Legislative History of the Reauthorization of the National Endowment for the Arts (NEA) (1990): Book Chapter 01

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PL 101-512
§ 318 as passed

ST. PAUL, MINN.
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funds in support of Operation Desert Shield, to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred. Provided, That the foregoing transfer authority shall be in addition to any other transfer authority contained in this Act.

This Act may be cited as the "Department of Defense Appropriations Act, 1991".

Approved November 5, 1990.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1991

An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1991, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, $500,112,000 of which the following amounts shall remain available until expended: not to exceed $1,200,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and $20,000,000 for the Automated Land and Mineral Record System Project: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.

FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire suppression, and other related emergency actions by the Department of the Interior, $168,765,000, to remain available until expended: Provided, That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $15,386,000 to remain available until expended.
the Bureau of Indian Affairs in the Department of the Interior or the
Indian Health Service in the Department of Health and Human
Services while carrying out any such contract or agreement and its
employees are deemed employees of the Bureau or Service while
acting within the scope of their employment in carrying out the
contract or agreement: Provided, That after September 30, 1990, any
civil action or proceeding involving such claims brought hereafter
against any tribe, tribal organization, Indian contractor or tribal
employee covered by this provision shall be deemed to be an action
against the United States and will be defended by the Attorney
General and be afforded the full protection and coverage of the
Federal Tort Claims Act: Provided further, That beginning with the
fiscal year ending September 30, 1991, and thereafter, the appro-
priate Secretary shall request through annual appropriations funds
sufficient to reimburse the Treasury for any claims paid in the prior
fiscal year pursuant to the foregoing provisions: Provided further,
That nothing in this section shall in any way affect the provisions of
section 192(d) of the Indian Self-Determination and Education
seq.).

Sec. 315. Notwithstanding any other provision of law, the pay-
ment to be made by the United States Government pursuant to the
provision of subsection (a) of title II of the Act of August 28, 1997 (50
Stat. 876) to the Oregon and California land-grant counties in the
State of Oregon from fiscal year 1991 receipts derived from the
Oregon and California grant lands shall not be less than 90 per
cent of the average annual payment made to those counties of
their share of the Oregon and California land-grant receipts col-
clected during the three-year baseline period of fiscal years 1988
through 1990: Provided, That in no event shall this payment exceed
the total amount of receipts collected from the Oregon and Califor-
nia grant lands during fiscal year 1991.

Sec. 316. Notwithstanding any other provision of law, payments to
States pursuant to 16 U.S.C. 500 for National Forests affected by
decisions relating to the Northern Spotted Owl from fiscal year 1991
receipts shall not be less than 90 per cent of the average annual payment to States, based on receipts collected on those National
Forests during the three-year baseline period of fiscal years 1988
through 1990: Provided, That in no event shall these payments exceed the total amount of receipts collected from the affected

Sec. 317. (a) The sum of $500,000 is hereby appropriated under
this Act for the Forest Service to prepare the Supplement to the
Final Environmental Impact Statement (SEIS) for the proposed
Early Winters Alpine Sports Site in the Methow Valley, Washington
State. This sum may be used by the Forest Service to employ
additional employees or consultants in the preparation of the SEIS.

SEc. 318. SHORT TITLE.
This section may be cited as the “Arts, Humanities, and Museums
Amendments of 1990".
the diversity of excellence that comprises our cultural heritage, and artistic and scholarly expression.

It is vital to a democracy to honor and preserve its multicultural artistic heritage as well as support new ideas, and therefore it is essential to provide financial assistance to its artists and the organizations that support their work.

(1) To fulfill its educational mission, achieve an orderly continuation of free society, and provide models of excellence to the American people, the Federal Government must transmit the achievement and values of civilization from the past via the present to the future, and make widely available the greatest achievements of art.

(2) In order to implement these findings and purposes, it is desirable to establish a National Foundation on the Arts and Humanities.

SEC. 102. DEFINITIONS.

