anatomical phenomena. They have their brains in their crotches. They cannot think of
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anything else. And that is the reason they produce the rotten stuff that I have exhibited on this floor year after year.

Senators say, "Well, I am not in favor of that. No. No. I am in favor of the symphonies out in the boondocks, the choruses, and the Nation's young people," etc. et cetera, et cetera.

OK, they have a deal.

One of the Senators came up to me last night. She said, "I am sorry I could not vote for the amendment." I said, "Well, why don't you help me. And I must say that I have been trying not to do for 4 or 5 years—which is to cut out the funding of the people who produce this rotten, vulgar, nauseating garbage."

As I pointed out last night, one guy got $20,000 for sewing a cadaver's head into two parts, and placing the two parts together, so that they faced each other to produce the illusion that the man was kissing himself. Then, in another photo, the same guy scooped out the cadaver's brain and stuck it off the head, and stuck flowers in it. He received $20,000 for that sort of thing from the Federal Government. No; not from the Federal Government, from the American taxpayer.

Now, Mr. President, the two amendments I intend to offer today are for real. I shall call up the first one momentarily, but let me have a few moments for prefacing remarks.

I am certain that I have never met Jane Alexander whom the President has nominated, as I understand it, to become Chairman of the National Endowment for the Arts. But like many other Senators, I admire this lady as a talented and sensitive actress. And unless I learn something about her that I do not now know, it is my intent to support her nomination when it comes up in the Senate. I confess that Mr. Helms and I may to a certain degree have become interested in Jane, because Jane and I chose, years ago, to name our first daughter Jane Alexander Helms—using Dot's middle name and my middle name.

In any event, part of my motivation in offering the amendment which I shall send to the desk presently is to give the incoming NEA Chairman Jane Alexander, at least a year or so in which she can concentrate on upgrading the quality of art that the American taxpayers are forced to subsidize. I do not feel that she should be put in the position of having to try to referee the heated public dialog about how some of the NEA's funds have been and are being spent on repugnant art and so-called artists.

So, as the text of the amendment will indicate when the clerk reads it in full, Senators will be given the opportunity to take a stand on the question of restoring the National Endowment for the Arts to its original intended purposes—the support of mainstream, broad-based arts groups, not individuals, on the national and community levels. For at least a year or so, there will be no more of this sorry business of throwing the taxpayers' money into the hands of individuals on the radical fringe—and that is being charitable—who have so offended and outraged the American people.

To be more precise, the amendment which I shall send to the desk presently will help restore the focus of the National Endowment for the Arts to mainstream institutions of arts and culture, such as symphonies, orchestras, opera, and other nonprofit organizations only as a reasonable measure of support and respect from the local communities in which they operate.

Senators have said, time and time again, including the Senator from Massachusetts, "Oh, we cannot harm these local groups. We must encourage their talents."

I agree that most local art groups serve a good purpose, but I do not want to encourage the kind of garbage that I was compelled to exhibit here last night. Just what one sorry character's work was and how he received $20,000 from the NEA for doing it.

Mr. President, I think former Acting Chairman Anne-Imelda Radice said it right in her letter in which she apologized for the NEA having funded Joel-Peter Witkin during her watch. She said that there should be no more of the NEA's "buying time," as she put it, "types of awards" to individuals. And there will not be if this next amendment is approved by the Senate. I deeply and fervently wish that Anne-Imelda Radice had been invited to testify before the relevant committee on this issue.

Mr. President, as I said before, the argument always heard on the continued existence of the National Endowment for the Arts, almost without exception—as we heard from Senator after Senator, over again last night—always refers to symphonies, orchestras, opera, and other mainstream types of art. Of course, that is because most Americans support these manifestations of true art.

But these are the very institutions that have been struggling financially while the National Endowment for the Arts has been giving untold thousands upon thousands of dollars to people who mutilate corpses in the name of art; or who hand out $10 bills to illegal immigrants at the Mexican border; $10 bills that they got from the National Endowment for the Arts; or individuals who promote vulgar, rotten, homosexual film festivals, or commit acts calculated to outrage the sensibilities of decent Americans who are required to put up the money to reward such garbage.

AMENDMENT NO. 999

(Purpose: To provide that funds from the National Endowment for the Arts shall be approved only to give grants and financial assistance to nonprofit groups and not to individuals)

Mr. HELMS. Mr. President, I am going to pause long enough to send the amendment to the desk. It is unprinted. I shall try to say it.

Mr. PRESIDENT, I do not think any other provision of this Act, eligibility for the funds made available to the National Endowment for the Arts under this Act, with the exception of grants-in-aid to the states, shall be limited to not-for-profit institutions, organizations, associations, and societies."

Mr. HELMS. Mr. President, that amendment, I think as the lawyers say, is res ipsa loquitur, "it speaks for itself." But while the NEA has been shoving away money on bullwhips inserted into the posteriors of homosexuals to be photographed and the other outrageous pictures submitted to NEA in the name of art, while the NEA has been using tax funds to reward perverted minds who have put crucifixes in jars of urine while the NEA has been rewarding so-called self-styled, self-proclaimed artists who mutilate dead bodies, the symphony orchestras, choral groups, and other young people in this country have been denied funding because there is not enough left after NEA has taken care of these strange, strange artists.

The Wolf Organization of Cambridge, MA, after studying 254 orchestras across America for the past 20 years, found that the orchestras are facing "a financial crisis of unprecedented proportions." The annual deficits of the orchestras studied soared from $2.8 million in 1971 to $7 million in 1991. Operating expenses increased from $2.6 million to $27.0 million over the same period.

Meanwhile, from 1985 to 1993, tax payer funding for symphonies declined by 4 percent in the face of the rising operating costs. So no wonder they are running a deficit.

Mr. President, the orchestras and other groups are in dire straits as is so mournfully discussed on this Senate floor every time there is a proposal to shut off the money to the perverted minds to produce the kind of garbage that we have last night. Oh, Senator after Senator gets up and says: We just cannot do this or that to the NEA because the orchestras and the choral groups and the young people need the money.

Well, I am saying to my friend from West Virginia, that is I agree; let us cut it off for the perverted minds and give it to the kinds of people and organizations that the Senators always bring up. They never mention a mumble word about what the issue is. They say: "Well, you know, when you have art, there is going to be some art that offends you."
You better believe that is a fact. I was offended by the crucifix in the
wine; I was offended by Mapplethorpe taking a bullwhip and inserting it—
you know where—and then taking a picture of the crucifix and getting in
and giving it to the symphonies and the other groups that are always men-
tioned on this floor every time this issue comes up.

You can count on it. I expect that in
the debate today, a certain Senator will pull out and say: "All art is going to
offend somebody sometime." No, it will not. I have never heard a symphony or-
chestra that offended anybody. I played in some symphonies myself. They al-
most closed shop because I was in there and fouling up the music. But, there
was no Federal subsidy for musical groups like that when I came along.

But that is another story.

Let me provide a few arithmetical
digits. While the sym-
phonies and other mainstream art
institutions in this country have been
struggling financially, the National Endowment for the Arts spent $8,186,000
in 1992 alone to give 361 individuals NEA fellowship awards. I think, the
majority of Americans are fed up with such NEA grants which are ostensible
ly given to individuals so that they can take time off to "create," but which in
reality do no oversight concerning how an individual recipient actually
spends the money.

Last night, I read into the RECORD a
letter sent to me by the Honorable
Anne-Imelda Radice, who is former ac-
ing head of the National Endowment
for the Arts. She apologized to the
American people, because one of the
grants involving the mutilated heads of
corpses got by her because there was
no way for her—as the Chairman—to
understand everything going on at the
NEA.

I seek unanimous consent, Mr. Presi-
dent, to have the entire text of the let-
ter written by Anne Radice printed in
the RECORD.

There being no objection, the letter
was ordered to be printed in the
RECORD, as follows:

AUGUST 2, 1993.

Senator JocS J. HELMS,
Democratic Office Building,
Washington, D.C.

DEAR SENATOR HELMS: I have just received information that one of the photographic fel-
dship applications I approved last Septem-
ber was awarded to an individual whose work
appears to use shock quality of prurient sub-
tects as a primary virtue. The April 1988 issue of Vanity Fair features some of
this man's work.

It is embarrassing to admit that this oc-
curred on my watch. However, it is more dis-
true to me that this particular approve was for one year so that I would not have
known what the photographer would have
done with the award until after the fact.
(Photographs for two years require interim reports.)

You are probably also aware that when fel-
dship are presented as a category to the
Council and the Chairman, they are done so
in list form which emphasizes geographic re-
region. Some fellowships are given directly,
however, and I have to admit I do not remember this spec-
ific application but do not offer that as an excuse.

This, of course, only points to the difficul-
ties which the Agency will continue to expe-
tience with these by-time types of awards.

There is really little protection for the tax-
payer. Unless the Chairman can be every-
where and know everything, it is impossible
to guarantee that such an unfortunate situa-
tion cannot happen.

Let us hope that the new Chairman will be
able to better channel the funds available to
the Arts such that reach the widest audi-
ence possible.

I wanted to write you as soon as possible
about this situation. The Arts Endowment
wonderful programs geared for commu-
nity activities, world class operas, sym-
phonies, arts education, film preservation,
just to name a few. Let us hope that the new
Chairman will emphasize those worthwhile
national activities.

With best wishes,

ANNE-IMELEDA RADICE, Ph.D.,
Former Acting Chairman,
National Endowment for the Arts.

Mr. HELMS, Mr. President, I hope that in
the days to come, the Senators who vote against this amendment will
ask themselves this letter and see what
a lady who was on the firing line says about the process that the National
Endowment for the Arts goes through.

Now, back to the NEA giving Joel-Peter
Witken $25,000 award for his
cadaver art—yes, you remember the photo
of the head sawed in two, and the other
photo where the top of a head was
sawed off, scooped out, and flowers
were stuck in. Oh, that is art. It just
makes me cry to think about the fact
that I do not even have a cadaver head
in my house. I daresay that nobody
else in this Chamber or anybody watching
on television has one, either, or
would not presume to have one.

But Joel-Peter Witken got $22,000 of
taxpayer money, while the New Or-
leans Symphony had to close up shop be-
cause it owed $25,000 to its players' pension fund and was thousands of
dollars in debt.

Would it not have been better not to
have given Mr. Joel-Peter Witken that
$20,000, and sent it down to New Or-
leans instead? And that is what this amend-
ment proposes to do in the future.

Mr. President, to survive financially,
many institutions of culture have dis-
covered that their futures lie—as does
the future of this Nation—with Ameri-
can's children. I certainly agree with
that. I have seven grandchildren, and
every time I look at them, I think of
that.

Time magazine cited an example
which is very interesting.

Time magazine said:

In bad times, the smaller orchestras usu-
ally suffer. One exception is the Cedar Rapids Symphony.

In Iowa, of course.

On the theory that education is the key to
future growth, the orchestra has targeted
many of its activities toward children. With

a high caliber of performances and an im-
pressive array of outreach programs that
in-clude free visits lessons for every thir-
grade public-school student. It's in its 3rd
season, the orchestra has generated an
$18,000 operating surplus.

In the name of the Lord, Mr. Presi-
dent, is not that the originally in-
vented National Endowment for the Arts—to help that orchestra
and others like it? In order to focus
NEA funding on such organizations with broad public support, the pending
Helms amendment now at the desk pro-
vides that grants be provided only to
nonprofit groups, not the likes of Mr.
Joel-Peter Witken.

If I may refresh your memory, Mr.
President, the photo on the sausal is the
cadaver head that Joel-Peter Witken
sawed in two—down through the nose
and put the two pieces together as if
one man is kissing himself. Boy, that is
a $20,000 piece of art if I ever saw one.

