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Senate

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable Russel 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 22:29.

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 Russel 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 the people of Oregon would have to deal with a bird or a bug and tens of thousands of jobs the 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 TAUSIN and 84 of his colleagues, makes
significant improvements to the En-
vironmental Protection Agency. Import-
antly, 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 appro-
priation to carry out the provisions of
the ESA with not so much as a nod to
those communities out where there are
being severely impacted by an act out
of control.

Mr. President, while I will not at
this juncture move to eliminate fund-
ing for the ESA from the bill before us,
I wish to alert my colleagues that this
Senator is becoming increasingly frus-
trated with an annual appropriation
for an act which is spinning out of con-
trol and wreaking havoc for our com-
munities and workers.

I thank the Chair. I yield the floor.

EXCEPTED COMMITTEE AMENDMENT PAGE 97,
LINES 1-4

The ACTING PRESIDENT pro tem-
pore. The pending question is the com-
mittee amendment on page 97, lines 1
through 4.

Is there further debate on the amen-
dment?

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

The ACTING PRESIDENT pro tem-
pore. The roll clerk will call the roll.

The roll clerk proceeded to call the roll.

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quorum call be rescinded.

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

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 am-
endments 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 commit-
tee to bring their amendments forth.

I know we have a Senator from Mont-
tana—Senator BURNS has been here
this morning. He is ready to offer his
amendment. I would encourage him to
do so. Hopefully, we can agree with
the Senator from Montana on some of it. We
have a couple of other amendments
dealing with wolves, and maybe we can
dispose of those before Senator HELMS
arrives to do the NEA amendments.

Mr. BYRD. Very well, I see the dis-
tinguished Senator from Montana is on
the floor. Perhaps we are ready to go at
least?

The ACTING PRESIDENT pro tem-
pore. The Senator from Montana.

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

The ACTING PRESIDENT pro tem-
pore. If there is no objection, the pend-
ning committee amendment is set aside.

AMENDMENT NO. 884

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

The ACTING PRESIDENT pro tem-
pore. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BURNS),
proposes an amendment numbered 884.

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

The ACTING PRESIDENT pro tem-
pore. Without objection, it is so or-
dered.

The amendment is as follows:

AMENDMENT NO. 884

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 re-
source management FTEs dealing with the
reintroduction of the wolf, shall be instead
used for the improvement of the physical in-
frastructure work, 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, build-
ings, et cetera—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 in their cars 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.

If there is some money, there is one-
third of $1 million in this bill to hire
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
who have been doing wolf work. We need to keep
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 Babbitt wants? Is the Fish and Wildlife Service going
to be back asking for even more wild-
life biologists? I thank the answer is
yes.

And 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
time Federal employment for wildlife biologists? I don't think so,
and I don't think that the majority of
Montana's wildlife all live near the
park think so either.

There is no money in the bill. Chair-
man 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 Sen-
ator representing a State that
borders 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's priorities solved? I want to
tell 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 Na-
tional 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
ejewel of the 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
be taken.

Basically what this amendment is, is
it is the setting of priorities. I have spo-
ken to the real cost in Government in
doing business. When we talked about
putting more secretaries in 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, build-
ings, those facilities it takes to make
their stay more enjoyable for any American. We have 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 infra-
structure problem within the park and,
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 President 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. 886, 887, 888, 889

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. 886) on behalf of Senators HATFIELD and MURRAY that addresses the establishment of 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. 887) 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 where there is a possibility of reintroduction or natural return of wolves to the Yellowstone area;

An amendment (No. 887) on behalf of myself striking a provision in the bill related to employment floors for the Indian Health Service;

An amendment (No. 888) 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 MURRAY 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 Governmentwide authority is provided in the fiscal 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 striking 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 on funds for timber, funds are provided for the delivery of health care services. These funds are not intended to produce more bureaucracy, 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 fisheries enhancement strategy for Pacific salmon and steelhead habitat (Pacifish) in the Tongass National Forest. Specific directions relative to the protection of watersheds, streams, and associated fish 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, and the amendment, 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. 886

At the end of title III, insert:

SEC. 17. FOREST SERVICE SEPARATION PAY.

(a) In order to avoid or minimize the need for layoffs, separations with related obligations for the period beginning upon the date of enactment of this Act through and including September 30, 1993, 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. The Secretary of Agriculture shall provide 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 20 day period beginning no earlier than the date of enactment of this Act and ending no later than September 30, 1994, to separate from service with the agency, whether by retirement or resignation.

(c) An employee who has received a voluntary separation incentive under this section and accepts employment with the Government of the United States within 2 years of the date of the separation on which payment of the incentive was made, shall be required to repay the entire amount of the incentive to the agency that paid the incentive.

The amendment on behalf of Senator STEVENS delivered a very fine statement about the problems Alaskans are having with regard to wolf control. We know from scientific studies in Alaska and Canada that wolves can significantly reduce game populations, especially when predation is coupled with a hard winter. Most believe that wolves have not existed in the Yellowstone ecosystem for many decades. If wolf reintroduction does occur, the current natural balance probably will be turned right on its ear. After hearing Senator STEVENS' remarks, I feel we can learn from the experience in Alaska and begin to prepare for a more modern approach. If reintroduction does take place, we must be prepared to properly manage these large predators. We must begin gathering data now so that professional wildlife managers will have the information available which they will need in order to make objective management decisions in the future.
Wolf packs are very efficient at discovering how to kill the most vulnerable prey species. In Wyoming when the snow goes deep—mooe, 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 prey 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 in 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 another 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 number of wolf kills 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 competition 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 Alaska that 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. The 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 migrating 10 miles out of Yellowstone Park down to the winter feeding grounds near Jackson Hole and then wreaking havoc on a herd 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 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 require the use of 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 and evaluated 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 policy.

Mr. President, the pending amendment is an amendment offered by Senator Burns. It is a very short amendment. It says:

That funds included in the section entitled "Special Park Incomes of the National Park Service budget for two natural resource management full-time equivalent employees dealing with the reintroduction of the wolf, 1993," be reallocated to the physical infrastructure of Yellowstone National Park.