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

(1) in subsection (b) by inserting "all those traditional arts practiced by the diverse peoples of this country." after "forms," and

(2) by adding at the end the following:

"(h) The term 'developing arts organization' means a local arts organization of high artistic promise which—

(1) serves as an important source of local arts programming in a community; and

(2) has the potential to develop artistically and institutionally to broaden public access to the arts in rural and inner city areas and other areas that are underserved artistically."

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

(1) in subsection (b) by inserting "film, video," after "radio," and

(2) in subsection (c) by inserting "film, video," after "radio," and

(3) in subsection (d)—

(A) in the first sentence by inserting "the widest" after "enhance", and

(B) in paragraph (2) by striking "sections 5(1)" and inserting "sections 5(p), 7(10)."

(c) Determined To Be Obscene; Final Judgment.—Section 3 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 952), as amended by subsection (a), is amended by adding at the end the following:

"(d) The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

"(e) The term 'final judgment' means a judgment that is either—

(1) not reviewed by any other court that has authority to review such judgment; or

(2) is not reviewable by any other court.

SEC. 103. NATIONAL ENDOWMENT FOR THE ARTS.

(a) Authority To Provide Assistance.—Section 5(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(c)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) projects and productions which have substantial national or international artistic and cultural significance, giving emphasis to American creativity and cultural diversity and to the maintenance and encouragement of professional excellence;"

(2) in paragraph (2) by inserting "or tradition" after "authenticity",

(3) in paragraph (5) by inserting "education," after "knowledge,".

(4) in paragraph (7) by striking "and",

(5) by redesignating paragraph (8) as paragraph (10),

(6) by inserting after paragraph (7) the following:

"(8) projects that enhance managerial and organizational skills and capabilities;

(9) projects, productions, and workshops of the kinds described in paragraphs (1) through (8) through film, radio, video, and similar media, for the purpose of broadening public access to the arts; and", and

(7) in the matter following paragraph (10), as so redesignated, by striking "clause (8)" and inserting "paragraph (10)"

(b) Artistic Excellence and Obscene Matter.—Section 5(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(d)) is amended to read as follows:

"(d) No payment shall be made under this section except upon application therefor which is submitted to the National Endowment for the Arts in accordance with regulations issued and procedures established by the Chairperson. In establishing such regulations and procedures, the Chairperson shall ensure that—

"(1) artistic excellence and artistic merit are the criteria by which applications are judged, taking into consideration general standards of decency and respect for the diverse beliefs and values of the American public; and

"(2) applications are consistent with the purposes of this section. Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded. Projects, productions, workshops, and programs that are determined to be obscene are prohibited from receiving financial assistance under this Act from the National Endowment for the Arts."
The disapproval or approval of an application by the Chairperson shall not be construed to mean, and shall not be considered as evidence that, the project, production, workshop, or program for which the applicant requested financial assistance is or is not obscene.

(c) Technical Amendment.—Section 5(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(f)) is amended by striking “1984” and inserting “1986”.

(d) State applications for assistance.—Section 5(g)(2)(E) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(g)(2)(E)) is amended by striking clauses (i) and (ii), and inserting the following:

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

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

(e) Purposes of program providing assistance to agencies and organizations.—Section 5(k)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(k)(1)) is amended—

(1) in subparagraph (E) by striking “and” at the end,

(2) in subparagraph (F) by striking the period at the end and inserting “;” and “;”;

(3) by inserting after subparagraph (F) the following: “(G) stimulating artistic activity and awareness which are in keeping with the varied cultural traditions of this Nation.”;

(f) System of national information and data collection.—Section 5(m) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(m)) is amended—

(1) in the first sentence—

(A) by inserting “ongoing” after “shall, in”,

(B) by striking “develop” and inserting “continue to develop and implement”,

(C) by inserting “and public dissemination” after “collection”,

(2) by striking the fourth sentence, and

(3) in the last sentence by striking “1988, and biennially” and inserting “1992, and quadrennially”.