And here, Mr. President, if the cam-
corder can focus on the photo-
ograph of the poor guy who had the top
of his head cut off when he died. Mr.
Witken scooped out his brains, stuck
the flowers inside the head, and then
was able to use the photograph to help
himself to a $20,000 award from the tax-
payers.

Baloney.

I am saying, again, that in order to
focus the NEA funding on worthwhile
organizations with broad public sup-
port, the pending amendment provides
that grants be provided only to non-
profit groups. There is nothing novel
about this provision. It is modeled
after an NEA statute, section 556(a),
which is used to fund a special support
program for "artistic and cultural pro-
grams in the Nation's Capital under
the direction of the Commission of
Fine Arts."

I read all of that because that is a di-
rect contrast to the fact that this pro-
gram is limited to nonprofit institutions,
which is precisely what my amend-
ment does.

Mr. President, if you will bear with
me for just a minute, the limitation that I just referred to has
it that the $7.5 million authorized for the
National Capital Program each year
goes only to support the major art in-
stitutions in Washington, DC—such as
the Folger Theater, the Cochran Gall-
ery of Art, the Kennedy Center, the
Arena Stage, the National Building
Museum, the National Capital Chi-
ildren's Museum, and the National Sym-
phony Orchestra, and I might add it is
still here.

The pending amendment would focus
taxpayer funding on well-recognized
and established arts groups instead of
dissipating millions of dollars by giving
grants to hundreds of individuals,
many of whom are already wealthy.

The bottom line is that this amend-
ment will return the NEA to the pur-
poses for which it was founded in good
faith by good people: To support main-
stream, broad-based national and com-
unity arts institutions which are
nonprofit, the very type of groups the NEA spokesmen and supporters always cite—just as they did last night—when they are trying to win Congress' support for grants to support the arts, they print the operas, and they cite the symphonies, and they cite arts education. But they never mention, as I said earlier, the disgusting work, if you want to call it that, of individuals who have been recent recipients of the NEA’s generosity.

I would note, Mr. President, that nobody connected with the NEA has ever given away his or her own money. They are giving away the money of the American taxpayers, and there is why I am standing here this morning.

When the NEA was first proposed in 1965, its original sponsors never mentioned using taxpayers’ funds to support a health insurance program for artists, or for housing for them so they could sit back and cut cadavers’ heads apart and be creative. Nobody contemplated that the taxpayers would be required to provide legal services for those so-called artists. There certainly were few offices of public ethics masquerading as art, nor was there one syllable of discussion of experimental art, let alone being constitutionally compelled to make the American taxpayers provide the money to fund obscenity, to that rotten so-called performance art that so offends the majority of taxpayers.

Go back, as I have, I ask Senators, and see if I am not right about that.

No, Mr. President, the NEA never contemplated funding bullshits inserted into you-know-where, to be photographed and turned in to the NEA, or crucifixes in urine, or strip shows, or mutilations of corpses in the name of art. And there was no attempt to sue the artist who sues whenever the NEA denied grants to artists who so arrogantly abused the public trust.

What the NEA’s creators did advocate in 1965, what they did talk about, were the more traditional institutions which were repositories for the highest culture achievements of Western, Asian, Middle Eastern, and other cultures. They talked about educating our children. They talked about providing access to the arts for those who might need to be taught, who need to be mentally, physically, and geographically.

Now, that is what was contemplated when the NEA was established. If anyone doubts my words, let me them go back, as I have, and read the record.

No, Mr. President, the NEA’s creators talked about and advocated the best traditions in the arts—beauty and creativity and craft and truth. And that is what the pending amendment aims to restore.

The Endowment, when the Senate and the Congress approve this amendment, if the Senate and the Congress do approve it, the Endowment and the NEA will be obliged to use its funds responsibly and there will not be any railroading around of the Chairman, as was the case with Anne Radice when she was the acting director at the NEA.

Mr. President, I ask unanimous consent to take up a magazine in its July 12 issue, entitled “Is the Symphony Orchestra Dying?” be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

IS THE SYMPHONY ORCHESTRA DYING? (By Michael Walsh)

Buffeted by spiraling costs and falling ticket sales, frustrated by shifting urban demographics, faced with a lack of innovation, and a lack of artistic vision, the nation's 1,800 symphonies today face the greatest challenge ever to their existence.

Long considered indispensable indicators of a community's sophistication, orchestras are in danger of becoming cultural dinosaurs. Some are already extinct: within the past decade, major ensembles have collapsed in cities as disparate as Oakland, California; New Orleans; Denver and Birmingham, Alabama. Endowments have been tapped and season concerts have been canceled. Settlements and dismissals have been considered. Community orchestras have been added and community-outreach programs established. And yet the slide continues. Gathering last month in New York, the nation's most prominent association, the New York Philharmonic, and the American Symphony Orchestra League heard a stark message: Change, or die.

The numbers are grim. Last year, in the most detailed study of the problem to date, the Wolf Organization of Cambridge, Massachusetts, polled 74 orchestras, and declared that the orchestral industry is facing a financial crisis of unprecedented proportions. Deficits of the 264 major orchestras that respond have soared to 1,870 million in 1971 to 77 million in 1991, while operating expenses rose from $7.7 million in 1971 to $375 million in the same period.

Although ticket prices have increased substantially, they have not kept pace with operating costs; the average gap between earned income and the cost of making music has increased from 7 to 41. Further, government support, after rising in the '70s and early '80s, has stalled off, falling more than 4% in the past seven years. "Every American classical orchestra faces the same problem," said Charles O. L. Nott, president of the Philadelphia Orchestra, whose subscriber base has fallen the past two years.

"The American orchestras should find themselves scrambling for survival is ironic, for they are without a doubt the best in the world. The U.S. can boast at least two dozen ensembles that are better than all but handful of European orchestras. Foreign conductors routinely rave about the quality of the American orchestral musician and applaud the American musical education in the U.S. "In Europe we always had the impression that the teaching in America is stronger and more serious," says conductor Pierre Boulez, who has led the helm in Philadelphia next season.

Further, American symphonic culture is not some recent import but a populist movement which goes back to the mid-19th century: the New York Philharmonic, the nation's oldest, was founded the same year as the New York Cotton Exchange, 1857. Many of the major U.S. ensembles are more than 100 years old.

The three principal causes of the orchestras' current woes are financial, artistic and social, to quote a few. Let's get them all in order. Art is gathering steam. But it was not until the recession struck in force that their cumulative weight was felt.
whole concept of selling tickets and started backing off because of our customers instead," explains Klinsky.

Perhaps the most serious problem, however, is artistic. Concert programs have become predictable and repetitious, and in many cases the repertoire is not all in the past 30 or 40 years. New works are often presented as a bitter pill to be swallowed in order to satisfy the public's appetite for new music.

Conductors, meanwhile, too often treat the Central European classical repertoire as a kind of competition course, with each performance seeking to be better than the previous one on the Beethoven symphonies or the Bruckner ballets and thus climb the career ladder. "When I was a student in New York, you could still hear different repertoires," Leonard Slatkin, music director of the St. Louis Symphony, told the Symphony League convention. "There is now a common repertoire. This is not a result of a real malaise and an ennui among your audience.

Another irony is that in the '30s, when the repertoire became codified, prominent conductors like Sergiu Cocovetsky in Boston and Leopold Stokowski in Philadelphia were far more adventurous. There are contemporary counterparts. Cocovetsky, the American-born bassist turned maestro, commissioned and performed dozens of new works by American composers. In 1935, for example, he commissioned 11 works from 11 different composers. He also sent out his orchestra on a nationwide tour, where he appeared in 15 cities in 31 days.

Today's audience is much less adventurous, and the symphony has become the music of the middle. The symphony is an institution, not a group of musicians performing together. Today's audiences are more interested in the experience of going to the symphony than in the music itself. The symphony is a place to socialize, to meet friends, and to experience the cultural elite. The symphony is not a place to experience music.

The Acting President of the Senate, Mr. HELMS, Mr. President, a parliamentary inquiry.

The Acting President pro tempore, the Senate will state it.

Mr. HELMS. Mr. President, I presume that my assumption is correct that both of these amendments would address an accepted amendment in the bill. Am I correct?

The Acting President pro tempore. The Senate is correct.

Mr. HELMS. I think the Chair.

The Acting President pro tempore. Who yields time?

Mr. HELMS. I did not know there were others.

The Acting President pro tempore. Under the agreement the time on the amendments will not exceed 10 minutes equally divided.

Mr. HELMS. I thank the Chair.

Mr. President, I do not see Senator Byrd on the floor. I would like to get the year and nays on both amendments, if I might. I am going to ask for the yeas for both amendments.

The PRESIDENT OFFICER. (Mr. KERREY). Is there objection to the request for the yeas and nays en bloc? Mr. NICKLES. Will the Senate favor it?

The PRESIDENT OFFICER. (Mr. KERREY). Is there objection to the request for the yeas and nays en bloc? Mr. NICKLES. Will the Senate favor it?

The PRESIDENT OFFICER. (Mr. KERREY). Is there objection to the request for the yeas and nays en bloc? Mr. NICKLES. Will the Senate favor it?

The PRESIDENT OFFICER. Is there a sufficient second? Is there a sufficient second? Is there a sufficient second?

Mr. HELMS. Yes.

Mr. NICKLES: I have no objection.

Mr. HELMS. Yes, I want the Senate to take a stand on both amendments.

Mr. NICKLES. Do you roll calls on each individual amendment?

Mr. HELMS. Yes, I want to make sure I was clear on that. The Senator is asking for the year and nays on both amendments.

Mr. HELMS. Yes.

Mr. NICKLES: I have no objection.

Mr. HELMS. Yes.

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Mr. HELMS. Yes.

Mr. NICKLES: I have no objection.

Mr. HELMS. Yes.
the second amendment and then I will yield the floor.

AMENDMENT NO. 498

Mr. HELMS. This amendment will solve a lot of problems that have bothered countless Americans regarding the National Endowment for the Arts. This amendment proposes that henceforth there be provided more than three times the current NEA block grants to the States than provided by the underlying bill as it is now written.

The purpose of this second amendment is obvious. It is to provide a more equitable distribution of National Endowment for the Arts funding among the States. And we are going to give Senators a little slip indicating how this will affect the awards of NEA funds to their respective States.

Mr. President, even for the States that may receive somewhat less grant money, this amendment will allow the arts leadership in the individual States—let me emphasize—that the arts leadership in the States, all 50 of them, instead of those elitist experts doing it for them. The basic amount funds in the States determine which artists and which arts programs in their respective States deserve arts grants.

If there was a reasonable proposition, it seems to me that this is it. The amendment accomplishes this by shifting more of the NEA's funds directly to the arts councils of the individual States. The funding decisions will no longer be made in Washington, DC by a bunch of people who sit around and think that photographers—such as those in the press—are such fine, creative art.

The amendment permits local and State cultures to prevail. And I hope Senators will ponder that statement. It is opposed to the controversial and often despised national council that the NEA is currently imposing on the States from Washington, from the State of New York, from Los Angeles, from San Francisco, et cetera, et cetera—essentially the King of Siam says what arts money will go where.

In other words, Mr. President, the States will be promoting and offering support to the artists whom they have approved—and not artists approved by elitists in Washington, DC.

I should mention that when I first offered this amendment in the fall of 1983, the only criticism I received from the various State arts councils—and that was just from three or four—was that they did not want to lose the prestige of receiving the national level of grants. Unfortunately, what those arts councils and most Members of Congress do not realize is that the percentage of NEA funding that goes to the States in block grants is not the 27.5 percent we have been led to believe, but it is less than 18 percent, as a result of a few funding quirks built into the NEA's statute.