Mr. President, I think it is a very simple amendment. I hope that our colleagues will agree to it. Personally, I do not know of the need to have a roll-call vote on it. So I am hopeful we can agree and dispose of this amendment.

We have also previously disposed of an amendment of Senator Simpson dealing with a study of the wolf's reintroduction into Yellowstone to see what impact that has on other wildlife 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 join him in the 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. Burns. Mr. President, on my amendment, 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 Senator did not vote for it. But they should not be so cavalier about the two amendments I shall call up now.

Last night, as always happens, I heard the walls and the clatter 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 NEA 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 flourished 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 little more enlightened about 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...
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 boodocks, the choruses, and the Nation's young people." Yes, even the ceteras, 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 again?" She said, "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 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 want to begin 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 artist. 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 Dot Helms and I may to a certain degree have become increasingly attracted to Ms. Jane Alexander because Dot 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 shall present 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 revere 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 originally intended purposes—the support of mainstream, broad-based arts groups, not individuals, on the national and community level. 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 shall presently help restore the focus of the National Endowment for the Arts to mainstream institutions of art and culture, such as symphonies, orchestras, operas, and other nonprofit groups only 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. It was just 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 after Senator—"over and over again last night—always refers to symphonies, orchestras, operas, 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. 96

(Purpose: To provide that funds from the National Endowment for the Arts shall be used 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. It shall be read.

ACTING PRESIDENT PRO Tempore. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from North Carolina (Mr. Helms), proposes an amendment numbered 96.

The amendment is as follows:

At the end of the amendment add the following new section:

Notwithstanding 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 non-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 going away monies to support 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 who 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 1981. Operating expenses rose from $297,000,000 to $270 million over the same period.

Meanwhile, from 1985 to 1993, taxpayer 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 is shown 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, is that 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 mumbled 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."
CONGRESSIONAL RECORD—SENATE

September 15, 1993

You better believe that is a fact. I was offended by the crucifix in the
urine; I was offended by Mapleshop taking a bullwhip and inserting it—
you know where—and then taking a picture of it. I was offended by the wet
kid getting an award for that kind of trash.
But, I am not going to be offended if
you cut off the money to minds like
that and give 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
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 alm-
os 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 arithmetic
data about this. While the sym-
phonies and other mainstream art
institutions in this country have been
struggling financially, the National
Endowment for the Arts spent $8,166,000
in 1992 alone to give 361 individuals
Ford fellowship awards. I think the
majority of Americans are fed up with
such NEA grants which are ostensibly
given to individuals so that they can
take time off to "create," but which in
reality serve no oversight con-
cerning how an individual recipient ac-
tually 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-
ting 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 ask 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:


Senator JOSIE A. HELMS,
Department of the Interior Office Building,
Washington, D.C.

DEAR SENSITIV HELMS: I have just received
information that one of the photographic fel-
lowship applications I approved last Septem-
ber was awarded to an individual whose work
appeared to use shock quality of prurient sub-
jects 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-
respectful of this particular individual's work.

President Carter announced his support
for the NEA for one year so that I would not have
known what the photographer would have
done with the award until after the fact.
(Present law requires two years for interim reports.)

You are probably also aware that when fel-
lowships 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.

I have to admit I do not remember this
specific 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 boy times 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 recur.

Let me hope that the new Chairman will be
able to better channel the funds available to
arts and humanities that reach the widest audi-
ence possible.

I wanted to write you as soon as possible
about this situation. The Arts Endowment
has 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-IMEELDA 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
take a look at this letter and see what
a lady was 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 a $20,000 award for his
cadaver art—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 watch-
ing on television has one, either, or
would not presume to have one.

But it cost $20,000 of taxpayer money,
while the New Orleans Symphony had
close up shop because it owed $20,000
to its players' pension fund and was thousands of dol-

lers more in debt.

Would it have not been better not to
have given Mr. Joel-Peter Witken
that $20,000, and sent it down to New
Orleans instead? And that is what this
amendment proposes to do in the fu-
ture.

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. The only 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 violin lessons for every third
grade public-school student. * In its Tenth
season, the orchestra has generated an
$18,000 operating surplus.

In the name of the Lord, Mr. Presi-
dent, is that not 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 organisations
with broad public support, the pending
Helms amendment now at the desk pro-
cures 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 easel 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-
eras can focus on the photo-
graph 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
him win 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
difference. Because the purpose of that program is limited to nonprofit institutions,
which is precisely what my amendment
does.

Mr. President, if you will bear with
me for just a minute, the limitation that I just referred to has
insured that the $7.5 million authorized for the
National Capital Program each year
goes only to support the major art in-
institutions in Washington, DC—such as
the Folger Theater, the Cochran Gal-
leries of Art, the Arena Stage, the
National Building Museum, the National Com-
petition Children'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 giv-
ing 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-

nonprofit, the very types of groups the NEA spokesmen and supporters always cite—just as they did last night—when they are trying to win Congress' support for the arts. They publish 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 frequent 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 this 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 was no hint of the kind of funding cut that politicians 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.

Now the problem with 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 need to pass lawsuits 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, was the creation of new 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 the whole family. They talked about teaching law, music, and medicine. They talked about developing mentally, physically, and geographically.

Now, that is what was contemplated when the NEA was established. If anyone doubts my words, let 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 amounts to.

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 Chairmen, as was the case with Anne Radice when she was the acting director at the NEA.

Mr. President, I ask unanimous consent the Senate take up this 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, as follows:

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IS THE SYMPHONY ORCHESTRA DYING? (By Michael Walsh)

Buffeted by spiraling costs and falling ticket sales, frustrated by shifting urban demographics and a lack of innovation, the nation’s 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 seasons have been canceled. Costs have increased, union contracts have been added and community-outreach programs established. And yet the slide continues. Gathering last month in New York for the most somber convention in years, the members of 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, determined that the orchestras, facing a financial crisis of unprecedented proportions. Deficits of the 264 major orchestras that year exceeded $25 million, with a further $200 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 $1.3 million, from $1.7 million in 1971 to $3 million in 1991, while operating expenses rose from $2.5 million to $3.3 million in the same period.