(g) Contents of applications; installment payments.—Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954) is amended—

(1) by redesignating subsections (i) through (m) as subsections (l) through (p), respectively, and

(2) by inserting after subsection (h) the following:

“i) It shall be a condition of the receipt of financial assistance provided under this section by the Chairperson or the State agency that the applicant for such assistance include in its application—

1. A detailed description of the proposed project, production, workshop, or program for which the applicant requests such assistance;
tions, as the Chairperson determines to be appropriate) to the Endowment; no subsequent financial assistance be provided under this section to such recipient.

(2) Financial assistance repaid under this section to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

(3)(A) This subsection shall not apply with respect to financial assistance provided before the effective date of this subsection.

(B) This subsection shall not apply with respect to a project, production, workshop, or program after the expiration of the 7-year period beginning on the latest date on which financial assistance is provided under this section for such project, production, workshop, or program.

(i) TECHNICAL AMENDMENTS.—(1) Section 5(n) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(n)), as so redesignated by subsections (g) and (h), is amended by striking "subsection (j)" and inserting "subsection (n)".

(2) Section 11(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960a(a)) is amended—

(A) in paragraph (3)—

(i) in subparagraph (A) by striking "section 5(x)(1)" each place it appears and inserting "section 5(p)(1)";

(ii) in subparagraph (C) by striking "section 5(x)(1)" and inserting "section 5(p)(1)";

(B) in paragraph (4) by striking "section 5(x)(1)" and inserting "section 5(p)(1)".

SEC. 104. INNOVATIVE PROGRAMS TO EXPAND PUBLIC ACCESS TO THE ARTS IN RURAL AND INNERCITY AREAS.

Section 5(p) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954(p)), as so redesignated and amended by section 103, is amended—

(1) in paragraph (3) by striking "section 5(c)" and inserting "subsection (c)"

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(3) by inserting after paragraph (1) the following:

("22A The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, States for the purposes of—"

"(I) artistic and programmatic development to enhance artistic capabilities, including staff development; and"

"(II) technical assistance to improve managerial and organizational skills, financial systems management, and long-range fiscal planning; and"

"(ii) stimulating artistic activity and awareness and broadening public access to the arts in rural and innercity areas and other areas that are underserved artistically.

"(B) For purposes of providing financial assistance under this paragraph, the Chairperson shall give priority to the activities described in subparagraph (A)(i).

"(C) The Chairperson may not provide financial assistance under this paragraph to a particular applicant in more than 3 fiscal years for the purpose specified in subparagraph (A)(i)."

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SEC. 105. STRENGTHENING ARTS THROUGH ARTS EDUCATION.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951-960) is amended by inserting after section 5 the following:

"ACCESS TO THE ARTS THROUGH SUPPORT OF EDUCATION

SEC. 5A. (a) The purposes of this section are—

"(1) to increase accessibility to the arts through providing educational programs to all Americans, including diverse cultures, urban and rural populations by encouraging and developing quality education in the arts at all levels, in conjunction with programs of nonformal education for all age groups, with formal systems of elementary, secondary, and postsecondary education;

"(2) to develop and stimulate research to teach quality education in the arts; and

"(3) to encourage and facilitate the work of artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts.

(b) The Chairperson of the National Endowment for the Arts, with the advice of the National Council on the Arts, is authorized in accordance with this subsection, to establish and carry out a program of contracts with, or grants to, any State or other public agency, individual, artist, any nonprofit society, performing and nonperforming arts and educational institution or organization, association, or museum in the United States, in order to foster and encourage exceptional talent, public knowledge, understanding, and appreciation of the arts, and to support the education, training, and development of this Nation's artists, through such activities as projects that will:

"(1) promote and improve the availability of arts instruction for American youth and life-long learning in the arts;

"(2) enhance the quality of arts instruction in programs of teacher education;

"(3) develop arts faculty resources and talents;

"(4) support and encourage the development of improved curriculum materials in the arts;

"(5) support the use of technology and improved facilities and resources in education in the arts programs at all levels; and

"(6) foster the development of demonstration projects, demonstration productions, demonstration workshops, and demonstration programs in arts education and collect, and make available to the public, information on their implementation and effectiveness.