First off, the 27.5 figure for the States the NEA's defenders want to point to in the statutes as they now stand is applied only to the NEA's program accounts, which is less than 80 percent of the NEA's total budget in fiscal year 1994.

Second, up to 25 percent of what is actually set aside for block grants to the States can be redirected instead to fund regional arts councils. And all this has been done and everybody thought it was done already because nobody looked into it.

Now the Senate may defeat this amendment, but the Senate will be defeating an amendment whose time will come sooner or later, because the States have been shortchanged by the Federal government to which they are being shortchanged. And I am going to help them get that wind.

Put simply, Mr. President, the States are given only a sliver of the NEA's budget, and then some of what they do receive is then taken away and given to regional arts groups, not the State arts organizations. This inequity needs to be corrected and the pending amendment, the second Helms amendment, will correct it by requiring that more than 50 percent of the NEA's total funding go to the States, compared to the 18 percent that otherwise will be the case if this amendment is not approved.

So, more than half of the NEA's total funding under the pending amendment will be distributed among the States on the basis of population, which is insofar as I am concerned is the fairest way to allocate Federal funds.

I have felt obliged to offer this pending amendment because a handful of States and their pendingoun unfair taste shares of the NEA budget. For example, how is it that just 6 States out of the 50 received almost half, 47 percent to be precise, of the entire NEA budget in 1993? How did that happen? It was no accident—no accident whatsoever. What is even more remarkable, just six cities, San Francisco, New York, Los Angeles, Washington, Chicago, and Minneapolis, received more than 36 percent of the NEA's grant dollars in 1982 according to the NEA's own statistics.

Some may say that 36 percent is better than the 41 percent of the NEA's grant dollars those six cities got in 1990. New York City alone received almost 25 cents out of every NEA dollar—a quarter out of every dollar—in 1988 and still received almost 20 cents of every dollar the NEA spent last year.

All of this, Mr. President, demonstrates that the NEA is not supporting the arts across the Nation in an equitable manner. Rather, it is funneling most of the money to the big cities—where it is often used to help impose or promote a liberal, immoral, prohomosexual, and perversuous cultural ethos on the rest of the country.

Mr. President, how do a handful of citizens get away with this scam? Because the deck is stacked to give these big cities and States control of the NEA's grant making panels. For instance, New York alone fills one quarter to one-third of the seats on most of the NEA's grant making panels. How does this happen? Because the NEA requires artists from North Carolina to compete with artists in eight other Southern States for a seat on the NEA's funding panels and artists from 10 Western States must also compete with one another, as do artists from 10 Central Plains States.

But California's artists, on the other hand, only have to compete with two sparsely populated States—Alaska and Hawaii—to get a seat at the table where the grants are handed out. That is California's only competition. The entire area is less the size of the competition faced by the artistic gaggle of self-proclaimed, self-anointed experts from New York—who dominate the panels—comes from Puerto Rico and the Virgin Islands.

Mr. President, this is the kind of geo-political diversity on the panels that the NEA says ensures fairness on the panels.

Horsefeathers. No one can tell me that this system of handing out grants is fair to all the States. With such bias in the current system, it should not be surprising that any NEA's vaunted arts panels wind up giving New York over 20 cents out of every dollar the NEA spends?

Mr. President, such privileged favoritism for New York City, Los Angeles, and San Francisco on the arts panels was just the start—the never-ending litany of obscene so-called art that the NEA has promoted with the taxpayers' money.

Indeed, ex-NEA Chairman John Frohnmayer indirectly acknowledged such a connection between big city dominance of the arts panels and the ceaseless parade of filth out of the NEA in 1990. When asked how he would enforce Congress's requirement that the NEA take into consideration general standards of decency and respect for the diverse beliefs and values of the people in the public while approving grant applications, then-Chairman Frohnmayer responded that he would enforce standards of decency by—and get this—increasing the geographic and cultural diversity of the Endowment's review panels.

Mr. Chairman's obvious implication was that a lack of diverse viewpoints on the review panels had contributed to the NEA's funding of obscene and indecent projects.

That is perhaps the understatement of the year, Mr. President. Needless to say, I agree that the New York and California bias prevailing on the peer review panels has entrenched artistic standards at the NEA which are totally at odds with mainstream American values. That bias has also helped steer a disproportionate share of NEA funds to New York City, openly mocks the values of the majority of Americans forced to foot the bill.

Those artists deliberately mock middle-class American taxpayers because,
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as Andrew Ferguson put it in an August National Review article:
It is one of the primary premises of the art world that a line (separating art from rubbish) doesn't really exist—that it is in fact a kind of crap in the consciousness of the world (read that middle-class American) mind.

That is the reason I am saying—with the pending amendment—let us set the States decide who should get arts grants. Let us give the States a bigger role in the promotion and sponsorship of art in America. The pending amendment would be more effective in controlling both the fairness of funding and standards of decency because the funding decisions would be deelated to the geographically and culturally diverse arts leaders in 50 separate States. Those leaders will also be closer to the people who are not isolated up here in Washington where the American people cannot hold them accountable.

Mr. President, I support what may be called high culture—the opera, the symphonies, music, and museums—and the pending amendment leaves the NEA with almost 50 percent of its budget to dispense at the national level. If the NEA uses those funds responsibly, the amendment will continue to be able to support the highest culture which is important to the Nation.

However, if the NEA continues funding—directly or indirectly—the crudeness of Anne Sprinkle, Tongues, Untitled, and other Mapplethorpe, Queer City, homosexual film festivals, or the mutilations by Joel-Peter Witkin, then the NEA should be aware that Congress can always come back and distribute 100 percent of the NEA's budget to the States—or abolish the NEA entirely.

The bottom line, literally, is that the pending amendment would send more than 50 percent of the NEA's budget directly to the States—or abolish the NEA entirely.

I urge Senators to support the pending amendment for two reasons. First, we ensure that the NEA's funding is more equitably distributed among the States—States should get more money under the pending amendment than they do in the pending bill.

Second, to increase the variety of cultural viewpoints responsible for handling out the NEA's funding by making them both national and local—where individualism, originality, creativity, and accountability are most abundant.

I think maybe enough has been said at this time. How much time do I have remaining?

Mr. HELMS. Is it possible for me to yield the floor and preserve the 7 minutes involved?

THE PRESIDING OFFICER. The time has not begun to run. The Chair intends to start the time running at 11:15 a.m.

Mr. HELMS. Very. That was what I was trying to ascertain. I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from California is recognized.

Mr. HELMS. Very. That was what I was trying to ascertain. I thank the Chair and yield the floor.

Mr. HELMS. I understand that but I do not want to lose my 7 minutes.

THE PRESIDING OFFICER. Beginning at 11:30 the time allocated to the Senator will begin to run. At that time the Senator will be coming to the floor.

Mr. HELMS. Very. That was what I was trying to ascertain. I thank the Chair and yield the floor.

THE PRESIDING OFFICER. The Senator from California is recognized.

Mr. HELMS. I appreciate this opportunity to address the issues raised by my colleague from North Carolina.

First, I want to point out that, according to the National Endowment for the Arts, the photographs that were displayed last night on the U.S. Senate floor, which were quite offensive to many, were not produced during the period of the artist's NEA fellowship.

So I think it is a very important point that the Senator from North Carolina referred to continually in his presentation both last night and today, were not produced during the period of the artist's NEA fellowship.

I think it is critical that we defeat these amendments. If I could sum it up, really, into one reason—and I think it is the best reason I can give—it is because we need to give the new leadership at the NEA a chance. We need to give Jane Alexander a chance.

Neither the amendment, which I am up for before Senator Kennedy's committee, it already appears that she is a very popular choice. As a matter of fact, the Senator from North Carolina has just said he plans to support her, which I think is wonderful. So why, at the very moment we are about to turn over the NEA to such an exciting and devoted leader in the arts, would we strip her with two amendments which would inhibit her work?

As we well know, the amendment eliminating individual fellowship grants, we should understand that only 5.2 percent of the NEA's funding goes directly to individual artists. And who are these artists? They include artists educators, choreographers, poets, architects, playwrights, artists in residences at schools and community centers, conservators, musicians, painters, composers and sculptors.

The incomes for individuals in these non-profit art fields are most often too inadequate to let them maintain it as a full-time career, and financial support for them at the national, State, and local levels is limited.

Since 1966 the endowment has helped spur some of the Nation's most cherished works by awarding grants to over 11,000 artists, often at a crucial early point in their careers.

Art Endowment fellow—This is what we know from North Carolina. We don't want to strip from this bill—have won dozens of awards, including 42 Pulitzer Prizes, 47 MacArthur "genius awards," 28 National Book Awards, 11 Obie awards in theater, and many other distinctions.

Why would we want to strip such a program from the NEA? We should be proud of this program.

Among the many distinguished artists who have received Endowment support are the graphic arts of Alvin Alley, composer Philip Glass, musician Wynton Marsalis, playwright Wendy Wasserstein, who has hits on Broadway now, sister Alice Walker, who wrote "The Color Purple," and designer Frank Gehry.

Frank Gehry started with an NEA grant. Today, he is so famous that he is being commissioned to design buildings not only by our major cities but by France and countries all across this world.

Why would we strip this program? It makes no sense to me.

Last night, we did see some photographs that were quite offensive. As I said before, they were not produced during a period of time when the artist received the NEA funding and in that sense they are quite misleading.

But today, I did show an individual artist's work that was funded by the NEA. For her work, bobbin lace, German-American Sister Rosella Haberl won the NEA 1988 Heritage Award. You can tell from one of us can look at the intricacy of this and see how beautiful it really is.

The point I am making is for every piece of art that the Senator from North Carolina wants to do, he does not like, or that might offend—and he is right, it did—I can show you thousands of works that, by any measure, would not be considered controversial.

But that misses the point.

I am not an art critic. The Senator from North Carolina is not an art critic. We have our own vision of what art is, and that is why the NEA has peer review panels. We have citizens and art leaders who sit on these peer review panels so we will better and fund works of artistic excellence.

Will we make mistakes? Yes. But give Jane Alexander a chance to exert her leadership and strengthen this agency. Give her a chance.

I just met with her. She is so excited about the challenges that lie before her.

I believe that the changes that were made in the statute in 1989 increase the agency's accountability and really do the things that were asked for. In 1989 we were not able to vote for these two amendments just as we are on the brink of experiencing this new, dynamic leadership, just when all are about to pass the torch to a woman who understands how tough the arts are and how to get it done. Let us give her a chance, let us defeat these amendments.

Mr. President. I yield the floor.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I command my friend and colleague from Massachusetts because I do believe she has really effectively made the case and
made it very well in response to these two amendments: One, which is really eliminating any of the possibility to provide individual grants. It is a small percentage of the National Endowment for the Arts but an extremely important one. She mentioned some of those who have received the grants at a very early time in their lives, a time when they did not have the kind of recognition which many of them have received.

I think Alvin Alley, as well as Merce Cunningham, as well as Paul Taylor, all received individual grants in the early parts of their career, all recognized with Kennedy Center honors. It has been universally claimed as being on the cutting edge of some of the most important, creative and inspirational artists that we have in our country.

Alwin Nikolais—the National Medal of the Arts was given to him by President Reagan. Here is President Reagan giving the National Medal of the Arts to Twyla Tharp—I do not know how many people in this body had the chance to see the Twyla Tharp and Baryshnikov performance here in Washington a few months ago. It had travelled the country and widely acclaimed. Here is Baryshnikov, one of the most creative, significant performers, dancers in the world. Twyla Tharp had received an individual grant at an early part of her career.