Further, government support, after rising in the '70s and early '80s, has trailed off, falling more than 4% in the past seven years. "Every orchestra is going to have some sort of problem," says Michael Arnold, president of the Philadelphia Orchestra, whose subscriber base has fallen the past two years.

That 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 a handful of European orchestras. Foreign conductors routinely rave about the quality of the American orchestral musician and applaud the level of professional musical education in the U.S. "In Europe we always have had the impression that the teaching in America is stronger and more serious," says conductor Michael Rudin, who makes the helm in Philadelphia next season.

Further, American symphonic culture is not some recent import, but a populist movement with a history back to the mid-19th century: the New York Philharmonic, the nation’s oldest, was founded the same year as the American Antebellum Free Concerts in New York. 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, and each is fueling the other. All are gathering steam. But it was not until the recession struck in force that their cumulative weight was felt.

The first and most obvious problem has to do with money. Unlike the similarly fashionable opera companies, symphony ensembles cannot readily strip payroll to save costs, because they pay the same number of musicians—about 100—to play a Strauss tone poem today as it did to play a Beethoven, and even symphony still requires almost an hour to perform. Orchestras raise funds through ticket sales (about 35% of their income), government funding and private contributions, but in the current economy is hard pressed to keep up with expenditures even when an orchestra is performing to near capacity houses.

Economists, who wielded in 1991, is a case in point. Even with a relatively small $3.3 million annual budget, the orchestra had been struggling for years. Cutting back the five weekly concerts to three weeks in 1990, didn’t help. The symphony’s demise left it owing $75,000 in back insurance premiums, $20,000 in pension contributions and nearly $100,000 in conductor Dmitri Shostakovitch’s salary.

The San Diego Symphony was luckier. In 1995 its accumulated deficit was $2 million, and a bitter labor dispute closed the doors of Copley Symphony Hall for the entire 1995-96 season. A management change, coupled with a $3 million saving in operating costs and several seasons of balanced budgets. But in the teeth of the recession, a million dollars had to be slashed from the orchestra’s $7.7 million budget, and 9% staff cuts and 7% decrease in player’s salaries. Says symphony president Warren Kaiser: "The board has made the concessions we needed to operate.

Changing demographics have also hit orchestras hard. As bastions of Dead White Male supremacy, they are, to say the least, politically incorrect targets whose Eurocentric offerings are out of harmony with the larger, more black- and Hispanic-influenced city, the urban cores have changed color, downtown-based orchestras have had an increasingly difficult time persuading affluent suburbanites to come into town after dark. And the collapse of music education in the country’s public schools has meant that orchestras can no longer take for granted a constantly replenishing pool of young listeners.

In response, orchestras are busy innovating. The New York Philharmonic, invigorated under the new leadership of managing director Joseph R. Young and conductor Kurt Masur, recently instituted a series of informal Rush Hour Concerts, which begin at 6:45 p.m. and feature a short, 60-minute program. And the municipal orchestra of the New York public schools has also opened up the stage to local schoolchildren, encouraging them to try out the instruments, as do players in Baltimore and elsewhere. "It is wonderful to interact with the kids and to see my colleagues do something from the heart," says Baltimore flute Mark Spars, the leader of the orchestra. And if minority audiences will not come to the symphony, the symphony will go to them. As the Tanglewood Festival halls suffers free concerts in minority neighborhoods, and, in the wake of the 1992 riots, gave a special free performance at a black church in South Central LA.

The Dallas Symphony is widely admired as a model orchestra for its fiscal health and user-friendliness. When retiree George and Louise Meyer and Morton H. Meyerson Symphony Center to inquire about season tickets one Sunday morning six years ago, marketing director Douglas Kinsey himself made the calls to his old friends, who had signed up for 10 years, returning to their car, they found the garage had closed, so Kinsey drove the elderly couple home. Since then the Beaudry’s have been loyal subscribers. "We abandoned the
whole concept of selling tickets and started hiking prices to ruin us. I must keep our customers intact," explains Kimes.

Perhaps the most serious problem, however, is artistic. Concert programs have chop sueyed so much that we've forgotten that we're working on the Beethoven symphonies or the Stravinsky ballets and thus climb the career ladder. "When I was a student in New York, you were able to hear some of the leading composers in the world's capitol," Leonard Slatskin, music director of the St. Louis Symphony, told the Symphony League convention. "There is now a common repertoire. The concept of the composer is lost in a malaise and an ennui among your audience."

Another irony is that in the '30s, when the repertoire became codified, prominent conductors like Sergi Koussevitzky in Boston and Leopold Stokowski in Philadelphia were just coming out of the par- ory counterparts. Koussevitzky, the Russian-born bassist turned maestro, commissioned and performed dozens of new works by American composers, and this envy- tually surprised his audience with major premiers of challenging works, such as Alban Berg's opera Wozzeck. As the history of opera shows, the world has a large untapped audiences hungering for something new. But as long as symphonies insist on treating their customers to the same repertoire year after year, more people, such as they may be—symphonic music will have the effect of an alms call that attends a promenade by glass work, John Corigliano or William Bolcom.

Despite all the problems, there are hopeful signs. More than 26 million people attended concerts in 1982, and if season subscriptions are off in many places, single-ticket and short-series sales have gone up. Out of cities in Denver and New Orleans have risen new player-managed or partnership ensembles, the Colorado Symphony and the Louisiana Philharmonic. Younger audiences—those in Europe, the exception in America—are less vulnerable to discrimination in what they want to hear.

Some years ago, Ernest Fleischmann, the flinty chief of the Los Angeles Philharmonic, pioneered in the concept of giving a kind of superensemble that would provide all of a city's musical needs, from performances of major new works to concerts at the schools to playing at weddings and bar mitzvahs. For it is only when the orchestra is seen not as a caretaker battleground for carpooling conductors but as a vital part of the community, bringing music to a wide and diverse public, that its survival will be assured.

"The measure of the future will be, How can we make it all happen now? The time that we are in?" observes the New York Philharmonic's Bors. "Those who haven't got the vision and the courage to make some of the changes that are going to be needed will fall by the wayside. That may not be a bad thing." In short some may die that oth- ers might live. After all, the American or- chestra is responding to changing needs. In the end, a sound, productive mar- rriage between ensemble and community may be the soundest innovation of all.