"(c) In order to provide advice and counsel concerning arts education, the Chairperson shall appoint an advisory council on arts education."."
SEC. 106. NATIONAL COUNCIL FOR THE ARTS.

(a) MEMBERSHIP OF COUNCIL.—Section 6(b) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(b)) is amended by adding at the end the following: "Members of the Council shall be appointed so as to represent equitably all geographical areas in the United States.".

(b) MEETINGS AND RECORDS.—Section 6(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(d)) is amended—

(1) by inserting "(1)" after "(d)"; and
(2) by adding at the end the following: "All policy meetings of the Council shall be open to the public.

The Council shall—

(A) create written records summarizing—

(1) all meetings and discussions of the Council; and 
(2) the recommendations made by the Council to the Chairperson; and

(B) make such records available to the public in a manner that protects the privacy of individual applicants, panel members, and Council members.

(c) AUTHORITY OF COUNCIL.—Section 6(f) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(f)) is amended—

(1) in the first sentence—

(A) by striking "(1)" and "(2)";

(B) by striking "the" and

(C) by inserting before the period the following:

"with respect to the approval of each application and the amount of financial assistance (if any) to provide to each applicant;"

(2) in the second sentence by striking "; unless" and all that follows through "time;"

(3) in the last sentence—

(A) by striking a "delegation" and inserting "an expressed and direct delegation"; and

(B) by striking "; Provided. That, and inserting "; and that such action shall be used with discretion and shall not become a normal practice of providing assistance under such subsections, except that";

(c) by inserting after the second sentence the following: "The Chairperson shall have final authority to approve each application, except that the Chairperson may only provide to an applicant the amount of financial assistance recommended by the Council and may not approve an application with respect to which the Council makes a negative recommendation.", and

(d) by inserting after the first sentence the following: "The Council shall make recommendations to the Chairperson concerning—

(1) whether to approve particular applications for financial assistance under subsections (c) and (p) of section 5 that are determined by panels under section 10(c) to have artistic excellence and artistic merit; and

(2) the amount of financial assistance the Chairperson should provide with respect to each such application the Council recommends for approval.

SEC. 107. NATIONAL ENDOWMENT FOR THE HUMANITIES.

(a) TECHNICAL AMENDMENT.—Section 7(a) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(a)) is amended by striking "a" and inserting "the".

(b) AUTHORITY OF CHAIRPERSON.—Section 7(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended—

(1) in the matter preceding paragraph (1) by inserting "enter into arrangements, including contracts, grants, loans, and other forms of assistance, to" after "is authorized to;"

(2) in paragraph (2) by striking "(including contracts, grants, loans, and other forms of assistance)",

(3) in paragraph (3)—

(A) by striking "award" and all that follows through "Fellowships", and inserting "initiate and support training and workshops in the humanities by making arrangements with institutions or individuals (fellowships)"; and

(B) by striking "time;" and inserting "time;"

(4) in paragraph (7) by striking "through grants or other arrangements",

(5) in paragraph (8) by striking "and",

(6) in paragraph (9) by striking the period and inserting "; and"

(7) by inserting after paragraph (9) the following:

"(10) foster programs and projects that provide access to, and preserve materials important to research, education, and public understanding of, the humanities."

(c) COORDINATION OF PROGRAMS.—Section 7(d) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(d)) is amended by striking "correlate" and inserting "coordinate".

(d) ADMINISTRATION BY STATE AGENCIES.—

(1) DESIGNATION.—Section 7(X)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(X)(2)(A)) is amended by striking "of the enactment of the Arts, Humanities, and Museums Amendments of 1985," and inserting "of the enactment of the Arts, Humanities, and Museums Amendments of 1985, and all that follows through "the State agency is established".