Those individuals—and I will include many others—the playwrights, visual artists, the filmmakers, and many others, they would have virtually been excluded if the amendment of the Senator had been accepted.

It is interesting in looking through the fellowships and individual artist grants that have even been given in the State of North Carolina: Walker Calhoun, a Cherokee musician, dancer and teacher, teaching in the high schools, received a fellowship.

In 1991, Etta Baker, who is a guitarist and teaches music in many of the North Carolina schools;

Douglass Wallin, an Appalachian ballad singer, Marshall, NC, again, working with musicians and working with gifted students who are interested in ballad singing;

Doc Watson, who is a blind Appalachian guitarist and singer in Deep Gap, NC, has been an inspiration, as I understand it, to many, many young students and gifted students who may have some physical kind of a challenge;

John Dee Holeman who is a dancer-musician in Durham, NC;

Stanley Hicks, an Appalachian storyteller, Vilas, NC, in terms of providing some inspiration to young people, both in storytelling and in writing and poetry.

The list goes on. I will include others who have been able to receive these.

The majority of those who do receive the grants are basically teachers. That is the only way that they can provide a living for themselves and as individuals eventually receive these grants and go on to being extraordinary leaders in the arts.

Mr. President, as Senator Boxer has pointed out, we have an absolutely extraordinary opportunity in the Senate to chair the National Endowment for the Arts in Jane Alexander. We will be having hearings on her nomination in our committee, I believe, on the 22nd of this month. We will have an opportunity to interview and again when our committee reports that nomination out, to have a debate on that individual.

I think she has been generally acclaimed as being an absolutely extraordinary, an absolutely brilliant performer herself, a real inspiration both on and off stage. It seems to me that we ought to give her at least the opportunity to provide leadership for that agency rather than micromanaging that agency prior to the time that she has both the responsibility, the authority and, I believe, the inspirational qualities to really lead that agency.

That agency has been in effect almost totally supported as saw last evening with the extraordinary, overwhelming vote in support of that agency. I think all of us can look at the several kinds of grants that have been granted out of hundreds of thousands of grants that have been given. I think any of us would have looked at a number of those, a handful of those, and made a different judgment and different decision than some of the peer review that was provided.

But, nonetheless, it would be, I think, a very, very serious error and mistake to effectively emasculate that agency prior to Jane Alexander having an opportunity, a chance for leadership. I hope that these amendments will not be passed.

Mr. FELL addressed the Chair.

The PRESIDING OFFICER. The Chair will note that all time is now controlled and divided between the Senator from North Carolina and the Senator from West Virginia.

The Senator from North Carolina has 36 minutes. The Senator from West Virginia has 24 minutes and 52 seconds.

Who yields time?

Mr. FELL. Mr. President, may I speak on the amendment?

The PRESIDING OFFICER. Without objection, the Senator may proceed. Time will be charged to the Senator from West Virginia.

Mr. FELL. I thank the Chair.

Mr. President, I think we ought to look at the background, the basic origins of the Endowment for the Arts and the Humanities. I would like to read into the RECORD at this point two sentences as to the purpose of the endowments. I do.

The Congress finds and declares the following: One, the arts and humanities belong to all the people of the United States. Second, the encouragement and support of national programs in the arts, humanities and the arts, while primarily a matter for private and local initiative, are also appropriate matters of concern to the Federal Government.

This shows that for almost 30 years we have had our eye on the ball and steered a pretty straight course between encouragement of nonprofit groups and encouragement of individuals, and I believe it would be a great mistake to change that pattern.

As to the rights and ideas of the Senator from New York, Mr. Javits, and my thoughts when we laid this legislation down so many years ago. It has lived up to our desires. There have been some errors of commission but, in general, it has done a wonderful job, and I think that to knock it out at this time, when it has a new lease on life with an excellent individual being nominated as the chairman, Jane Alexander, would be a fudge of getting it right.

I think also that the points of the individuals is very important and an amendment prohibiting support for individuals would eliminate many of the fellowships that have been given in the past, including the Appalachian folk fellows, Heritage fellowships for folk artists and the like.

We should bear in mind, too, that the individual artist or music professional is as central to the arts as the scholar to the humanities and scientists to science. Other agencies of Government fund individuals. Should the NEA. That is why artist support is very important. I know over the years, in talking with various chairmen of the endowments, I have advocated the idea of a certificate being given to people who get individual scholarships, and anything that can be done to build up the individual scholarships and the prestige of getting such an award should be encouraged.

I think also that we should bear in mind, while it is often breached, we should not attempt to legitimize on an amendment that is clearly not a winner.

For the moment, I will desist. I thank the Chair.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Who yields time?

Mr. METZENBAUM. Mr. President, as I understand it, time is controlled by the Senator from West Virginia; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. METZENBAUM. Mr. President, on his behalf, I yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Ohio is recognized for 10 minutes.

The Senator from West Virginia.

Mr. METZENBAUM. Mr. President, I never fail to be amazed by the noisy and never-ending war waged by the conservative right against one of the United States agencies in the Federal Government: the National Endowment for the Arts. By my count, this is the 15th time in 4 years in which the Senate is being forced to debate the general wor-
thiness of the arts endowment, an agency that over the past 28 years has brought art, dance, theater, opera, symphony and so much more to every corner of the country. What is truly bizarre is the sheer volume of aspersions cast against the National Endowment and the artists it supports here on the Senate floor and elsewhere against an agency that does so much good yet costs so little.

The entire Arts Endowment budget is less than half of what we will spend next year to repair the broken down, obsolete military bands each year than we spend on the entire arts and endowment, which is the only Government agency that supports the entire spectrum of art disciplines.

It is a fact that over the course of the past 4 years, we have bent over backward to address the concerns of conservatives who dislike Government support for the arts.

We have attempted to accommodate them. But that is an impossible task. They have no intention of being accommodating. They will never be satisfied unless they can be induced to vote against the NEA. It is because the NEA serves their raw political requirement. They need the NEA to keep themselves in business, just like the whip master needs his whipping boy.

It is a fact that they—and I am talking about groups like the Christian Action Network and the aptly named American Family Association—exist for one purpose and one purpose only, to conduct misleading and mean-spirited attacks on people and institutions that do not comport with their narrow view of American cultural life. What they do not like they call vulgar, rotten, and sick. They really have no interest in presenting constructive solutions. Their aim is to divide and to intimidate, and their whipping boy is the National Endowment for the Arts. The cynicism is thick, even by Washington standards.

But I am not here to talk about bad news, Mr. President. I am here to talk about the National Endowment for the Arts and everything that is good about it. It is an agency with a record of unparalleled achievement. Each year for 28 years it has brought great works of art, dance, theater, opera, and other forms of artistic expression to people in small towns and rural America.

Funding provided through Endowment grants has brought art to the people of this country. Endowment grants have permitted symphony, theater, and dance companies to leave their big city stages and take their works to America everywhere. Most people are not aware of the fact that the Endowment helps pay for 10,000 artists in residence in more than 30,000 communities in every State of this country.

We must tell the people if this amendment were to be adopted—

They do not know that when their elementary school children take art classes, they learn from teachers and artists supported by the Endowment. Last year, the NEA gave a literature grant to the United Black Artists in the United States to bring successful artists to the inner city, to read their poetry and conduct writing workshops with children in Detroit. It was a wonderful program for those little ones.

And last year, the Utah Opera Company received a grant to support creation of a young artist project to train young singers and to develop a program in which young people perform Stravinsky's "Rites of Spring," a fantastic idea and what a great achievement for the Utah Opera Company.

It was an NEA grant that helped support a tour of the Southern States by the New York City-based Alvin Alley American Dance Theater. Before he died a few years ago, Alvin Alley was the foremost African-American choreographer working in the live arts. I remember my days in Huntsville, Selma, and Opelika, AL, as well as other towns across the South, were appreciative of the opportunity to see the Alvin Alley troupe on their hometown stages.

Last year, the NEA also gave a grant to a group in Whitesburg, KY, an Appalachian community, to set up a regional program to teach high school students and their teachers about film, radio, and television production and programming.

In my own State of Ohio, NEA supported scores of projects: The American Repertory Theater of Cincinnati, the Cleveland Playhouse, the Fairmount Theater of the Deaf, the new Cleveland Opera Company, City Folk of Dayton, and museums in Cleveland, Columbus, and Cincinnati. I could go on with references to every State in the Union.

Last year, the Arts Endowment awarded $4,500 grants to communities throughout the Nation.

Are we to put a halt to that, or to somehow hope that the State organizations are going to do that which has to be done? Some of them are staffed to do it anyway.

Perhaps I should point out for the benefit of my colleague from North Carolina that many worthy projects were funded in his State as well: The North Carolina Arts Council received $25,000; the North Carolina Repertory Company received $7,500 to help support its production season; $6,000 went to support the Eastern Music Festival in Greensboro; $16,555 went to the Winston-Salem Symphony; $6,000 went to support the North Carolina Symphony in Raleigh, the Senator's hometown.

I might inquire of the Senator if he has ever had the occasion to attend and enjoy the North Carolina Symphony when he is back in Raleigh, and I hope he has.

There are more. There was $35,000 for the Charlotte Symphony and $30,000 to support Opera Carolina's Music Museum of Art in Raleigh, and that is not all. There are many more worthy recipients in North Carolina, as there are in all of the 49 other States. So much for the egregious claim, one that is made year after year by the conservatives, that the National Endowment for the Arts is little more than a black hole for a small cadre of elite big-city artists. It is exactly the opposite, as we have seen.

And I will say it again: Funding from the Endowment supports programs that reach into every community in this country. It is a wonderful program, and I say that it is a program we should not let down. What a wonderful program and what a new nominee of the President, Jane Alexander, a very distinguished woman in the arts, is to accept responsibility of leading the NEA. I look forward to a bright day ahead under her leadership.

Finally, Mr. President, I would like to respond to the comments of the Senator from North Carolina, about the works of Joel-Feder Winken. I agree that the arts is an integral, but the fact remains that people's tastes change over the years. What is considered vulgar or repulsive today may be considered a masterpiece 100 years from now. Igor Stravinsky's "Rite of Spring," when it was unveiled 100 years ago in Paris, was booted and hissed nearly off the stage. It was considered vulgar. Today, it is recognized as a masterpiece. So much for the contention of the Senator from North Carolina that no one was ever offended by a symphony orchestra.

Mr. President, I look forward to this measure being passed, with the amendments of the Senator from North Carolina being defeated. And I hope that my colleagues will see fit to reject both of these amendments.

I believe it is time for each of us to stand up and be counted and indicate our support for the arts of this country, and that means supporting the National Endowment for the Arts.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just a couple comments. First, I may be wrong, but I am sensing that this debate is coming to a conclusion.

The PRESIDING OFFICER. Is the Senator from North Carolina yielding the Senator from Oklahoma time?

Mr. HELMS. Certainly.

Mr. NICKLES. Will the Senator yield me the floor?

Mr. HELMS. As much as the Senator wants.

Mr. NICKLES. Mr. President, to advise our colleagues, I have a feeling this may be coming to a conclusion. I am assuming we will not have a vote until 12:30. It may be we could have votes on both of the Helms amendments prior to that time, and so they should be so advised.

Mr. President, Senator HELMS has two amendments, and I have heard terminology used, well, it is the radical
right agenda and so on, but when I take exception to that. I just happened to notice an article—and this, by coincidence, is by Mr. Fred Danzig, in a small paper, the Miami Herald. I think it was written—actually, he is an artist, represented by the Rodger LaPelle Gallery in Philadelphia, and it was written for the Philadelphia Inquirer. As an artist, he made a couple of recommendations. He didn’t tell me a better way to do this business of giving out Federal money to the arts?