It was bad times, the smaller orchestras usually suffer most. A happy exception is the Cedar Rapids Symphony. In its 72nd season, the orchestra has generated an $1,565,000 opera- tion surplus, 95 percent corporate sponsor-
the second amendment and then I will yield the floor.

AMENDMENT NO. 100
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 fewer and more direct 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 funds 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—to me emphasize—that the arts leadership in the States, all 50 of them, instead of those elitist experts doing it, will determine which artists and which arts programs in their respective States deserve arts grants.

If there ever 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 photographs—such as the one on the easel—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 noisy charge 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—as the King of Slam says—amendments.

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 1991, 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 States and 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 15 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 account, 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 enormously 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 not found yet 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 States arts organizations. This inequity needs to be corrected and the pending amendment, the second Helms amendment, will correct it by requiring that more than 52 percent of the NEA's total 1994 appropriation be given directly 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 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 the pending equally disproportionate 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 1992? How did that happen? It was no accident—no accident at all. 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 1992 according to the NEA's own figures.

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 1990 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 all 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, pro-homosexual, and perverse cultural ethos on the rest of the country.

Mr. President, how do you handle a handful of blocks of grants so big with which to run the big States? Because the deck is stacked to give those 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.

What's more, 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 geographic 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 surprise anyone that the NEA's vaunted arts panels wind up giving New York over 20 cents out of every dollar the NEA spends.

Mr. President, such privileged treatment for New York City, Los Angeles, and San Francisco on the arts panels of the NEA—like 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 American public when approving grant applications, then-Chairman Frohnmayer responded that he would enforce standards of decency by—and get this—an increasing the geographic and cultural diversity of the Endowment's review panels.

Chairman Frohnmayer'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 funding to New York and openly mocks the values of the majority of Americans forced to foot the bill.

Those artists deliberately mock middle-class American taxpayers because,
as Andrew Ferguson put it in an August 14 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 major galleries (read that Middle-class American) mind.

That is the reason I am saying—with the pending amendment—let us get the States to 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 delegated to the geographically and culturally diverse arts leaders in 50 separate States. Those leaders will also be closer to the people not isolated up here in Washington where the American people can not hold them accountable.

Mr. President, I support what may be called high culture—the opera, the symphonies, music, and museums—and that is why my 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 endowment will continue to be able to support the higher culture which is important to the Nation.

However, if the NEA continues funding—directly or indirectly—the crudeness of Annie Sprinkle, Tongues, United States Senate, the Mapplethorpe, Queer City, homoerotic 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 directly 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—30 States should get more money under the pending amendment than they do in the underlying bill.

I urge Senators to support the pending amendment for two reasons. First, to ensure that the NEA’s funding is more equitably distributed among the States—30 States should get more money under the pending amendment than they do in the underlying bill. Second, to increase the variety of cultural viewpoints responsible for handling out the NEA’s funding by making the NEA accountable at the State and local level—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?

The PRESIDING OFFICER. The time has not begun to run. The Chair intends to start the time running at 11 o’clock.

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

The PRESIDING OFFICER. If the Senator yields the floor, the floor will be open for other Senators to be recognized.

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 Chair will bring 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.

Mrs. BOLSTRODE. 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. Second, 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.

Nothing is happening above or below 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 strap her with two amendments which would inhibit her work?

As we all 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 arts educators, choreographers, poets, architects, playwrights, artists in residence at schools and community centers, conservators, musicians, painters, composers and sculptors.

The income for individuals in these not-for-profit arts 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 1965 the endowment has helped support some of the Nation’s most cherished works by awarding grants to over 11,000 of these artists, often at a crucial early point in their careers.

Art Endowment fellowships—and this is what some detail from North Carolina wants to strip from this bill—have won dozens of awards, including 4 Pulitzer Prizes, 47 MacArthur “genius awards,” 25 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 Guggenheim’s Alvin Ailey, composer Philip Glass, musician Wynton Marsalis, playwright Wendy Wasserstein, who has hits on Broadway now, writer 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 NEA funding and in that sense they are quite misleading.

But today, I believe we would show an individual artist’s work that was funded by the NEA. For her work, bobbin lace, German-American Sister Rosalia Haberl won the NEA 1988 Heritage Award. I think 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, there is one that 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 that. I believe that is why for us to vote for these two amendments just now 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 job is 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 California 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.

Alvin Nicholas—the National Medal of the Arts was given to him by President Reagan. Here is President Reagan giving the National Medal of the Arts. 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 has traveled 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 1990. In 1991, Etta Baker, who is a guitarist and teaches music in many of the North Carolina schools; Douglas 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 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.

There are many 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 choice, 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 micro-managing 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 40 years and has been widely supported as it 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 acted upon.

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. 

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.

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 for the arts and the 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.

Those insights and ideas of the Senator from New York, Mr. Jay, 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 judgment, 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 fateful mistake.

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. I think the endowment for the humanities, Heritage fellowships, 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. So 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 legislate on an amendment such as that.

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

Mr. METZENBAUM addressed the Chair.

Mr. METZENBAUM. The Senator from Ohio.

Mr. PRESIDING OFFICER. The Senator from Ohio.

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

Mr. 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.

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 Agencies in the Federal Government, the National Endowment for the Arts. By my count, this is the 10th 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 nation.

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, endowment money on 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 spent 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 accommodated. They will never be satisfied unless we can somehow eliminate the NEA altogether 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 is not a measure of bad taste, it is an expression of bad taste. They 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 connected 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 American everywhere. Most people are not aware of the fact that the Endowment helps pay for 10,000 artists in residence in more than 3,000 communities in every State of the country.

What would happen to them 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 Detroit 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 kids.

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

It was an NEA grant that helped support the 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 will mention Opelika, 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 program 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 $4,300 in 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 already.

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; $3,500 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 the Dance Project at the 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 a little more than a waste 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 requirement. What a wonderful amendment to 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 work of Joel-Peter Witen. I agree with the Senator, 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, for example, 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 amendment of the Senator from North Carolina being defeated. And I hope that my colleagues will see fit to reject both of those 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 the floor?