(2) APPLICATION FOR FINANCIAL ASSISTANCE.—Section 7(X)(2)(A)(viii) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(X)(2)(A)(viii)) is amended—

(A) in clause (i) by striking "previous two years" and inserting "most recent preceding year for which information is available"; and

(B) in clause (i) by inserting "the most recent preceding year for which information is available," after "(i)"

(3) CONTENTS OF STATE PLAN.—Section 7(X)(3)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(X)(3)(A)) is amended—

(A) in clause (i) by striking "previous two years" and inserting "most recent preceding year for which information is available", and

(B) in clause (ii) by inserting "the for the most recent preceding year for which information is available," after "(ii)"

(c) CONDITION OF RECEIPT OF GRANTS.—The last sentence of section 7(g) of the National Foundation on the Arts and the Humanities Act
of 1965 (20 U.S.C. 956(g)) is amended by striking "not later" and all that follows through "1985".

(g) Technical Amendment.—The last sentence of section 7(h)(2)(B) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(h)(2)(B)) is amended by striking "Endowment on" and inserting "Endowment for".

Section 29 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(k)) is amended—

1. in the first sentence—
   (A) by inserting "ongoing" after "shall", and
   (B) by striking "develop" and inserting "continue to develop and implement", and
   (C) by inserting "and public dissemination" after "collection";

2. by striking the third sentence, and
3. in the last sentence by striking "1988, and biennially" and inserting "1992, and quadrennially".

Section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by striking subsection (i) and inserting the following:

"(i) Any group shall be eligible for financial assistance under this section only if—
   "(1) no part of its net earnings inures to the benefit of its private stockholder or stockholders, or individuals; and
   "(2) donations to such group are allowable as a charitable contribution under the standards of section 170(c) of the Internal Revenue Code of 1986.

"(m) The Chairperson, with the advice of the National Council on the Humanities, is authorized to make the following annual awards:

1. The Jefferson Lecture in the Humanities Award to one individual for distinguished intellectual achievement in the humanities. The annual award shall not exceed $10,000.
2. The Charles Frankel Prize to honor individuals who have made outstanding contributions to the public understanding of the humanities. Not more than 5 individuals may receive such prize each year. Each prize shall not exceed $5,000.".

SEC. 108. FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

(a) Dialogue Among Federal Agencies.—Section 9(c) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956(c)) is amended—

1. in paragraph (5) by striking "and" at the end,
2. in paragraph (6) by striking "in the period at the end and inserting "at", and
3. by adding at the end the following:

"(7) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.";

(b) Technical Amendment.—Section 9 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 956) is amended by striking subsection (d).

SEC. 109. REVIEW PANELS; TECHNICAL AMENDMENTS.

Section 10 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 959) is amended—

1. in subsection (a)—
   (A) in paragraph (4) by striking "from time to time, as appropriate," and
   (B) in paragraph (6) by striking the provisions of section 3645 of the Revised Statutes (31 U.S.C. 529) and inserting "section 3324 of title 31, United States Code";

2. in subsection (d)(3) by striking "the last sentence of subsection (a)" and inserting "subsection (c)(3)(A)";
3. by striking subsections (e) and (f);
4. by redesignating subsections (b), (c), and (d) as subsections (d), (e), and (f), respectively;
5. in the second sentence—
   (A) by striking "In any case" and inserting the following:

"(b)(1) In any case,
   (B) by striking "(A)" and, and
   (C) by striking "(B)";

6. in the third sentence by striking "In any case" and inserting the following:

"(2) In Any case",

7. in the fourth sentence by striking "For the purposes" and inserting the following:

"(3) For the purposes",

8. in the fifth sentence by striking "For the purposes" and inserting the following:

"(4) For the purposes", and

9. by striking the sixth sentence and all that follows through ""pending," and inserting the following:

"(c) The Chairperson may require panels to carry out their responsibilities are standardized;

1. to ensure that all panels are composed, to the extent practicable, of individuals reflecting a diverse artistic and cultural points of view;
2. to ensure that all panels are composed, to the extent practicable, of individuals reflecting a diverse artistic and cultural points of view;

3. to ensure that, when feasible, the procedures used by panels to carry out their responsibilities are standardized;

4. to require panels—
   (A) to create written records summarizing—
   "(i) any meetings and discussions of such panel; and
   "(ii) the recommendations made by such panel to the Council; and

5. to require, when necessary and feasible, the use of site visitsation to view the work of the applicant and deliver a written report on the work being reviewed, in order to assist panels in making their recommendations; and

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“(6) to require that the membership of each panel change substantially from year to year and to provide that each individual is ineligible to serve on a panel for more than 3 consecutive years.