He says:

Here’s my heretical suggestion: Stop giving money directly to the artists. This is where all the trouble springs from, and, beyond that, these grants do more harm than good.

It is a two-page article, but my point is that this was an interesting suggestion because many of us have wrestled with the NFA. I will be one to say I do not think in many cases NFA supports a lot of groups that do us more harm within our States, that are supported by a lot of our constituents. So we wrestled with this decision. But it also does a lot of harm. And it happens to fund a lot of individuals that really are not our constituents.

So Senator Helms is trying to correct that. And I might mention again. I do not see this as a radical right agenda.

It says let us give the money to the States and not direct it to individuals, or let us give money directly to large—

I say large—give the money directly to grants in aid to the States and it shall be limited to not-for-profit institutions, organizations, associations, and societies, so it will not go directly to individuals.

I think the majority of the money does go to the larger groups and to the States and nonprofit institutions. So I think Senator Helms has a good argument here because of the inherent barriers of race or religion or ideology, it is art. I recall a television broadcast of Arthur Rubinstein playing Tchaikovsky in Moscow. He announced that because they had to leave PBS when they had signed on with a Soviet military man. His check was covered with medals, and tears streamed down his face. For me, it was the perfect expression of the value of art.

When political appointees begin to make value judgments about the merits of one artist’s work as opposed to another, we need better than we care about where that path takes us.

First of all, for every successful grant application there are hundreds of other artists who get the “thanks for submitting” letter. Perhaps in self defense, it is inevitable for artists to suspect that somehow the deck is stacked against them at the year end. Who has a friend on the panel, and darned if that wasn’t the year he/she got lucky (and got a grant).

The stories may be apocryphal, but they purvey a sort of fear and wondering about why certain artists seem to get grants year after year. But real or imagined favoritism is not the prime reason to discontinue the individual.

The crucial problem is a binary system:

(a) Tax money is taken from us grudgingly at best, and every little bit counts. Sometimes the small bits are even more important than the big bits because people can understand them more easily.

(b) Art is not “real” in the same sense as a levee, or a hot lunch for a 6-year-old, is real. Art is only “real” like “happiness” is real to everyone, personal, private, and possibly dependent upon context (Recently, flood victims in Iowa cried tears of joy upon seeing water come from a faucet. See context.)
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ly seems to be a distorted allocation of money, going again to a few cities, probably predominately to groups and individuals that are accustomed—they know the rules—know the application procedures, and they have done quite well.

So I think the second Helms amendment, which changes the allocation, gives 70 percent of the money directly to the States and the States can make the allocations. They have minimum allocations for each State. You can have more devolution throughout the country to different States. Obviously, a few cities in a few of the major States will receive significantly less and obviously the other 45 States or 40 some States probably will receive a greater proportional share.

I might also mention, in contacts at least with my officials in my State, we have had a lot of contacts from individuals who are very supportive of the arts in my State. We have had a lot of contacts through the State art commission, which I believe—I tell you, in my State of Oklahoma, I think they do a pretty good job of allocating the funds.

Included in that is a member in my State, where the State art commission has been involved, that they have ever funded something that is really grossly offensive, something like taking a cadaver or something as offensive to me, because it is a crucifix in urine, and these types of very offensive—I cannot call it art—pieces of work that have been subsidized by NEA through individuals.

If we did give 70 percent of the money to the States as proposed in Senator Helms' second amendment, I think that would eliminate probably not all, but maybe it would eliminate most of the most egregious examples of what I must say is abuse of the taxpayers' funds, it would be the National Endowment for the Arts. I think that would be a significant improvement, in many cases, for our country and, hopefully, will be the end to eliminating some of the most offensive types of art as we have seen demonstrated.

I might mention that Senator Helms has shown a couple of pieces of art that are not art, that he has shown a couple of works of an individual artist who has been subsidized by the National Endowment for the Arts. He has not shown the most offensive. The most offensive that I have seen—I glanced at some that were in the room—I am not sure the room is not suitable for public viewing. So I just tell my colleagues that I think Senator Helms has shown some restraint. I compliment him for that.

I also compliment him for his courage in bringing forth these amend-

ments because some people start using terminology pretty loosely on the floor and use terms like "radical right." I do not think either of Senator Helms' amendments as introduced today, one that says, hey, let us give the money to organizations, to orchestras, different art associations, and to the States instead of the NEA, I believe that is radical. I think it is a different distribution of funds, which I think will help accomplish the purpose and maybe eliminate some of the most egregious examples of abuse of the taxpayers' funds.

Then, the second Senator Helms amendment, I hope people will look at the allocation on a State-by-State breakdown. Again, maybe I will claim a lack of knowledge, but I was not aware of the fact that New York City would get almost 20 percent of the arts funding. I was not aware of the fact that five States and the District of Columbia received almost half of the NEA funding. Obviously, then, the second amendment, I do not think that is right. I do not think that is fair for artists all across the country. So I encourage my colleagues to look at the breakdown as provided in the amendment.

I think the amendment, which we will be voting on, is the right approach. Let me also say, Mr. President, that I hope the Senate will take a look at the breakdown as provided in the amendment.

I thank the Senator from North Carolina.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I will yield 10 minutes to the distinguished Senator from Indiana.

Let me first thank the able Senator from Oklahoma for his comments.

Let me also say in the friendliest way possible, I am going to regret the day that Howard Metzenbaum leaves the Senate, because he is an interesting adversary. I am going to miss him. But I had a call during his comments, I do not know who wrote his speech for him, but he needs to check the facts. The former Chairman of the NEA said that none of the educational grants Senator Metzenbaum talked about are individual grants. If he wants to check that with Anne-Imelda Radice, that would be fine.

As for the tendency Senator Metzenbaum has—I know he does not mean it when he uses various terms like "the conservative right", I can say right back to Senator Metzenbaum that that is a lot better than being a member of the left wing right.

Chairman. Senator Metzenbaum.

I yield 10 minutes to the distinguished Senator from Indiana.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. I thank the Senator for the time.

Mr. President, it seems like every year we arrive on the floor to discuss the same subject. I regret that we have to do that because I rise as a supporter of the central mission of the National Endowment for the Arts. The NEA has given aid to a number of important institutions in my own State—public schools, public libraries, cultural societies, art museums, and others—and has promoted projects that I think serve a public purpose.

I think we can debate whether or not in this time of a $4.3 trillion deficit this public purpose ought to be prioritized in terms of our Federal involvement and the amount of Federal expenditures going to that agency. That debate can and should proceed itself in and out of the debate here. While I think that is an important debate, that is really not the debate I want to enter into today.

I want to discuss this continuing controversy that embroils the National Endowment for the Arts in public scorn, public derision, that places the agency as one that on an annual basis is ridiculed by a substantial portion of the State and the country. I think it is time that we take a look at the NEA and make its act together in terms of responsible expenditure of public funds, it is going to jeopardize and risk its entire mission because it has certainly placed itself in the position where the public has very little respect for its mission.

Every year we go through the latest examples of funding that most Americans find highly offensive, and find it violates their own sense of decency, and they are violently opposed to expenditure of their own tax dollars for this particular purpose. We went through the Maplethorpe exhibits and the Serrano exhibits, and today we have someone named Witkin, who has something that is going to be a matter of sub sidizing his art work.

(Mr. AKAKA assumed the Chair.)

Mr. COATS. I have a list here of a number of what are called the latest examples of what the NEA is funding. I will not take the time to go through these. Senator Helms has documented these, as others have, and pictures are available for everyone to see. I doubt if I could find a handful of people in the State of Indiana who would think their tax dollars ought to support this type of art.

Those who oppose the Senator from North Carolina and what he is attempting to do here basically boil their arguments into two categories. First, they say these works ought to be protected by the first amendment. Second, they say, even if there is a situation here where it might not fall under first amendment protection, we are really just dealing with a very small portion of the money in the NEA goes to some very worthy purposes and, by the way, this exception is not all that bad. It just represents a small fraction.

Mr. President, let me say that I do not believe the Senate should act as an
art critic or as a censor. I do not think we are qualified to do that. But we do, as elected representatives, have a primary and defining purpose in determining if public funds are spent in the public interest. What we do determine here is the meaning of art and it is not within the limits of censorship. What we are debating here is the distribution of public funds. I think that is our job. That is what we are elected to do. We are elected to make distinctions in terms of the use of public money. An article in the Washington Post put it fairly succinctly: Americans make distinctions between what they will tolerate, and what they will subsidize.

So we are not talking here about what Americans will tolerate under first amendment rights. All Senators would say that if some artist wants to go in his basement and create a piece of junk, do it on your own dime and out of your own pocketbook. What we are saying here is that we are entrusting you with funds that we ask the public—we do not ask them, we coerce them—to send to Washington for expression. It is not supposed to advance the public purpose.

A lot of people are saying: You keep coming back telling us that Medicare recipients are going to have to tighten their belts, and we cannot afford to provide all of the medical service that the elderly or the poor, or the underinsured need to have. We just cannot afford to do all that. And we know there are some public works projects that are important for our roads, highways and airport projects, and a number of other things; but the budget constrains us, and we simply cannot fund all that. But, by the way, we can take your money and give it to artists who produce some of that I described as the most acceptable, desirable art that the human mind can possibly create.

The second objection goes to this question of, well, it is just a little bit of money, and after all, artists will be artists just like boys will be boys, and we cannot control all of these people. Every once in a while, they produce something, and we are sort of sorry, but it only represents a fraction of the money.

I think works until you come over and look at the art.

I came over here last evening fully intending to vote against the amendment of the Senator from North Carolina, because I thought it was too big of a club for the problem that existed. Well, it was not a mistake. I came over early and had extra time, so I walked back into the cloakroom to talk myself of what we were talking about.

Mr. President, I doubt if there is 1 percent of America that, having viewed these exhibits, would say that that is how they want their tax dollars spent. They would find it personally offensive. They would find that it profoundly blasphemes their faith—and I am not talking about a particular faith. I am talking about artists who take public funds and use it to exploit young children in sexual ways that make it even difficult to look at or talk about. I am talking about artists that use public funds to create one of the most cherished symbols of faith. "Piss Christ" is just one example.

I cannot, in good conscience, support 1 cent of taxpayer dollars to display for the public, with public funds, a crucifix in the artist's urine. I cannot do that. That is why I do not intend to go into all of the others. But I ask my colleagues, before they vote, walk in the cloakroom and look at what our public funds are purchasing today. When sacred truths are defiled with public help, I cannot support that, nor would uncounted millions of people of deep faith, who see their most cherished beliefs and symbols defiled with public funds.

I cannot tolerate the sexual exploitation of children. There are many Americans, most Americans, who grieve, like Augustine of Rome, over our final descent in the decadence and disorder, when we allow public funds to exploit publicly sexually exploit young children.

Mr. President, I have searched for some solutions to this problem because, as I said, I stand here as someone who is a supporter of the central mission for the National Endowment for the Arts. I have talked, through my office, with administrators and those who have been nominated to become directors of the NEA. And they come over when they are about to be nominated and they say all of the right things: Oh, Senator, I agree with you that this is intolerable. We cannot let this continue to happen. We are going to crack down on this, and we are going to put in procedures and make sure that you do not have to, go to the floor next year with a whole new exhibit to talk about this kind of thing. That is not what we are about at the National Endowment for the Arts.

That sounds good the first time, and that sounds good maybe the second time, even though you get a little skeptical. But it happens over and over and over and over. I am not going to go into the motives of these individuals. I am simply saying they cannot control the process. It is a process agency. It is not an agency that is making the art, they are processing who makes the art, and they are subsidizing the effort.