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 an end. 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 time?

Mr. HELMS. As much as the Senator wants.

Mr. NICKLES. Mr. President, to advise our colleagues, I have a feeling that the current bill may be sustained without the vote. Assuming we will not have a vote until 12:30. It may be we could have votes on both 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 I will take exception to that. I just happened to notice an article—and this, by coincidence, is by Mr. Fred Danziger, in a special section of 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 asked a good 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 to art.

It is a two-page article, but my point is that this was an interesting suggestion because many of us have wrangled with the NEA. I will be one to say I feel in many cases the NEA supported a lot of grungers that do more harm within our States, that are supported by a lot of our constituents. So we wrangled with this decision. But it also does a lot of harm. And it happens to fund a lot of individuals that really aren't good artists.

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 agenda, and I wonder if this was endorsed by this article that I just saw, this article dated September 5, 1983.

I ask unanimous consent to have that article printed in the RECORD.

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

[From the Miami Herald, Sept. 5, 1983]

**RX FOR NEA: ARTIST GIANTS**

(By Fred Danziger)

Serving as head of the National Endowment for the Arts is a situation something like that depicted in the Philadelphia Museum of Art's famous painting Promethea painted by Peter Paul Rubens.

Its mythological theme depicts the chained-up muscle man with an eagle ripping out his liver. But every night (or so the story goes) the gods make the liver grow back. So every day, the eagle comes and eats it again. I'd bet that John Frohnmeyer, the fired-by-Bush director of the NEA could relate to this. No problem. Chaplin's nemesis, actress Jane Alexander, will be getting a taste of what it's like just as soon as her confirmation hearings begin Sept. 21.

So the NEA is bad. The NEA has a mere $175 million to spend (less than a dollar a year per American), so it should be allowed to go on its way in relative anonymity. But remember, Sen. Jesse Helms, R-N.C., is on the case. So lots of stuff will be rehashed once this debate comes up about the later debate, a few weeks away. Maplothepson and Anderson Service. Before it all ends people will be looking at urine samples in an entirely new light.

Is there a better way to do this business of giving out money to the arts? Here's my heretical suggestion: Stop giving money directly to artists. This is where all the trouble springs from, and beyond that, these grants do more harm than good to art.

To some folks, suggesting this immediately computes that I am trying to undermine the Constitution, censor the arts, and I am an enemy. I give support much support from my fellow artists on this idea, since the individual grants have been a good thing for many of us. But I can't help but ask, have the grants been good for art? For the country? I think not.

If I was the king of Capitol Hill, I'd have free admission to all museums, plenty of arts scholarships to anyone who showed the dedication required, and all the ballet troupes, symphonies and theater companies would never have to worry about utility bills, securing any grants or chopped raw vegetables you always have at arts events.

This all helps (except perhaps for the vegetables) a sensible public that can then decide for itself what kind of art, or which performances, it wishes to buy from individual artists. This is mostly what the NEA does already, and it's also the way things ought to work.

It is easy to make a case for government support of the arts in general. If there is any element in that transcends the barriers of race or religion or ideology, it is art. I recall a television broadcast of Arthur Rubinstein playing Tchaikovsky in Moscow. The audience—no, they sounded in on a Soviet military man. His chest was covered with medals, and tears streamed down his face. For me, it was the perfect expression of the value of art.

But when political appointees begin to make value judgments about the merits of one artist's work as opposed to another, we need better than ever every artist who says that fate takes us.

First of all, for every successful grant application there are hundreds of others, who get the "thanks but 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's end, when who had a friend on the panel, and damned if that wasn't the year he/she got lucky (and got a grant).

The stories may be apocryphal, but they ponder. You and I are both 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 smallest bits are even more important than the big bits because people can understand them more easily.

Maybe the average restaurant cook pitches in only a nickel a year for grants to artists. Ah! But the symbolism of that five cent piled on top of "honey subsidies," any number higher than zero is wrong.

Put a face on it.

(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 mental, not physical, presence, dependent upon context. (Recently, flood victims in Iowa cried tears of joy upon seeing water come from a faucet. See context.)
ly seems to be a distorted allocation of money, going again to a few cities, probably predominantly to groups and individuals that are accustomed—they know the tricks they 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 or less 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 and individuals—some of them 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.

I think we have 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 some people as it is to me, and 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.

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 through the National Endowment for the Arts.

Finally, I would like to conclude that I am excited about the President's nomination of Jane Alexander to be Chairman of the NEA. She has a reputation, she has the prestige, she has the experience, both as a teacher and as a performer. I am excited. I think she will do a good job. I think she will be a significant improvement, in many cases, for our country and, hopefully, will be able to eliminate 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, and he showed a couple of works by 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 her room. They are 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-

MENTES because some people start using terminology pretty loosely on the floor and use terms like "radical right." I do not think either of the 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, because 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 taxpayer's 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. So 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 a letter from Senator Helms.

I yield to the distinguished 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, believe me, 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—know he does not mean it when he uses various term 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.

Of the able Senator from Ohio.

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—philharmonic orchestras, 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 these agencies, but I do not believe that is the debate we are going into 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 American people.

I have suggested to directors, officers, and others involved in the National Endowment for the Arts and the arts organizations around my State, I think the NEA can get 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 Mapplethorpe exhibits and the Serrano exhibits, and today we have someone named Witkin, who has been named by the most radical right. I do not think, abuse, and to some people it is offensive, and I think we can get it 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.

I yield 10 minutes to the distinguished Senator from Indiana.

Mr. COATS. I have a list here of a number of what are called the latest examples of what I think are offensive to the American people. I think the NEA 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 talking about a very small portion of the money in the NEA going 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. When the debate here is the spending of art, and it is not 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 who gets 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 art, do it on your own time, and out of your 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 expenditure. And we supposedly 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 the most contemptible, despicable, nauseating 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 took 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 avail 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 exploit 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 what we do not intend to go into all of the others. But I ask my colleagues, before you 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 new 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. 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 a police agency; it is not 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, that is what they think with all I do not do is making the art; they are processing who makes the art, and they are subsidizing the effort.