In making appointments to panels, the Chairperson shall ensure that an individual who has a pending application for financial assistance under this Act, or who is an employee or agent of an organization with a pending application, does not serve as a member of any panel before which such application is pending. The prohibition described in the preceding sentence shall commence with respect to such individual beginning on the date such application is submitted and shall continue for so long as such application is pending.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS FOR THE NATIONAL ENDOWMENT FOR THE ARTS.—Section 11(a)(1)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)(A)) is amended—

(1) by inserting "(i)" after "Sec. 11(a)(1)(A)",

(2) in the first sentence by striking "$212,078,000" and all that follows through "1990", and inserting: "$125,800,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992 and 1993",

(3) by striking the last sentence, and

(4) by adding at the end the following:

"(ii) For fiscal years—

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

"(B) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year; shall be for carrying out section 5(g)."

"(ii) For fiscal years—

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

"(B) 1993 not less than 27.5 percent of the amount appropriated for such fiscal year; shall be for carrying out section 5(g)."

(b) TECHNICAL AMENDMENT.—Section 11(a)(1) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960(a)(1)) is amended by striking paragraph (C).

(d) INCENTIVE AUTHORIZATIONS FOR THE ENDOWMENTS.—(1) Section 11(a)(2)(A) of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 960a(2)(A)) is amended—

(A) by striking "1990" the first place it appears and inserting "1990";

104 STAT. 1972

104 STAT. 1973
“3) Funds made available to carry out section 5A shall remain available until expended.”.

20 USC 954 note.

SEC. 111. GAO STUDY REGARDING FEDERAL, STATE, AND LOCAL FUNDING OF THE ARTS.

(a) Study Required.—The Comptroller General of the United States shall conduct a study—

(i) to evaluate the roles and responsibilities of the National Endowment for the Arts, the States (including State agencies), and local arts agencies, in providing financial assistance under section 5 of the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 954),

(ii) the relative effectiveness of the Endowment, the States (including State agencies), and local arts agencies in maximizing the amount of financial assistance they make available under such section, and

(iii) the existing capacity of the States to receive increased allocations under section 5 of such Act and the ability of the States to manage such increased allocations effectively.

(b) Report Required.—Not later than October 1, 1992, the Comptroller General shall submit, to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report summarizing the results of the study conducted under subsection (a).

SEC. 112. GAO STUDY, FINDINGS, AND RECOMMENDATIONS REGARDING STAFFING AND CONTRACTORS OF THE NEA.

(a) Study Required.—The Comptroller General of the United States shall conduct a study of—

(i) the program staffing policies and practices of,

(ii) the use of consultants by, and

(iii) the use of independent contractors as administrative staff of,

the National Endowment for the Arts.

(b) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report containing—

(i) the results of the study conducted under subsection (a), and

(ii) findings and recommendations with respect to the matters specified in paragraphs (1), (2), and (3) of such subsection.

TITLE II—AMENDMENTS TO THE MUSEUM SERVICES ACT

SEC. 201. NATIONAL MUSEUM SERVICES BOARD.

(a) Membership.—Section 204(a)(1)(A) of the Museum Services Act (20 U.S.C. 963(a)(1)(A)) is amended by inserting “conservation,” after “curatorial,”.

(b) Meetings.—Section 204(d)(1) of the Museum Services Act (20 U.S.C. 963(d)(1)) is amended by striking “four” and inserting “three”.

SEC. 202. DIRECTOR.

(a) Compensation.—(1) Section 205(a)(1) of the Museum Services Act (20 U.S.C. 964(a)(1)) is amended by striking “be compensated at the rate provided for level V of the Executive Schedule (section 5316 of title 5), and shall”.

104 STAT. 1974