But that process is broken, and these individuals have not been able to fix it. Both of the Senators from Oklahoma, whom I admire greatly and I respect their judgment, have said that the new administrator, Jane Alexander, is different and they support her. I respect that. I do not say that that will not weigh with me, but I am not making the art; they are processing who makes the art, and they are subsidizing the effort.

So I just simply added section 2521 of the United States Code, title 18 of the United States Code, which makes it a criminal offense to involve sexual exploitation of minors used in any way in exhibits funded by the NEA. We do not have to debate over what is and what is not wrongful use of that. We will just take what the Congress already agreed to.

Third, I said I think they ought to have a standard that says you cannot denigrate the beliefs, tenets or religions of any children.

I think that is what America is about. I regret to inform my colleagues I got nowhere in my amendment in the committee. It got trashed big time.

So then I come to the floor and offer amendments on the floor and supported amendments from the Senator from North Carolina, and I was very hopeful in one or your or a couple years ago when the Senate had a substantial margin language which would restrict NEA from awarding grants if the material was used in offensive ways relative to sexual connotations. I do not have the language in front of me. I was encouraged the Senate passed very substantially for that. What happened? It was killed in a back-room deal in conference. I think the word was: Welcome, let us vote for it, because it is public, and we will take care of it when nobody is watching; which is exactly what happened.

Senator Hidalgo came down to the floor and said: Look. I run out of options here. We need to take a big club and get someone's attention down at NEA.

So, he said, let us just eliminate the thing. And I am at the point where I am frustrated. I am saying OK, I am ready to wield that big club, too. I voted for the amendment. And I am saying OK. But I think it would have gotten attention.

Now, he has some other amendments here that are milder but go to the root of the question. Indiana I think operates pretty effectively in terms of utilizing these funds. Like the Senator
from Oklahoma, I really have not come across an example of abuse of these funds. Indiana is going to do pretty well under this. I had no idea that allocation was so distorted that 20 percent went this way.

I ask 2 additional minutes. Does the Senate have time to yield 2 additional minutes? If not, I will take 30 seconds and wrap up.

Mr. JEFFORDS. The Senator will do that. I have a couple points.

Mr. COATS. I will do that.

Mr. President, I made my point. We are here every year arguing the same question. I am not asking, I am not seeking, I am not requesting an additional NEA to fund the NEA. But I do feel that when we, or I do feel that when the American public that we are just going to end up doing that, I think it's a waste of time. I do not think that is what is happening here. The President does not think that is what is happening here. I do not think that is what this Senate body wants. I think we will get someone's attention and get something done this way we do not have to be here arguing these same things.

I thank the Senate for the generous use of time.

The PRESIDING OFFICER. Five minutes is yielded to the distinguished Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much.

Mr. MITZENBAUM. Mr. President, before the Senator proceeds, could I on behalf of Senator BYRD, when Senator KEMPTHORNE concludes, allocate 5 minutes to Senator JEFFORDS, and Senator WELLSTONE is allocated 3 minutes out of his time. I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, I believe there is a place for art because when we look at great societies throughout the ages we have seen that art has depicted what sort of culture, what sort of heritage those people of those societies have.

In a rural State like Idaho there is definitely a role for art, and there is a role for the organizations such as the National Endowment for the Arts, Endowment for the Arts, or for the other groups to help in exposing art to the young people in the rural areas where perhaps for the first time they are going to have the opportunity to hear a symphony, for the first time they are going to be able to take their hands and know what it is to work with clay and create art and something that perhaps can encourage them to go on and be appreciative of the arts and what they mean to a culture and a society.

Last night I, too, viewed some of this that some would call art. I found it absolutely repulsive. I think it is amazing that somehow we have funded pieces of work that cannot be displayed on the floor of the U.S. Senate. That is not a question of censorship. That is a question of sponsorship. That needs to stop.

Mrs. BOXER. Mr. President, will the Senator yield for a very quick question?

Mr. KEMPTHORNE. The Senator will yield.

Mr. BOXER. Is the Senator aware that the NEA has informed Senators that the photographs that were shown last night were not done during the period of time that the particular artist had a grant from the National Endowment for the Arts?

Mr. KEMPTHORNE. Yes. In response to that question I would say, “yes,” I am aware of what the particular artists are, but there have been support for that sort of activity and support for that artist as well.

Mr. BOXER. I want the Senator to know those were not NEA-funded.

Mr. HELMS. The Senator is speaking on her own time, please, not on this side's time.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the time I used to respond be allocated to the other side?

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Mr. President, reserving the right to object.

Mr. WELLSTONE. Given the cogent remarks from Senator from California, I have no objection.

The PRESIDING OFFICER. No objection.

Mr. JEFFORDS. Mr. President, reserving the right to object, how much time was allocated? I think it was 1 minute. I do not know about 2 minutes.

The PRESIDING OFFICER. Time is controlled by the Senator from North Carolina and the Senator from West Virginia.

Who yields time?

Is there objection to the request of the Senator from Idaho?

Mr. BYRD. What is the request, Mr. President?

The PRESIDING OFFICER. The Senator from Idaho has asked to respond on the time of the Senator from West Virginia.

Mr. BYRD. Mr. President, reserving the right to object, I may or may not. Do any of my colleagues on this side wish to have time?

Mr. WELLSTONE. I believe Senator MITZENBAUM asked for several minutes for the Senator from Vermont and the Senator from Minnesota, and that has already been understood as I understand it.

Mr. BYRD. As I understood it, Mr. MITZENBAUM has already spoken. Does he want additional time?

Mr. WELLSTONE. I stepped outside for a minute. I believe Senator MITZENBAUM did request that the Senator from Vermont have 3 minutes.

Mr. JEFFORDS. Five minutes.

Mr. WELLSTONE. And 3 minutes to the Senator from Minnesota.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 13 minutes and 14 seconds, and the Senator from North Carolina has 2 minutes and 8 seconds remaining.

Mr. BYRD. How much time did the Senator from Vermont wish?

Mr. JEFFORDS. I would like 5 minutes. I have no objection to 1 or 2 minutes being yielded to the Senator.

Mr. BYRD. I have no objection. The Senator from Vermont wants 5 minutes?

Mr. JEFFORDS. Yes.

Mr. BYRD. Mr. President, does the Senator from Minnesota wish to have any time?

Mr. WELLSTONE. I say 3 minutes would be fine, and before the Senator from West Virginia came back to the floor we had a discussion. The Senator from California raised a question. I believe the Senator from North Carolina wants that charged to our time. It is currently no objection to the floor manager. I have no objection.

Mr. BYRD. I have control of the time. It is under my control.

I am going to yield 5 minutes to the Senator from Vermont. He wants 5 minutes.

Mr. JEFFORDS. Five minutes.

Mr. BYRD. How much time does the Senator from Idaho wish?

Mr. KEMPTHORNE. Less than 2 minutes.

Mr. BYRD. Someone asked me to close. I will yield the Senator from Idaho 3 or 4 minutes.

Mr. KEMPTHORNE. Less than 2 would be fine.

Mr. BYRD. Then not to exceed 4 minutes.

And how much time to the Senator from Minnesota?

Mr. WELLSTONE. Three minutes of time.

Mr. BYRD. I yield 3 minutes to the Senator from Minnesota.

The Senator from California?

Mrs. BOXER. No.

Mr. BYRD. Then let me see—5, 4, 3, 12 minutes. I would have how much remaining?

The PRESIDING OFFICER. One minute.

Mr. BYRD. I would have 1 minute, would I not?

I yield 5 minutes to the Senator from Vermont, and not to exceed 4 minutes to the Senator from Idaho. If he does not use it all I get it back. And I yield 3 minutes to the Senator from Minnesota.

Blessed is the peacemaker.

The PRESIDING OFFICER. The Senator from Idaho is recognized for up to 4 minutes.

Mr. KEMPTHORNE. I thank you very much, Mr. President. I also wish to thank the Senator from West Virginia for his courtesy.

Mr. President, I rise in support of the amendment for the concept of shifting greater funds, a larger share of the NEA budget, to the direct control of
the States, I think States are closer to the people, and the closer we can get these decisions to the people, the better we are.

I think the States will have less difficulty in defining what is decency and what is art and I think that is where it should be.

I, too, hope that Jane Alexander becomes the great director of the NEA that we all believe she can and will become.

But this is certainly a step in the right direction, because of the continuation of the allocation of funds in the past for the products that have been produced, I think, are going to require more and more of us to stand up and say, "No more."

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE addressed Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE], is yielded time.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I will just repeat for a moment what I said last night, which is that I think that the few examples that have been presented here on the floor do not represent what the NEA is about, not the heart and soul of what the NEA is about, which is to get art and culture out into our communities, urban and rural, and to make sure all Americans have access to that which is wonderful. Unless we have something that they have a disability, regardless of race, regardless of income, and regardless of where people live. That, I think, is the most essential point to make.

The other point I want to make, again, is much of what we have been talking about, are abuses that took place during the decade of the eighties.

Now we have Jane Alexander, who will be nominated to head up the NEA, who has a wonderful, distinguished career and will provide just the leadership we need.

I find these amendments to be not at all helpful.

Finally, since I rush in response to one amendment introduced by the Senator from North Carolina, let me read from the testimony of Garrison Keillor:

"I grew up in a family that never attended concerts, never went to the theater, never bought a book. We were opposed to them. And I never imagined a person could be a writer, but twice in my life at crucial times grants from the Endowment"—these are individual grants—"helped me to imagine that I could be. One was in 1969."

And then he goes on.

I would submit it is impossible in a minute to describe the meaning of this. Garrison Keillor is so well-known throughout the country for "Prairie Home Companion," a marvelous artist, a marvelous humorist, a marvelous essayist. Without the endowment from NEA, an individual would have had his start, never would have been able to contribute not just to Minnesota or New York but to the whole country.

So I hope my colleagues will vote against these amendments.

I yield back the rest of my time.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. JEFFORDS. Mr. President, I have listened very carefully to the testimony of Mr. Keillor, in particular, and also from the Senator from Oklahoma, and the Senator from North Carolina, who has offered the amendments.

We, first, should concentrate on what the facts are. The fact very, very simply is this: The photographs that bring us to this point, none of the funds of NEA were used in the creation of those photographs. None of the funds from NEA were used for the display of those photographs. Those that we saw last night at Joel-Peter Witken, the photographer. His evil, if it is one, was to have made those photographs and later on, and maybe before, received a grant from the NEA to pursue other aspects as a photographer.

So let us make sure we know what the standard is that we are now setting. We are setting the standard that, before the NEA should offer a grant, they should observe and review all of the photographs to see if anything is—something which would be offensive to the public. That is an incredible standard and one which we must be very careful not to adopt in any way by approving these amendments.

Those photographs were distributed and placed out for view by the Christian Action Network. That is why the controversy started.

I think the Senator from North Carolina at this time should feel proud of himself. As he knows, the NEA has become much more careful about the granting of funds. Thus, we are down now to where they have to scrimp around to find photographs—I think that those that we saw last night; were from 1985—to find things in the past that are offensive.

But there is nothing that I know of right now that has been offensive since this new review process of the NEA has been started. So we are placed here observing and creating a standard which I don't think anyone recognized or realized until these facts had been revealed. I think this is incredible to remember.

Now the question is whether or not these amendments which we are faced with are necessary.

There are certainly sound arguments for saying more should go to the States. I can see nothing, from facts that we have seen, that should in any way say that individuals should not be allowed the opportunity to receive grants for the advancement of the arts.

But I do see that this will trouble people here, that somehow, by redoing the system here, we should then enable the dropping back of funds at the Federal level and preventing funds from going to individual artists.