So I just simply added section 2361 of the United States Code, title 18 of the United States Code, which makes it a criminal offense to involve sexual exploitation of minors in any way in public or public funds. 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 it would pass yesterday or a couple of years ago when the Senator was in the Senate. We added some 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 different states put very, 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 I did.

Senator HELMS 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 to the majority leader, I think it would have gotten attention.

Now, he has some other amendments here that are milder but go to the heart 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 was fine.

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

Mr. KEMPTHORNE. If 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. It is not a new argument and fixed the process if they do not want to end up so angering the American public that we are just going to eliminate the entire agency. With the deficit pressure and with the insistence on continuing to fund these kinds of projects I think ultimately that is what is going to happen. I do not think that is what this Senate body wants. I hope we will get someone’s attention and take one of this so we do not have to be down here arguing these same things.

I thank the Senator for the generous use of time.

Senator BOXER. I yield 2 minutes to the distinguished Senator from Idaho.

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

Mr. KEMPTHORNE. Thank you very much.

Mr. MITSENBAUM. 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 ages we have seen that art depicts 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 need for organizations such as the National Endowment for the Arts. I would like 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 their culture and 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.

Mrs. 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 particulars are, but there have been support for that sort of activity and support for that artist as well.

Mr. KEMPTHORNE. 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 reasons that 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 MITSENBAUM 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. MITSENBAUM has already spoken. Does he want additional time?

Mr. WELLSTONE. I stepped outside for a minute. I believe Senator MITSENBAUM 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 unlikely to go 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 the 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.

This is certainly a step in the right direction, because of the continuance 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.

Mr. WELLSTONE addressed Chair. The PRESIDING OFFICER. The Senator from Minnesota (Mr. WELLSTONE), is in possession of the floor.

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 I have been presented by the other side 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 good, and the things 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 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 career as a writer, but twice in my life at crucial times grants from the Endowment"—these are individuals grants—"helped me to imagine that I could be. One was in 1969."

And then he goes on.

He said, "That 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 never 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.

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 statements of the Senator from Indiana, 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, they were used in the creation of the photographs. Those photographs that we should search every single one of them, every single one that we should search every single one for what is 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 standards.

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 single one of them, every single one that we should search every single one for what is 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 standards.

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.

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.

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

Mr. HELMS. Mr. President, I cannot allow to go unchallenged what my colleagues from California, Mr. JEFFORDS and Mrs. 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 to see with preventing funds from going to individual artists.

I think the individual artist is terrible, in the sense of what it would do for the creation of our arts.
Witken is what the NEA has formally deemed a visual artist. Over the past decade, Witken has received four fellowship awards. 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 their judgment on this, and anybody who wants to be 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. The judge that they ought to get the $20,000 and the $15,000, and 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.

For a survey on Joel-Peter Witken, application A92004725.

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 the panelists 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.

And after a letter of information, 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 promulgated 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 funding to groups that individuals 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 are 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 selection in favor the Alexander, a talented and articulate person to head this agency. We should give Mr. Alexander the opportunity to run the NEA in a way that promotes all the treasures of our country.

We cannot collude for more than 3 minutes while we discuss another amendment to be incorporated into this legislation.

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 the pending amendment be laid aside for no more than 3 minutes while we 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. I am afraid as we start to put the vote back, we will be pushed to get away.

Mr. BYRD. I hope the Senator will not object, because is this 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, I can have laid aside for 3 minutes.

Mr. BYRD. I believe I have 1 minute left, if we 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 chairwoman and ranking member.

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

The Senator from Idaho is recognized.

AMENDMENT NO. 801

Mr. CRAIG. Mr. President, let me thank the chairman and ranking member for allowing us to take a problem that is important as we attempt to review habitat and repopulation studies in the West, and how that may fit into the ecosystems in the West.

We were asked for some research money to examine the prey base and possible interaction between wolverines and mountain lions. Dr. Morris Honicker is doing the research through the Wildlife Research Institute at the University of Idaho. This amendment would accommodate the kind of research underway, the kind he is continuing to do.

I urge my colleagues for working with me on this important amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are happy to work with the Senator from Idaho. We cordially support his amendment and are happy to accept it.

Did the Senator ask unanimous consent to lay aside the previous amendment?

Mr. CRAIG. I did.

Mr. NICKLES. Has the Senator sent the amendment to the desk?

Speaking for Members on this side, we have no objection to the amendment.

AMENDMENT NO. 802

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerks are now asked to read the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 801.

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

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

The amendment is as follows:

On page 10, line 4, before the period, insert the following:

"Resolved further, That $40,000 of the funds provided herein shall be made available for the research program relating to habitat and repopulation studies and possible interactions between wolves and mountain lions in and around Yellowstone National Park."

Mr. BYRD. Mr. President, on this side, I am prepared to accept the amendment. This has been discussed quite at length yesterday and today, and I hope the Senate will approve the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment—No. 801—was agreed to.

AMENDMENT NO. 803

Mr. NICKLES. 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 they looked at the photographs and may have—I am sure those individuals used those in forming their judgment to give the photographer another grant.
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But that is much different than saying that NEA funds were used for the creation of the photographs, or that NEA funds were used for the viewing of the photographs. And therefore there is no dispute on the facts.

...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 appropriate funds for them.

I urge defeat of these amendments because they are really based on facts which would not be relevant to this kind of decision.

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 also end NEA's touring programs and arts education programs at many art museums across America.

Unfortunately, the amendment fails to recognize the many non-profit organizations that have demonstrated 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 those 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 $56 million appropriation is a mere 2 percent of the 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 peer review portion of the selection 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 common sense and professional and personal good taste in her administration of the NEA.

On a local level, NEA has been instrumental in strengthening arts organizations in Wyoming and has provided so many cultural opportunities for people throughout my State. Between 1967 and 1991, combined Federal and State NEA grants totaled over $4 million, and that investment has yielded significant dividends. The NEA supported activities in Wyoming that drew audiences of over 3 million people in this time period. There have been thousands of grants awarded to Wyoming artists.

The Grand Teton Music Festival, the Buffalo Bill Historical Center, and Nicolaysen Museum and many other Wyoming organizations have flourished with support from the Endowment. Overall, in the 27 years of Federal and State support for the arts in Wyoming, the NEA has helped to increase arts patronage in performance and supply access to the arts, the number of museums, performing arts companies, and arts organizations in Michigan has grown from 335 to 1,040. Between 1967 and 1991, the NEA granted $3,845,181 directly to Michigan artists and organizations. These funds supported programs which reached approximately 224,681,000 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 $58,000 for general operations of its rural touring program to benefit areas 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 organized programs supported by the NEA.

Founded in Detroit's inner city, the Detroit Repertory Theatre staunchly advocates interracial casting, community cultural services, and African-American playwrights. NEA funding has enabled the company to draw 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 substance abuse prevention, 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 13.3 percent within the last 2 years. According to the Association of Art Museum Directors, contributions from individuals dropped by 4.1 percent in 1991. 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 is crucial to 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 projects have been funded.

There is of course no right to Federal...
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funding. Refusal to fund a project has been mistaken by some as censorship. They are very different acts. The NEA must earn and maintain public confidence and trust or elected representatives will reflect public disenchancemen

But to eliminate funding for the NEA, as has been proposed by some during this debate, is an overreaction which would ignore all the positive contributions that the NEA has made to our national life over the years. It merits our continued support.

Mrs. KASSEBAUM. Mr. President, I would like to speak briefly about the NEA amendment providing that National Endowment for the Arts (NEA) funds be made available only to State agencies and nonprofit institutions, organizations, and societies.

As I understand the amendment, its purpose is to assure that funding goes only to groups—not to individual artists and performers. I have some sympathy for the Senator from North Carolina is trying to do. As I stated in March, I would like the works by Mr. Witkin displayed on the Senate floor to be appropriate for support with taxpayer funds. Likewise, I am troubled by the support offered by the NEA for various individual performance artists such as Holly Hughes, Karen Finley, John Fleck, and Tim Miller.

However, I will oppose the Helms amendment for two reasons:

First, I believe it is even too far too broadly—casting a net which may pick up some of the work which should not be supported but which will also pick up choreographers, designers, writers, poets, jazz musicians, folk artists, and others whose work is worthy of support. It makes no more sense to wipe out an entire category of support—that of grants and fellowships to individuals—in order to avoid a handful of problems than it would to wipe out all the grants it is currently providing. Some State grantees have presented problems, in fact, some of the examples used by the Senator from North Carolina—notably that of the work of Andres Serrano—stemmed not from an individual grant but rather from a grant to an organization.

My second reason for opposing the amendment is that I do not believe it will be effective in addressing the problem it is intended to fix. It seems to me that it would be relatively easy for solo performance artists to form a nonprofit entity to obtain grant money through that channel. On the other hand, jazz musicians, pianists, poets, and folk artists would find it far more difficult to create such an organization. Artists have been precluded from receiving NEA support.

Had this amendment been more narrowly focused, I would have been pleased to have supported it. In my view, problems have consistently arisen from programs concerned with individual performance artists. That is a category which simply should not be supported by the NEA.

I would also note that, while I support the Helms amendment which provides that 70 percent of NEA funds go directly to the States, I am troubled that the amendment stipulates that the NEA safeguard against the States simply using the extra Federal money to reduce their own support for the arts. As pointed out particularly by Representative STEVE GUNDLISON, this has become a common practice as NEA funds were used to bolster the NEA. I would much rather see increased 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 work of 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 worth of tax support but rather to be done in free market. One would have to dismantle 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 role in providing for the arts and working with the National Endowment for the Arts in dealing 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 Mr. Alexander-President Clinton's nominee to chair the NEA. I believe she can prove the strong leadership and direction which is needed. I look forward to working with her and others to shape an NEA that can work for the benefit of all Americans.

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, music accessible to all Americans. For example, the NEA provided funds to the Southern Alleghenies Museum of Art in Loretto to support a program that improves access to the visual arts in rural and underserved communities. 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 and a traveling program that brings the museum's reach to 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 3,000 to 35,000 each year. Public funding has brought 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 everyone 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 an arts critic or to micromanage 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. And the NEA makes a significant grant 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 culture.

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 feel 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 whether to now car or not. I'm talking about the number of years we have left 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—cause 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, health care, and 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. No. Members of 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 the last big Federal programs like cancer research. It's time to put our money where our mouths are and fund only the most desperately
needed priorities. We must separate the fundamental obligations and responsibilities of Government from those which are, frankly, luxuries. The arts are certainly an important part of our national culture, but this does not mean that they should be funded by Federal tax dollars.

This vote has nothing to do with censorship. I firmly believe in and support the rights of artists to express themselves however they see fit. When the rap group 2 Live Crew was being villified and legislatively assaulted a few years ago for being strong, and many would say obscene, content of their lyrics, I rose to their defense.

While I recognize artists' rights of self-expression, the issue of Federal support is an entirely different matter. When it comes to the arts, we should put the money back into the pockets of individual Americans, and let them decide who they wish to fund and how much they wish to spend.

I support the elimination of Federal funding for the National Endowment for the Arts.

The PRESIDING OFFICER. The time of the Senate has expired. All time has expired.

The Senator from Vermont.

Mr. JEFFORDS. I move to table the amendments.

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

Mr. JEFFORDS. I will 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 Senator has 1 minute.

Mr. HELMS. The first amendment to be voted on—am I correct about this—would be the one that cuts off NEA 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 amendment that is being considered at this time is the Senator's amendment No. 900, which is the second amendment.

The Senate from North Carolina.

Mr. NICKLES. Mr. President, if I might clarify things both for my colleague from North Carolina and also all Senators. The Senator from North Carolina has two amendments. I believe under the parliamentary procedures, we will be voting on the second amendment, which is the amendment which changes the allocation of funding because that was the amendment the Senator offered second.

And then, after voting on the Senator's funding amendment, we will vote on the Senator's first amendment, which deleted direct grants to individuals.

Mr. HELMS. Is that the Chair's understanding?

The PRESIDING OFFICER. The statement of the Senator from Oklahoma is correct.