I think the individual artists one is, terrible, in the sense of what it would do for the creation of our arts.

I want to emphasize that, to me, the Senator from North Carolina has been successful and that there is no evidence or recent evidence that the NEA has been approving grants that have resulted in offensive material. I would certainly not over the last year or so when all of this controversy started.

So I hope that you will remember that the facts we are dealing with, the facts that were the bases of all the arguments last night, are related to a photographer who has created some offensive works—offensive to some, perhaps to all—but the particular photographs were not funded by an NEA grant and were not displayed by NEA money.

So, in essence, we would be establishing a standard, if we are going to use it for review, to make decisions to change the NEA system, based upon the fact that we should search every author's and see whether they have created offensive material, and then they should be denied an individual grant from NEA.

I hope that these amendments will be turned down. There is no reason to be concerned at this point. We should continue to request the NEA to make sure that we do not get ourselves in the position that we are in right now, of having to defend what is perceived, probably the general public, to be offensive materials.

But I reiterate again, what we have seen last night and talked about today did not result in the photographer having any NEA funds.

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Who yields time?

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 8 seconds remaining.

Mr. HELMS. I am going to ask if I may have a couple extra minutes.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining and preventing.

Mr. BYRD. I yield 3 minutes to the distinguished Senator from North Carolina.

Mr. HELMS. Mr. President, I cannot allow to go unchallenged what my colleagues have said. Mr. Jeffords and Mr. Boxer, have said. What they have said is simply not accurate. NEA may have told them that, but the facts are these. Joel-Peter Witken, the gentleman who produced this wonderful piece of art and, of course, went along with the National Endowment for Art. Wrong, wrong, wrong. Joel-Peter
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Witken is what the NEA has formally deemed a visual artist. Over the past decade, he has received four fellowships and in 1980, he got $3,000; in 1981, he got $12,500; in 1986, he got $15,000; in 1992, he got $20,000. It is a matter of record that they have judged on this, and anybody who goes to the contrary does not know what he or she is talking about. I will consult with them and show them the evidence.

Of this work, let me quote the panelists. They will disagree with the judgment that he ought to get the $20,000 and the $15,000, and so forth and so on. They said: "Panelists agree—this is from the minutes—

Panelists agree that Witken is a major talent and artist of worldwide effect who works in a unique way.

And they had looked at these very pictures. So do not tell me they had nothing to do with the $20,000.

Panelists agree that Witken is a major talent deserving of support.

I speak on behalf of Joel-Peter Witken, application A9200472.

Mr. Witken has a long track record from which the NEA has based its decisions to continue to fund him.

The NEA cannot claim that he just managed to slip something by. So I hope some who may have put some credibility in the suggestion that the money that this fellow Witken got had nothing to do with these pictures will not be misled about it.

Without further ado, I can carry this debate further. But it simply is not so that these pictures—these pieces of "art"—had nothing to do with the money that Witken got, because it is simply not true.

Mr. JEFFORDS. Will the Senator from North Carolina yield for a question?

Mr. HELMS. I yield. I yield back such time as I may have.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I yield 1 minute to the Senator from Vermont (Mr. LEAHY).

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, let us not lose sight in today's debate in a few moments, we will be voting on two amendments offered by the Senator from North Carolina.

The first amendment has been promoted as a redistribution of National Endowment for the Arts funds to the States and regions. But this amendment truly is a very cleverly disguised attempt to dismantle the NEA.

If this amendment passes, my home State of Vermont, a small, rural State, and home to a dynamic arts community would actually lose about $100,000 in funding.

The second amendment we will be asked to vote on would limit NEA funded grants to individuals who would not qualify for grants. This amendment was offered because it is believed that the tiny fraction of controversial grants over the last few years and due to the NEA's inability to oversee grants to individuals.

The Senate will soon be debating the nomination of a new Chair for the NEA. President Clinton has made an excellent choice in re-nominating Mr. Alexander, a talented and articulate person to head this agency. We should give Ms. Alexander the opportunity to run the NEA in a way that promotes all the treasures of our country.

Mr. JEFFORDS. In the 11th minute of the debate, I would like to call for a roll call vote against the two amendments. The NEA should be encouraged by our support and by our confirmation of a promising new Chairman, Jane Alexander.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. CRAIG addressed the Chair.

Mr. CRAIG. Mr. President, I ask unanimous consent that the pending amendment be sent back, we will discuss another amendment to be incorporated into this legislation.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I regretfully have to object. There are some of us who are trying to get away. Am afraid as we start to put the vote back, we will be behind to get away.

Mr. BYRD. I hope the Senator will not object, because this is a matter the distinguished Senator from Oklahoma and I have discussed. We are ready to accept the amendment. It will not be pushed back.

Mr. METZENBAUM. All right.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, and I do not intend to object, can I have this amendment back?

Mr. BYRD. I believe I have 1 minute left, if you do not chew it up, I will yield my last minute to the Senator from Vermont.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank both the chair and ranking member.

AMENDMENT NO. 801

Mr. CRAIG. Mr. President, let me thank the chairman and ranking member.

The PRESIDING OFFICER. The amendment is temporarily laid aside for 3 minutes.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that the pending amendment be sent back, we will discuss another amendment to be incorporated into this legislation.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. Reserving the right to object, and I do not intend to object, can I have this amendment back?

Mr. BYRD. I believe I have 1 minute left, if you do not chew it up, I will yield my last minute to the Senator from Vermont.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG. I thank both the chair and ranking member.

Mr. JEFFORDS. Mr. President, I believe the pending business is the Helms amendment, and I believe the Senator from Vermont has been recognized?

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I just want to close again by saying the Senator from North Carolina made no misstatement. I believe he should take credit for the changes that have occurred that have not resulted in anything offensive for the past few years. What he said was that the photographs and may have—I am sure the way he said it was used those in forming their judgment to give the photographer another grant.
Mr. SIMPSON. Mr. President, I rise in opposition to the amendment which would limit the eligibility for National Endowment for the Arts grants to nonprofit organizations and which would eliminate individual grants. This amendment would eliminate NEA's touring programs and arts education programs at many art museums across America.

Unfortunately, the amendment fails to recognize how the NEA's grants have expanded support of projects in rural and historically underserved areas, such as my home State of Wyoming. NEA touring programs of musicians, artists, and dancers increase the availability of the arts for all Americans, and that work should be commended. For the most part, those that make the grants at NEA do an excellent job. They have awarded nearly 100,000 grants since 1965.

However, I do agree that the ugly, tasteless, and plain stupid—in my mind—that is the wonderful thing about America—photographs we saw last night on the floor do engender spirited debate over the mission of NEA. Yet, I would submit that these examples were exceptions to the generally demonstrated competency of the NEA grant process over recent years.

The House reduced Endowment funds by 5 percent this year. The $185 million appropriated in 1989 should be used as their budget to where it was in fiscal year 1987. Our bill recommends a $170 million funding level.

Many of my colleagues who support the arts may be feeling the pressure to keep quiet on this controversial issue. But it is my view that the arts are a very integral part of our society and serve as a unifying force of the American spirit. We are all concerned about the economy and the appropriate use of taxpayer dollars. But, this bill's funding of the NEA does demonstrate fiscal restraint. Our efforts to curb the Federal deficit should be balanced with a reasonable and sensible view of the value of arts in America.

The NEA touring program review process has come under fire at the NEA in recent years. A lack of control over the awarding of subgrants has been the real cause of many controversies and severe criticism. I trust that under the able and sensitive guidance of Jane Alexander, the peer review panels will demonstrate realistic responsibility and toe the line where taxpayer dollars are concerned. I believe that she will use basic common sense and professional and personal good taste in her administration of the NEA.

Reports to a local community whether we want to establish a new standard and base the voting on the amendments here upon things which occurred many years ago, and establish a standard that we should review all the works of an artist before we are voting for a dollar. I urge defeat of these amendments because they are really based on facts which would not be relevant to this kind of decision.

We are today in support of reauthorization of the National Endowment for the Arts. The NEA provides support to the nonprofit arts institutions which nurture and deliver our culture to the American people around the world. Since its creation in 1965, the NEA has contributed to the growth in cultural institutions and awareness throughout the United States. For example, the number of orchestras in the Nation has increased more than tenfold; permanent staffs of performing arts companies have grown from 27 to 120; and nonprofit theaters have ballooned from 37 to 450. All of this has been achieved while total NEA investment constitutes less than two ten-thousandths of 1 percent of the Federal budget.

Funding for the arts benefits not only the artistic community, but affects all aspects of the economy. In fiscal year 1992, the $118 million invested by the NEA attracted over $1 billion in contributions and funding from businesses, individuals, and other governmental sources. Thus, each dollar spent by the NEA attracted $11 in matching funds and created a twenty-fold return in jobs, services, and contracts. Americans are participating in the arts and events providing the arts with a comparable ranking of 126 in the Fortune 500. However, NEA spending for 1992 equates to just 0.08 cents from each American taxpayer.

The arts play a crucial role in bridging cultural, ethnic, and economic differences. NEA-funded programs inspire our youth, instill knowledge, skills, discipline, and self-esteem. The NEA-funded artists-in-residence program alone has placed 10,000 artists at over 11,000 community sites in all 50 States, benefitting 6.5 million schoolchildren.

In the State of Michigan, the NEA strengthens arts organizations, assists artists, and provides cultural opportunities. Over the past 27 years, during which the NEA has contributed more than $64.0 million to the arts, the number of museums, performing arts companies, and arts organizations in Michigan has grown from 335 to 1,040. Between 1987 and 1991, NEA grants totaling $5,845,168 directly to Michigan artists and organizations. These funds supported programs which reached approximately 224,881,000 attendees and included 773 grants to artists and organizations in rural areas of the State.

Let me cite some examples of NEA-funded programs in Michigan. In fiscal year 1993, the Michigan Opera Theatre received $358,000 for general operations and $3,235,000 distributed to the arts. The Detroit Repertory Theatre received $12,000 to support its operations in the Detroit public schools. This funding enabled the Michigan Opera Theatre to continue its many community-oriented programs such as performances of "Faust" interpreted for the deaf; Grandparents' Day performances at a senior citizens' complex for children and their grandparents; and recordings and readings for the blind. The Detroit Repertory Theatre is another example of the excellent programs that NEA funds.

Founded in Detroit's inner city, the Detroit Repertory Theatre staunchly advocates interracial casting, community cultural services, and African-American playwrights. NEA funding over the past 27 years has served approximately 32,000 people annually, 90 percent of whom are African-American. The Detroit Repertory Theatre provides special programs for the economically and socially disadvantaged, including school-age pregnancy programs, before school, after school, in the classroom, adult foster care, youth in crisis, spousal abuse, runaway and teenage pregnancy programs.

The economic recession has affected all levels of support for the arts. Contributions from corporations, foundations, and individuals have decreased by 13.5 percent within the last 2 years. According to the Association of Art Museum Directors, contributions from individuals dropped by 4.1 percent alone. NEA funds are, therefore, needed to support existing programs and encourage new creativity. The NEA helps ensure that the arts will continue to teach, build bridges, and reinvest in local communities. The National Endowment for the Arts provides the stimulation of American cultural development and understanding.

Now, there has been controversy over some of the projects funded by the NEA in recent years. I believe some of these grants were appropriate. There is of course no right to Federal
I would also note that, while I support the NEA amendment which provides that 70 percent of NEA funds go directly to the States, I am troubled that the amendment also seeks to safeguard the States simply using the extra Federal money to reduce their own support for the arts. As pointed out particularly by Representative Steve Gunderson, this has become an amendment seeking to mandate the NEA authorization bill—which gradually increased the State share of arts funding from 25 percent to 35 percent.