Mr. HELMS. I thank the Chair, and I thank the Senator from Oklahoma.

Mr. JEFFORDS. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont will state his inquiry.

Mr. JEFFORDS. I intend to move to table both amendments. Am I understanding correctly that I should move to table the first amendment and then just before the vote on the second amendment move to table the second amendment?

The PRESIDING OFFICER. That would be the proper procedure.

Mr. NICKLES. Will the Senator withhold just for a second?

MOTION TO RECONSIDER VOTE ON AMENDMENT NO. 8

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the last amendment was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 8

Mr. JEFFORDS. Mr. President, I move to table the pending amendment. Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU] and the Senator from Vermont [Mr. NUNN] 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 (Mr. DORGAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 39, as follows:

[Vote Call No. 269 Leg.]

YEAS—57

Akaka

Baucus

Biden

Bingaman

Bond

Boren

Boozman

Bryan

Campbell

Cohen

Conrad

Dasho

Daschle

Domenici

Dorgan

Durenberger

Durbin

Ehren辰

Eischeidt

Feinstein

Gibbons

Graham

Grossman

Graham

Harkin

Hatch

Jeffords

Johnson

Kennedy

Kerry

Kohl

Kyl

Landstein

Leahy

Lieberman

Lott

Mansfield

McCaskill

McCaskill

Murray

Packwood

Pell

Perdue

Pettinato

Portman

Reischauer

Reid

Sanford

Schumer

Stevens

Voinovich

Waite

Warner

Yeager

YEAS—55

Akaka

Baucus

Biden

Bingaman

Bond

Boren

Boozman

Bryan

Campbell

Cohen

Conrad

Dasho

Daschle

Domenici

Dorgan

Durenberger

Durbin

Ehren辰

Eischeidt

Feinstein

Gibbons

Graham

Grossman

Graham

Harkin

Hatch

Jeffords

Johnson

Kennedy

Kerry

Kohl

Landstein

Leahy

Lieberman

Lott

Mansfield

McCaskill

McCaskill

Murray

Packwood

Pell

Perdue

Pettinato

Portman

Reischauer

Reid

Sanford

Schumer

Stevens

Voinovich

Waite

Warner

Yeager

So the motion to lay on the table the amendment (No. 900) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 8

The PRESIDING OFFICER. The question now before the Senate is amendment 899 offered by Senator HELMS.

The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I move to table the pending amendment. Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOCKERTY], the Senator from Texas [Mr. GRAMM], and the Senator from Alabama [Mr. STEVENS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 30, as follows:

[Vote Call No. 270 Leg.]

YEAS—55

Akaka

Baucus

Biden

Bingaman

Bond

Boren

Boozman

Bryan

Campbell

Cohen

Conrad

Dasho

Daschle

Domenici

Dorgan

Durenberger

Durbin

Ehren辰

Eischeidt

Feinstein

Gibbons

Graham

Grossman

Graham

Harkin

Hatch

Jeffords

Johnson

Kennedy

Kerry

Kohl

Landstein

Leahy

Lieberman

Lott

Mansfield

McCaskill

McCaskill

Murray

Packwood

Pell

Perdue

Pettinato

Portman

Reischauer

Reid

Sanford

Schumer

Stevens

Voinovich

Waite

Warner

Yeager

The legal clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAU] and the Senator from Georgia [Mr. NUNN] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Mexico [Mr. DOCKERTY], the Senator from Texas [Mr. GRAMM], and the Senator from Alabama [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 energy and defense policy. I am referring to the committee's recommended funding levels.

TIMBER AND AGRICULTURE

Mr. BURNS. Mr. President, I rise to talk about two elements of the energy and defense policy. I am referring to the committee's recommended funding levels.

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

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. Arid grazing fees could drive livestock off public land and lead to negative impacts on 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 air we breathe and the quality of life we enjoy because 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 grazing fees for timber sales, Ud road building, and other projects.

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 $83 million the House of Representatives eliminated from its Interior appropriations bill for the Clinton administration's plan to change the use of grazing fees for timber sales, Ud road building, and other projects.

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 jobs. This bill funds the National Forest 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.
as the President's request. Is the Senator from West Virginia prepared to consider an amendment to the bill, and will he tell us when the bill reaches conference?

Mr. BYRD. I thank the Senator from Indiana for his informative statement. The Senator can be assured that every consideration will be given to the preservation of Hoofer 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 procedure for appeals of decisions concerning such projects. The purpose of this provision was to preserve appropriate appeal rights while expediting the appeals process. This provision was contained in section 322 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 1994 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 will have no need to amend section 322. If the requirement of section 322 would have been met.

If, however, the implementation has not been accomplished by the time of the conference on the fiscal year 1994 bill, I request that the Senate adopt the proposal 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 on 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 concern 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 implementing Forest Service land and 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 procedure for appeals of decisions concerning such projects.

(b) NOTICE AND COMMENT.—

(1) Notice of proposed action.—To 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 by

(A) promptly mailing notice about the proposed action to any person who has requested it in writing, and to persons who are known to have participated in the decision-making process; and

(8)(i) in the case of an action taken by the Chief of the Forest Service, publishing notice of the action in a newspaper of general circulation that has been identified in the Federal Register as the newspaper in which notices under this paragraph may be published;

(ii) in the case of any other action referred to in subsection (a), publishing notice of the action in a newspaper of general circulation that has participated 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.

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. NICHOL is. 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 appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. AKAKA) appointed Mr. BYRD, Mr. JOHNSTON, Mr. LEAHY, Mr. D'CONCINCI, Mr. BUMPERS, Mr. HOLLON, Mr. RUD, Mrs. MURRAY, Mr. NICKLES, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. GORTON, Mr. HAYFIELD, and Mr. BURNS conference on the bill, to be known as the conference of the Senate, and the Committee of Conference.

Mr. BYRD. Mr. President, I wish to thank my colleague on the other side of the aisle, Mr. NICKLES, for an outstanding performance, for his outstanding work, and for his characteristic manner of organizing 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 Mascia, 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 wish 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 kind 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 our side and Sue Mascia 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 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 point of fact and agreement where we had one 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 that amendment come to a head, but also this entire bill.