The vote last night to continue funding for the NEA is an indication of strong Senate support for the arts on the organization. The reason for this strong support is that we are each familiar with the excellent work supported in our own States and on the national level.

The debate last night and today also showed, however, that underlying this support for the NEA are continued concerns about works which many of us would agree are not worthy of tax support. The challenge is to retain the NEA but rather to find ways to see it is better managed.

One way is to develop procedural reforms in NEA operations—an effort in which several of us participated during the last reauthorization of the agency. I believe we took some positive steps. Of course more can be done, particularly in the areas of strengthening the NEA's articulating role of the National Endowment for the Arts and its ability to deal with subgrants.

Another way, and this is the real key, is to put the NEA under the guidance of strong leadership. I am very encouraged by what I have heard from the Secretary of the Arts, Mr. Witkin. I believe she can prove the strong leadership and direction which is needed. I look forward to working with her and others to shape the arts to the nation's needs.

Mr. WOFFORD. Mr. President, Pennsylvania's cultural life is as rich and diverse as its people. The National Endowment for the Arts has played an invaluable role in strengthening our cultural life. Through its grants to organizations and individuals, the NEA has enabled the arts to thrive in Pennsylvania and across the Nation.

From our large cities to the smallest rural areas, the National Endowment for the Arts makes opera, folk arts, heritage, dance, and other art forms accessible to all Americans. For example, the NEA provided funds to the Southern Alleghenies Museum of Arts in Loretto to support a program that improves access to the visual arts in this heritage region. The Southern Alleghenies Museum not only exhibits an extensive collection of both national and internationally acclaimed masters and regional artists in a central facility, it also operates two satellite galleries which extend the museum's reach into the community.

Since the NEA was founded in 1966, the number of community-based local arts agencies in Pennsylvania grew from 0 to 75, and the number of performing arts companies, museums, arts centers, and other arts organizations grew from 36 to 1,000. As much as $100,000 each year in public funding has been brought to the arts education to hundreds of thousands of Pennsylvania schoolchildren.

In the past few years, Congress has taken a careful look at the process for making Federal grants for the arts, and many improvements were made. Yet some continue to try to use the NEA to make a political point. The NEA has made over 100,000 grants. Yet only a handful got national attention. I do not agree with every grant that the NEA has made over the past 26 years. Some are not my taste—and some are personally distasteful. But I was not elected to the Senate to be the arts critic or to micro-manage the NEA.

Funds invested in the arts yield a substantial and direct financial return. Almost all grants made by the NEA require some match of funds by the grantee. The NEA is the significant and frequent addition to private and public support for the arts. In addition, the arts generate both direct and secondary benefits in employment and revenue, contributing substantially to the economic health of communities throughout the Nation. But the greatest contribution of the NEA is that it enriches the lives of millions of Americans and enables us to enjoy and appreciate our cultural heritage.

Mr. MACK. Mr. President, last night the Senate voted on an amendment designed to eliminate Federal funding for the National Endowment for the Arts. While the measure failed, I felt obligated to support it. I would like to take this opportunity to share my thoughts on the matter.

The time has come for us to make some tough choices. Americans everywhere certainly have had to. I'm not talking about the sacrifices millions of people are making just until next year, whether or not to refinance a vacation home. No, many American families are having to find ways to cut their budgets, counting their pennies to make ends meet, especially as taxes—Federal, State, and local—confiscate an ever-increasing portion of their incomes.

With whatever they have left after taxes, American families have to find a way to pay for food, clothing, shelter, utilities, transportation, education, healthcare, and their retirement. Only after those obligations are met can they even consider luxury items. If a choice were to come down to food on the dinner table versus going out to a movie, the decision is obvious. Moreover, the family of all Americans, must likewise set priorities and make difficult choices. We routinely hear Members on both sides of the aisle extol the need for fiscal responsibility, cite the growth of the deficit, and decry last year's Federal programs like cancer research. It's time to put our money where our mouths are and fund only the most desperately
The Presiding Officer. The time of the Senate has expired. All time has expired.

Mr. NICKLES. Mr. President, I move to table the amendments.

Mr. HELMS. Will the Senator withhold that just for 1 minute?

Mr. NICKLES. Will the Senator be happy to withhold that for 1 minute?

The Presiding Officer. All time for debate has expired.

Mr. HELMS. I ask unanimous consent I may proceed for 1 minute to inquire of the Chair on the basis of a parliamentary inquiry.

Will the Chair make clear what the first amendment to be voted on would be?

The Presiding Officer. Without objection, the Senate has 1 minute.

Mr. HELMS. The first amendment to be voted on—are I correct about this—would be the one that cuts off NGA grants to individuals, especially those who receive large grants for obscene, blasphemous work, and gives them instead to nonprofit groups such as orchestras, opera, choral groups, and so forth?

The Presiding Officer. The question is on agreeing to the motion to lay on the table the amendment No. 900. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Texas [Mr. GRAMM] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

The Presiding Officer. Are there any other Senators in the Chamber who desire to vote?
Mr. BURNS. Mr. President, I rise today to talk about two elements of the budget management that appeared before the Committee's recommended funding level.

TIMBER AND AGRICULTURE

Mr. BURNS. Mr. President, I rise today to talk about two elements of the budget management that appeared before the Committee's recommended funding level.

This is good news for Montana livestock producers. Increasing grazing fees on public lands would harm our State's leading industry and the communities that support our cattle and sheep producers.

It is vital that we continue the current relationship that exists between the private and public lands and the livestock and wildlife that thrive in the West. All American grazing fees could drive livestock off public lands and lead to negative impacts to the wildlife on our public lands.

I think there is a growing realization among those knowledgeable on this issue that the real benefits of having ranchers care for our Nation's public lands are far more than just the economic activity generated from those lands. Those benefits extend to the quality of life and maintain the capacity of ranchers' investment in improving the land and water resources they manage.

Ranchers are in fact the best stewards of our western public lands. This bill recognizes this basic fact. I compliment my good friend from New Mexico for the amendment he offered which was accepted. This amendment places a moratorium on the Clinton administration's plan to change the use of public lands.

The second item is what was restored to this bill for the Forest Service Timber Program.

This bill restores the funding level at just above the Clinton administration's budget request for the Forest Service Timber Program. This funding level puts the Senate in a good position to restore most, if not all, of the $3 million the House of Representatives eliminated from their Interior appropriations bill.

The lower timber program funding level in the House bill is a slap in the face to the timber workers and the communities which rely on a steady supply of timber to provide for their economic future.

With this action on the Forest Service Timber Program, the Senate can save thousands of jobs in the timber industry including hundreds in Montana. This bill funds the Forest Service Timber Program for sales preparation, environmental impact statements, sales, and road building at a $32 million level. The Clinton administration
as the President's request. Is the Senator from West Virginia prepared to consider an amendment to the bill when the bill reaches conference?

Mr. BYRD. I thank the Senator from Indiana for his informative statement. The Senate can be assured that every consideration will be given to the needs of Hoosier National Forest land acquisition funding in conference with the House.

NOTICE AND COMMENT PROCESS

Mr. CRAIG. Mr. President, last year in the fiscal year 1993 Interior and related agencies appropriations bill, the Congress included a provision requiring the Secretary of Agriculture to establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing Forest Service land and resource management plans, and to modify the procedures for appeals of decisions concerning such projects. The objective of this provision was to preserve appropriate appeal rights while expediting the appeals process. This provision contained a new section of the bill, which was enacted as Public Law 102-381. I ask unanimous consent to insert that language at the conclusion of my statement in the Record.

It is now nearly the end of fiscal year 1993 and the requirements of section 322 have not yet been implemented. We have received assurances from the Forest Service that the implementing rule will be published by September 30. If that occurs, then we would have no need to amend the requirement of section 322.

If, however, the implementation has not been accomplished by the time of the conference on the fiscal year 1994 Interior and related agencies appropriations bill, I would request that the conference consider adding the language of last year's section 322 to this year's bill in order to assure that the implementation will occur. I ask both the chairman and the ranking minority member of the Interior Subcommittee if they would concur.

Mr. NICKLES. I agree with the Senator from Idaho that we not propose an amendment now, but that the issue be discussed in the conference if the agency has not yet acted in accordance with the Congress' direction of last year.

Mr. BYRD. I understand that the agency will act by September 30, and encourage them to do so. If the Forest Service does not act prior to the conference of this bill, it will just increase pressure on the conference that we consider this matter, which is authorizing in nature. I have consistently stated my belief that such authorizing matters be kept out of the Interior bill, and failure by the Forest Service to act by the end of the year will send absolutely the wrong signal.

There being no objection, the provision was ordered to be printed in the Record, as follows:

SEC. 322. FOREST SERVICE DECISIONMAKING AND APPEALS PROCESS.

(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implemented in resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 et seq.) and shall modify the procedures for appeals of decisions concerning such projects.

(b) NOTICE AND COMMENT.—

(1) Notice.—In proposing an action referred to in subsection (a), the Secretary shall give notice of the proposed action, and the availability of the action for public comment.

(2) Comments.—The Secretary shall accept comments on the proposed action within 30 days after publication of the notice in accordance with paragraph (1).

(c) RIGHT TO APPEAL.—Not later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a), a person who was involved in the public comment process under subsection (b) through submission of written or oral comments or by otherwise notifying the Forest Service of their interest in the proposed action may file an appeal.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

Mr. NICKLES. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

So the bill (H.R. 2520), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes, and that the Chair be authorized to appoint the conference on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. AKARA) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LIARY, Mr. LIECHTY, Mr. RUSSELL, Mr. HOLLINGS, Mr. RED, Mrs. MURRAY, Mr. NICKLES, Mr. STRYKERS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HAYFIELD, and Mr. BURNS conference on the part of the Senate.

Mr. BYRD. Mr. President, I wish to thank my colleague on the other side of the aisle, Mr. NICKLES, for an outstanding performance, his outstanding work, and for his characteristic teamwork and cooperation. This kind of cooperation and teamwork is invaluable, as far as I am concerned, and to the Senate, I would say.

Also, I wish to congratulate and express my gratitude to all of the staff people who worked so hard: Sue Masica, Cherie Cooper, and our floor staffs on both sides of the aisle for the help they have given in working out amendments, working out the colloquies, and working out time agreements.

We have beaten the deadline that we gave the Senate. We finished the bill before 3:30 p.m. It is a very difficult bill, too, may I say.

I also thank all of my colleagues who have been so understanding and cooperative. Also, I would like to particularly thank Senator HELMS. He had it within his power, in the context of the rules, to delay this bill over to next week. But he did not do so. So I express my personal gratitude to him.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me just say it is always a pleasure to work with Senator BYRD. I compliment him for his management of this bill. He, as usual, shows great leadership. To pass this bill with several potential controversial amendments and to do so, in this respect of a timeframe, I think it is a real testament to his leadership, and I appreciate that.

I would also like to echo his compliments to the very able and professional and competent staff which we have on both sides on this committee, on our side and Sue Masica and many others on the majority side. They truly are professionals. They have done an outstanding job.

I think we have put together a very good bill that we will take to conference.

I also wish to thank my colleagues because we had a lot of demands, a lot of requests, a lot of competing interests, and I believe we were successful in trying to accommodate those interests and come up with a good package as well.

So I thank my colleagues and the staff, but, most of all, I thank Senator Byrd for his leadership. We were as a pool as it were, putting together an amendment that could have grown significantly in time and maybe bogged down the entire process and not enable us to finish the package. I think he showed great leadership in making not only the amendment come to a head but also this entire bill.